

Levee project material acquisition opportunity - Matt Cox
Review Agenda

EXECUTIVE SESSION



**City Council Meeting Minutes
November 14, 2022**

CALL TO ORDER

Mayor Walsh called the meeting to order on November 14, 2022 at 7:00 p.m.
Council Members present: Joe Disalvo, Steve Gorman, Chris Peterson and Roger Sandau.
Council Member absent: Chad Hannan
Staff present: Brandon Garrett, Jodi Quakenbush and Richard Wade.

CONSENT AGENDA

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

Reading, correction and approval of the October 24, 2022 City Council Meeting Minutes.

Resolution 22-270

Resolution accepting the work of RPL Utility LLC as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the West Broadway Reconstruction, Segment 5.
Project # PW21-20

Resolution 22-271

Resolution setting a public hearing for 7:00 p.m. on November 28, 2022, on the plans, specifications, form of contract, and cost estimate for the Spin Lofts – 21st Avenue Improvements. Project # CD23-03A & B

August 2022 Financial Reports

Claims

Roger Sandau and Steve Gorman moved and seconded approval of

Consent Agenda. Unanimous, 4-0 vote.
(Absent: Hannan)

MAYORS PROCLAMATIONS

- A. Small Business Saturday Proclamation

PUBLIC HEARINGS

Ordinance 6527

Ordinance to amend the zoning map as adopted by reference in section 15.27.020, by appending a PR-2 Overlay and adopting the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, as set forth and defined in Chapter 15.28. Location: Undeveloped land located immediately north of 105 S. 24th Street. PR-22-004

Heard from Lynn Dittmer, 712 Initiative, 1228 South Main Street
Steve Gorman and Chris Peterson moved and seconded approval of
Second consideration of Ordinance 6527. Third consideration to be heard
November 28, 2022 at 7:00 p.m.. Unanimous, 4-0 vote.
(Absent: Hannan)

Ordinances 6528 and 6529

Amending the following sections of Title 15: Zoning of the Municipal Code

Ordinance 6528 to amend Chapter 15.16, C-3/Commercial District, by amending Section 15.16.060 "Additional Regulations."

Ordinance 6529 to amend Chapter 15.23, Off-Street Parking, Loading and Unloading, by amending Section 15.23.020 "General Provisions" and Section 15.23.030 "Design Standards."

Steve Gorman and Joe Disalvo moved and seconded approval of Second consideration of Ordinances 6528 and 6529. Third consideration to be heard November 28, 2022 at 7:00 p.m.. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-272

Resolution approving the plans and specifications for the South Expressway Reconstruction, Phase I. Project # PW22-17

Chris Peterson and Joe Disalvo moved and seconded approval of Resolution 22-272. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-273

Resolution to dispose of certain property interest on City-owned property legally described as being the west 15 feet of Lots 6 through 8, Block 14, Ferry Addition, by granting a 15 foot wide easement for the benefit of Council Bluffs Water Works. Location: Northeast corner of the intersection of S. 35th St. and 1st Ave. MIS-22-006

Steve Gorman and Roger Sandau moved and seconded approval of Resolution 22-273. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-274

Resolution granting final plat approval of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, and approval of the requested variance for lot size. Location: Undeveloped land located immediately north of 105 S. 24th Street. SUB-22-012

Chris Peterson and Joe Disalvo moved and seconded approval of Resolution 22-274. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-275

Resolution approving the plans, specifications, form of contract, and cost estimate for Mid-America Center Ballroom and Pre-Function Lighting. #BM-23-03

Joe Disalvo and Chris Peterson moved and seconded approval of Resolution 22-275. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-276

Resolution granting final plat approval of a 30-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 1, legally described as being a portion of the NW 1/4 SE 1/4 and the NE 1/4 SE 1/4 of Section 34-75-43. Location: Undeveloped land lying northwest of the intersection of Eastern Hills Drive and Deveron Drive. SUB-22-013

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 22-276. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-277

Resolution granting final plat approval of a two-lot minor industrial subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, along with a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot depth-to-width ratio. Location: Land lying north of property addressed as 2849 River Road. SUB-22-014

Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 22-277. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-278

Resolution to continue the November 14, 2022 Public Hearing to November 28, 2022 for selecting a firm(s) to purchase and develop city-owned properties in the Playland Park (River's Edge) Neighborhood, legally described as being Block 1, River's Edge Subdivision, Lot 2, Block 3, River's Edge Subdivision, Replat 2, Block 4, River's Edge Subdivision, and Lots 1 through 3, Block 5, River's Edge Subdivision, Replat 2.

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 22-278. Unanimous, 4-0 vote.
(Absent: Hannan)

RESOLUTIONS

Resolution 22-269 (Continued from 10-24-22)

Resolution authorizing ongoing financial support to PACE (Pottawattamie Arts Culture Entertainment) from the Hotel/Motel Tax revenue received by the City of Council Bluffs.

Joe Disalvo and Chris Peterson moved and seconded approval of Resolution 22-269, as amended to add matrix and specific goal to obtain. Voice Vote, 2-2 vote.
(Nays: Gorman, Sandau)
(Absent: Hannan)

Roger Sandau and Chris Peterson moved and seconded approval of Resolution 22-269. Voice Vote, 2-2 vote.
(Nays: Gorman, Sandau)
(Absent: Hannan)

Resolution 22-279

Resolution authorizing the Mayor to execute a Fine Arts Loan Agreement with Pottawattamie Arts, Culture and Entertainment (PACE) specifically for a Grant Wood painting entitled "Early Days of Kaneshville".

Joe Disalvo and Steve Gorman moved and seconded approval of Resolution 22-279. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-280

Resolution officially designating the City Council meeting dates for the City of Council Bluffs during the 2023 calendar year.

Roger Sandau and Chris Peterson moved and seconded approval of Resolution 22-280. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolution 22-281

Resolution accepting the bid of Hydro-Klean, LLC, in the amount of \$275,183.00 for the Inspection of Levee Drainage Structures project. Project # PW23-28

Steve Gorman and Chris Peterson moved and seconded approval of Resolution 22-281. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolution 22-282

Resolution authorizing and directing the Mayor to execute the Second Amendment To Declaration Of Restrictions and Grant Of Easements for Lots 1-8 of The Bluffs Vision Subdivision.

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 22-282. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolutions 22-283, 22-284, 22-285 and 22-286

Resolutions 22-283, 22-284, 22-285 and 22-286 authorizing Interfund Loan approval for FY24 TIF Certifications.

Steve Gorman and Chris Peterson moved and seconded approval of Resolutions 22-283, 22-284, 22-285 and 22-286. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolution 22-287

Resolution authorizing for annual certification for Tax Increment Financing Indebtedness.

Joe Disalvo and Steve Gorman moved and seconded approval of Resolution 22-287. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolution 22-288

Resolution approving Policy 505-Vacation

Steve Gorman and Chris Peterson moved and seconded approval of Resolution 22-288. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolution 22-289

Resolution authorizing the use of eminent domain for Steven Road West. Project #PW22-16

Steve Gorman and Roger Sandau moved and seconded approval of Resolution 22-289. Unanimous, 4-0 vote.

(Absent: Hannan)

Resolution 22-290

Resolution authorizing a joint application to the Iowa Economic Development Authority by the City of Council Bluffs and IceCap Cold Storage for benefits under the Targeted Jobs Withholding Tax Credit Program.

Joe Disalvo and Chris Peterson moved and seconded approval of Resolution 22-290. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-291

Resolution authorizing the Mayor and City Clerk to execute Iowa Department of Transportation Agreement No. 2023-16-036 in connection with the South Expressway Reconstruction Phase 1. Project #PW22-17

Joe Disalvo and Steve Gorman moved and seconded approval of Resolution 22-291. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-292

Resolution to extend the deadline for Yoder Construction, Inc. to complete the proposed home on property formerly owned by the City and legally described as Lot 5 and the West 1/2 of the vacated north/south alley adjacent, Wells Park Addition. Location: 441 Park Avenue. OTB-19-010

Roger Sandau and Joe Disalvo moved and seconded approval of Resolution 22-292, as amended to change administrative approval to 3 months. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-293

Resolution approving the Annual Urban Renewal Report for Fiscal Year 2021-2022.

Roger Sandau and Chris Peterson moved and seconded approval of Resolution 22-293. Unanimous, 4-0 vote.
(Absent: Hannan)

Resolution 22-294

Resolution authorizing and directing the Mayor to execute a Purchase Agreement between Council Bluffs Industrial Foundation, Inc. ("Seller") and City of Council Bluffs, Iowa ("Buyer") for property located on Gifford Road immediately adjacent to the Council Bluffs Recycling Center.

Chris Peterson and Joe Disalvo moved and seconded approval of Resolution 22-294. Unanimous, 4-0 vote.
(Absent: Hannan)

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses

1. Bertha's, 1322 N 16th Street
2. Casey's #6116, 15 N 16th Street (NEW)
3. Casey's #6117, 1759 Madison Avenue (NEW)
4. Casey's #6122, 3434 Nebraska Avenue (NEW)
5. Casey's #6127, 2711 S 24th Street (NEW)
6. Casey's #6134, 3501 W Broadway (NEW)
7. Council Bluffs Sinclair, 1305 N 25th Street
8. Oskies for Sports, 1851 Madison Avenue, Ste 724

Cigarette Permits

Roger Sandau and Joe Disalvo moved and seconded approval of Applications for permits and cancellations, Items 7A 1-8 and 7B. Unanimous, 4-0 vote.
(Absent: Hannan)

CITIZENS REQUEST TO BE HEARD

Heard from Jason Protiva, 10703 North 72nd Street
Motion by Sandau, seconded by Disalvo to Receive and File, 4-0 Unanimous.
Heard from Stan Gregory, 19255 Grand Avenue

(Absent: Hannan)

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:46 p.m.
(Absent: Hannan)

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

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

Council Communication

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

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

Council Action: 11/14/2022

Description

Background/Discussion

Recommendation

Council Communication

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

Reading, correction and approval of the October
24, 2022 City Council Meeting Minutes.
ITEM 3.B.

Council Action: 11/14/2022

Description

Background/Discussion

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|--|---------|-------------|
| October 24, 2022 minutes | Minutes | 11/8/2022 |



City Council Meeting Minutes October 24, 2022

CALL TO ORDER

Mayor Walsh called the meeting to order at 7:00 pm on Monday October 24, 2022.

Council Member present: Joe Disalvo, Steve Gorman, Chad Hannan, Chris Peterson and Roger Sandau.

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

CONSENT AGENDA

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

Reading, correction and approval of the October 5, 2022 and October 10, 2022 City Council Meeting Minutes.

Ordinance 6527

Ordinance to amend the zoning map as adopted by reference in section 15.27.020, and setting a Public Hearing for November 14, 2022 at 7:00 p.m. by appending a PR-2 Overlay and adopting the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, as set forth and defined in Chapter 15.28. Location: Undeveloped land located immediately north of 105 S. 24th Street. PR-22-004

Ordinances 6528 and 6529

Amending the following sections of Title 15: Zoning of the Municipal Code and setting a Public Hearing for November 14, 2022 at 7:00 p.m. for:

Ordinance 6528 to amend Chapter 15.16, C-3/Commercial District, by amending Section 15.16.060 "Additional Regulations."

Ordinance 6529 to amend Chapter 15.23, Off-Street Parking, Loading and Unloading, by amending Section 15.23.020 "General Provisions" and Section 15.23.030 "Design Standards."

Resolution 22-257

Resolution setting a public hearing for 7:00 p.m. on November 14, 2022, on the plans, specifications, form of contract, and cost estimate for Mid-America Center Ballroom and Pre-Function Lighting. Project #BM-23-03

Resolution 22-258

Resolution setting a public hearing for 7:00 p.m. on November 14, 2022 for the South Expressway Reconstruction, Phase I. Project # PW22-17

Resolution 22-259

Resolution of intent to dispose of and setting a Public Hearing for November 14, 2022 at 7:00 p.m. for certain property interest on a portion of City-owned property legally described as being the west 15 feet of Lots 6 through 8, Block 14, Ferry Addition, by granting an easement for the benefit of Council Bluffs Water Works. Location: Northeast corner of the intersection of South 35th Street and 1st Avenue. MIS-22-006

Resolution 22-260

Resolution of necessity and intent and setting a Public Hearing for November 28, 2022 at 7:00 p.m. to establish the Whispering Oaks Urban Revitalization Area, more specifically described in the Council packet. URV-22-008

Resolution 22-261

Resolution of necessity and intent and setting a Public Hearing for November 28, 2022 at 7:00 p.m. to establish the Black Squirrel Flats Urban Revitalization Area. Location: Approximately 1.3 acres at the northwest corner of S. 34th Street and 12th Avenue. URV-22-009

Claims

Chad Hannan and Joe Disalvo moved and seconded approval of Consent Agenda. Voice Vote, 4-0 vote. (Abstain: Sandau)

PUBLIC HEARINGS

Resolution 22-262

Resolution to continue the October 24, 2022 Public Hearing to November 14, 2022 for selecting a firm(s) to purchase and develop city-owned properties in the Playland Park (River's Edge) Neighborhood, legally described as being Block 1, River's Edge Subdivision, Lot 2, Block 3, River's Edge Subdivision, Replat 2, Block 4, River's Edge Subdivision, and Lots 1 through 3, Block 5, River's Edge Subdivision, Replat 2

Steve Gorman and Chris Peterson moved and seconded approval of Resolution 22-262. Unanimous, 5-0 vote.

ORDINANCES ON 3RD READING

Ordinance 6526

Ordinance to amend Chapter 17.15 Vacant Property Registration by amending Section 17.15.030 "Definitions"; Section 17.15.040 "Registration"; Section 17.15.120 "Exemptions and Exceptions" and Section 17.15.130 "Appeal".

Chad Hannan and Steve Gorman moved and seconded approval of third consideration of Ordinance 6526. Ordinance passes to law.. Unanimous, 4-1 vote. (Nays: Disalvo)

RESOLUTIONS

Resolution 22-263

Resolution of intent of the city of Council Bluffs, Iowa, authorizing financial support to PACE (Pottawattamie Arts Culture Entertainment)

Heard from: Tim German, 141 West Broadway, Apt 215; Dick Miller, 1611 Madison Avenue and Danna Kehm, 5108 Wagons Way Road.

Roger Sandau and Chad Hannan moved and seconded approval of Motion to amend Resolution 22-263, to authorize financial support in the amount of \$50,000 to PACE (Pottawattamie Arts Culture Entertainment) from the Hotel/Motel Tax revenue received by the City of Council Bluffs, Iowa; and creating a new Resolution 22-269, authorizing the ingoing financial support to PACE (Pottawattamie Arta Culture Entertainment) from the Hotel/Motel Tax revenue received by the City of Council Bluffs, Iowa. Unanimous, 5-0 vote.

Roger Sandau and Chad Hannan moved and seconded approval of Amended Resolution 22-263. Unanimous, 5-0 vote.

Roger Sandau and Chad Hannan moved and seconded approval of Motion to continue Resolution 22-269 to November 14, 2022 at 7:00 p.m.. Unanimous, 5-0 vote.

Resolution 22-264

Resolution authorizing the mayor to execute an agreement with HGM Associates Inc. for engineering services in connection with the 800 Block of Avenue F Reconstruction. Project # PW23-29

Roger Sandau and Chad Hannan moved and seconded approval of Resolution 22-264. Unanimous, 5-0 vote.

Resolution 22-265

Resolution authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc. for architectural and engineering services in connection with the Central Fire Station Chiller and Electrical Service Replacement, and authorizing the use of American Rescue Plan Act (ARPA) Revenue Loss funds. Project # BM-23-08

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 22-265. Unanimous, 5-0 vote.

Resolution 22-266

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

Steve Gorman and Chad Hannan moved and seconded approval of Resolution 22-266. Unanimous, 5-0 vote.

Resolution 22-267

Resolution authorizing the Mayor to execute Management Agreements with the Iowa Department of Natural Resources for the management of state-owned real property in connection with Levee Certification Projects, Geotechnical MR_8 and MR_9. Project #PW21-06D

Steve Gorman and Chad Hannan moved and seconded approval of Resolution 22-267. Unanimous, 5-0 vote.

Resolution 22-268

Resolution authorizing the Mayor to execute a Memorandum of Understanding, Levee Easement, and Emergency Access Easement Agreement with the MidAmerican Energy Company in connection with Levee Certification Projects, Geotechnical MR_8 and MR_9. Project #PW21-06D

Chad Hannan and Chris Peterson moved and seconded approval of Resolution 22-268. Unanimous, 5-0 vote.

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses: 1) Cracker Barrel #219, 530 30th Avenue; 2) 4th Street Legion, 716 S 4th Street; 3) Hard Luck Saloon, 626 16th Avenue; 4) Iowa Western Community College, 2700 College Road; 5) Rustic Cuts LLC, 501 Veterans Memorial Hwy; 6) Texas Roadhouse, 3231 S 24th Street

Chad Hannan and Roger Sandau moved and seconded approval of Applications for Permits and Cancellations, Item 7A, 1-6. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

Heard from Butch Holbeck, Bobby Edwards, Stan Gregory and Susan Miller

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:43 p.m.

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

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
 Case/Project No.: PW21-20
 Submitted by: Matthew Cox, Public Works
 Director

Resolution 22-270
 ITEM 3.C.

Council Action: 11/14/2022

Description

Resolution accepting the work of RPL Utility LLC as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the West Broadway Reconstruction, Segment 5. Project # PW21-20

Background/Discussion

West Broadway is major arterial street and critical to the City’s roadway network. It serves as a significant commercial corridor and commuter route and its reconstruction is an essential part of the economic redevelopment plan for the west end of Council Bluffs. There is also a strong community desire to enhance the aesthetics of the corridor and to create a connection between the River’s Edge development and downtown Council Bluffs.

Segment 1 from 36th Street to 33rd Street, Segment 2 from 33rd Street to 28th Street, Segment 3 from 28th Street to just west of 24th Street, Segment 4 from west of 24th Street to west of 19th Street are complete. Each of these previous phases included the replacement of pavement, traffic signals, street lights, sidewalks, storm sewers and streetscape amenities.

The Segment 5 project completed West Broadway from just west of 19th Street to 15th Street. Reconstruction included the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewers with drainage improvements. The project also included streetscape amenities such as decorative pedestrian lights, brick paver bands behind the curbs and at intersections, ornamental fencing, ornamental arms for street lights, concrete pavers in crosswalks, decorative paving in the center turn lane and at key intersections, raised planted median east of 16th Street, neighborhood masonry columns, and trees.

As a condition of the Transfer of Jurisdiction, Iowa DOT has provided \$20 million in funding for assuming ownership of the roadway previously identified as US-6. This project was included in the FY21 CIP with a budget of \$2,800,000 from GO Bonds, and the balance in Sales Tax Funds. The Iowa West Foundation has agreed to provide funding for the streetscape amenities at a cost of \$1,712,351. CBWW will reimburse the City for the Division V Water Main costs.

| | Division I <u>General</u> | Division II <u>Pavement</u> | Division III <u>Storm Sewer</u> | Division IV <u>Sanitary Sewer</u> | Division V <u>Water Main</u> | Division VI <u>Traffic Signals</u> | Division VIII <u>Lighting</u> | Division IX <u>Streetscape</u> | <u>Total</u> |
|--------------------------|------------------------------|--------------------------------|--|--|-------------------------------------|---|-------------------------------------|-----------------------------------|----------------|
| Original Contract Amount | \$1,039,016.12 | \$4,365,513.36 | \$756,559.97 | \$121,736.69 | \$64,706.62 | \$693,131.07 | \$478,988.13 | \$1,465,125.92 | \$8,984,777.88 |
| Change Orders (-4.71%) | (\$199,438.85) | (\$319,358.63) | (\$16,082.76) | \$1,026.20 | \$8,988.00 | \$23,335.75 | \$2,047.50 | \$76,733.21 | (\$422,749.58) |
| Final Contract Amount | \$839,577.27 | \$4,046,154.73 | \$740,477.21 | \$122,762.89 | \$73,694.62 | \$716,466.82 | \$481,035.63 | \$1,541,859.13 | \$8,562,028.30 |
| Less Previous Payments | \$833,773.27 | \$4,018,183.66 | \$735,358.30 | \$121,914.23 | \$73,185.17 | \$711,513.89 | \$477,710.23 | \$1,531,200.26 | \$8,502,839.01 |
| Retainage Due Contractor | \$5,804.00 | \$27,971.07 | \$5,118.91 | \$848.66 | \$509.45 | \$4,952.93 | \$3,325.40 | \$10,658.87 | \$59,189.29 |

The Contractor completed the project on time and received \$25,000 in incentive payments. Five non-compliance notices were issued.

Recommendation

Approval of this resolution, accepting the work of RPL Utility LLC as complete and approving release of retainage after 30 days.

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Resolution 22-270 | Resolution | 11/8/2022 |

**RESOLUTION
NO. 22-270**

**RESOLUTION ACCEPTING THE WORK OF
RPL UTILITY LLC IN CONNECTION WITH
THE WEST BROADWAY RECONSTRUCTION, SEGMENT 5
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$59,189.29
PROJECT #PW21-20**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with RPL Utility LLC, Minden, IA for the West Broadway Reconstruction, Segment 5; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and
- WHEREAS, a request for final payment in the amount of \$59,189.29 to RPL Utility LLC, has been submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$59,189.29 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$59,189.29 payable to RPL Utility LLC from budget codes Division I, Z30000-676000; Division II, Z30000-676200; Division III, Z30000-676500; Division IV Z30000-676700; Division V, Z30000-678000; Division VI, Z30000-676800; Division VIII, Z30000-676900; Division XI, Z30000-676950, Project #2120X.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: CD23-03A & B
Submitted by: Matthew Cox, Public Works
Director & Courtney Harter, Community
Development Director

Resolution 22-271
ITEM 3.D.

Council Action: 11/14/2022

Description

Resolution setting a public hearing for 7:00 p.m. on November 28, 2022, on the plans, specifications, form of contract, and cost estimate for the Spin Lofts – 21st Avenue Improvements. Project # CD23-03A & B

Background/Discussion

In 2009, the City began acquisition and demolition of structures on the three acres of land located at 21st Avenue and South 6th Street utilizing Community Development Block Grant (CDBG) and Neighborhood Stabilization (NSP) funds. The properties were considered blighted and/or in foreclosure at the time.

In January 2022, the City issued an updated RFP for the redevelopment of the three acres. Arch Icon submitted a two phase proposal called Spin Lofts with a total of 80 multi-family rental units to be built over a period of up to four years. Phase 1 includes a 4-story building with 50 units with a unit mix of one-, two- and four- bedrooms for low to moderate income families in the area.

On March 10, 2022, the City was awarded a grant from U.S. Representative Axne in the amount of \$904,336. The City applied for the funding to construct improvements at 21st Avenue and South 6th Street, making it ready for development. The project will reconstruct 21st Avenue, east of South 6th Street and prepare the site for building construction, including a significant volume of fill to raise the site approximately three feet.

Initially, Project A and Project B were designed as separate projects. On September 29, 2022, only one non-responsive bid was received for the fill and sanitary sewer improvement portion of the project. After rejecting that bid, it was decided to combine the two scopes into a single bid package to attract more interest and hopefully receive competitive bids. This project includes both the site improvements and the paving and storm sewer for 21st Avenue.

The project was included in the FY23 CIP with a budget of \$900,000 in Federal funds.

| | | |
|-------------------------------------|---------------------|-------------------|
| The project schedule is as follows: | Set Public Hearing | November 14, 2022 |
| | Hold Public Hearing | November 28, 2022 |
| | Bid Letting | January 5, 2023 |
| | Award | January 23, 2023 |
| | Construction Start | End of March 2023 |

Recommendation

Approval of this resolution to set a public hearing. This project will provide the fill and sanitary sewer for the redevelopment site and reconstruct 21st Avenue, east of South 6th Street.

ATTACHMENTS:

| Description | Type | Upload Date |
|--|------------|-------------|
| Notice of Public Hearing | Notice | 11/4/2022 |
| Resolution 22-271 | Resolution | 11/8/2022 |

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
Spin Lofts – 21st Avenue Improvements
Project # CD23-03A & B

A public hearing will be held on November 28, 2022, 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 21st Avenue Improvements project. The project will include construction of 18,000 cubic yards of fill and 45 lineal feet of sanitary sewer, 1,120 SY of 7” P.C.C. Pavement 1,100 SY of 6” Granular Sub-Base, 168 LF 15” RCP, and 2 Single Grate Intakes . 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. 22-271**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
SPIN LOFTS – 21ST AVENUE IMPROVEMENTS
PROJECT #CD23-03A & B**

WHEREAS, the city wishes to make improvements known as Spin Lofts – 21st Avenue Improvements, 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 Spin Lofts – 21st Avenue Improvement project setting November 28, 2022, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

August 2022 Financial Reports
ITEM 3.E.

Council Action: 11/14/2022

Description

Background/Discussion

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|--|-------|-------------|
| Aug 2022 Expenditures by Amount | Other | 11/4/2022 |
| Aug 2022 Expenditures by Vendor | Other | 11/4/2022 |
| Aug 2022 Receipts & Expenditures by Fund | Other | 11/4/2022 |

**CITY OF COUNCIL BLUFFS
AP BY AMOUNT
AUGUST 2022
(\$'S)**

| VENDOR | AMOUNT | DESCRIPTION | BUSINESS PURPOSE |
|--|----------------|--------------------------|-------------------------|
| CITY OF COUNCIL BLUFFS PAYROLL | \$2,089,828.01 | PAYROLL RELATED | CITY EXPENDITURE |
| TWO RIVERS INSURANCE COMPANY, INC. | \$1,028,828.93 | EMPLOYEE INSURANCE | CITY EXPENDITURE |
| MECO-HENNE CONTRACTING INC | \$850,867.85 | CONSTRUCTION | CITY EXPENDITURE |
| WAL-MART REAL ESTATE BUSINESS TRUST | \$817,293.46 | TIF REBATE | CITY EXPENDITURE |
| EFTPS | \$576,056.77 | PAYROLL RELATED | CITY EXPENDITURE |
| MFPSRI | \$493,864.87 | PAYROLL RELATED | CITY EXPENDITURE |
| IPERS | \$314,345.28 | PAYROLL RELATED | CITY EXPENDITURE |
| CAESARS ENTERTAINMENT | \$215,058.86 | INTERCOMPANY AUGUST | MAC EXPENDITURE |
| EMPLOYERS MUTUAL CASUALTY COMPANY | \$170,465.82 | INSURANCE | CITY EXPENDITURE |
| MIDAMERICAN ENERGY COMPANY | \$146,621.43 | ELECTRICITY | CITY EXPENDITURE |
| AGRILAND F S INC | \$140,317.60 | SUPPLIES | CITY EXPENDITURE |
| COMPASS UTILITY LLC | \$131,135.27 | CONSTRUCTION | CITY EXPENDITURE |
| IOWA DEPT OF REVENUE | \$124,889.00 | PAYROLL RELATED | CITY EXPENDITURE |
| WESTERN ENGINEERING COMPANY INC | \$122,568.87 | CONSTRUCTION | CITY EXPENDITURE |
| PETERSON CONTRACTORS INC | \$122,513.24 | CONSTRUCTION | CITY EXPENDITURE |
| CROUCH RECREATION INC | \$115,741.02 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MONROE TRUCK EQUIPMENT, INC. | \$108,856.64 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| DIXON CONSTRUCTION CO. | \$103,233.50 | CONSTRUCTION | CITY EXPENDITURE |
| OMNI ENGINEERING | \$100,946.75 | STREET MAINTENANCE SUPLS | CITY EXPENDITURE |
| TRANSIT AUTHORITY OF THE CITY OF OMAHA | \$99,976.00 | BUS SERVICE | CITY EXPENDITURE |
| MAC PAYROLL | \$84,785.49 | PAYROLL | MAC EXPENDITURE |
| JUDDS BROS CONSTRUCTION CO | \$82,944.63 | CONSTRUCTION | CITY EXPENDITURE |
| NATIONWIDE RETIREMENT SOLUTIONS INC | \$75,313.88 | PAYROLL RELATED | CITY EXPENDITURE |
| HDR ENGINEERING INC | \$72,804.52 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DODGE RIVERSIDE PAYROLL | \$72,359.56 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| SNYDER & ASSOCIATES INC | \$66,986.78 | CONSULTANT | CITY EXPENDITURE |
| COUNCIL BLUFFS AREA WIFI CONSORTIUM | \$65,998.10 | GRANT REIMBURSEMENT | CITY EXPENDITURE |
| LYMAN RICHEY SAND & GRAVEL COMPANY | \$63,852.50 | STREET MAINTENANCE SUPLS | CITY EXPENDITURE |
| DOUBLE T LAND COMPANY, LLC | \$52,500.00 | PROPERTY ACQUISITION | CITY EXPENDITURE |
| KURT A LARSEN | \$50,126.56 | CONSTRUCTION | CITY EXPENDITURE |
| ADVANCED DATA PROCESSING, INC | \$45,150.24 | AMBULANCE BILLING FEE | CITY EXPENDITURE |
| HGM ASSOCIATES INC | \$42,041.69 | CONSULTANT | CITY EXPENDITURE |
| AMERICAN TRAFFIC SOLUTIONS, INC. | \$40,442.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| LANDSCAPES GOLF | \$37,638.28 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| AHLERS & COONEY P.C | \$36,745.36 | LEGAL SERVICES | CITY EXPENDITURE |
| IOWA WASTE SERVICES HOLDINGS INC | \$36,730.66 | SOLID WASTE DISPOSAL | CITY EXPENDITURE |
| SOUTHWEST IOWA PLANNING COUNCIL | \$31,494.92 | TRANSIT SERVICES | CITY EXPENDITURE |
| ECO-STORAGE INVESTMENTS INC | \$28,477.24 | SOLID WASTE DISPOSAL | CITY EXPENDITURE |
| TS DEVELOPMENT LLC | \$26,775.00 | DEVLPMNT CONTRACT | CITY EXPENDITURE |
| COUNCIL BLUFFS WATER WORKS | \$22,323.82 | WATER | CITY EXPENDITURE |
| POTTAWATTAMIE COUNTY SHERIFF | \$22,100.00 | INMATE COST | CITY EXPENDITURE |
| RELIANCE STANDARD LIFE INSURANCE CO | \$21,960.39 | PAYROLL RELATED | CITY EXPENDITURE |
| AGRIVISION EQUIPMENT GROUP | \$21,682.06 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MARKUSON CONSTRUCTION INC | \$21,180.00 | CONSTRUCTION | CITY EXPENDITURE |
| TREASURER STATE OF IOWA/SALES TAX | \$20,975.54 | SALES TAX | CITY EXPENDITURE |
| SJ ELECTRO SYSTEMS INC | \$19,277.42 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| HISTORIC GENERAL DODGE HOUSE INC | \$18,750.00 | CONTRIBUTIONS | CITY EXPENDITURE |
| THE DAVEY TREE EXPERT COMPANY | \$18,262.50 | TREE WORK | CITY EXPENDITURE |
| EXCHANGE BANK | \$17,971.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ESO SOLUTIONS INC | \$17,317.70 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| RTG BUILDING SERVICES INC | \$17,015.13 | JANITORIAL SERVICE | CITY EXPENDITURE |
| OVERDRIVE INC | \$16,636.03 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| BURTON PLUMBING | \$15,820.90 | PLUMBING NEW OR REPAIR | CITY EXPENDITURE |
| COX COMMUNICATION INC | \$15,336.64 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| RYAN ROBERT ADKINS | \$14,914.00 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| ICMA RETIREMENT TRUST - 457 | \$13,696.00 | PAYROLL RELATED | CITY EXPENDITURE |
| THE SCHEMMER ASSOCIATES INC | \$13,633.81 | CONSULTANT | CITY EXPENDITURE |
| MCINTOSH PLUMBING INC | \$12,800.00 | PLUMBING NEW OR REPAIR | CITY EXPENDITURE |
| JEO CONSULTING GROUP INC | \$12,457.50 | CONSULTANT | CITY EXPENDITURE |
| HTM SALES INC | \$12,381.08 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CONSOLIDATED ELECTRICAL DISTR, INC | \$12,333.58 | SUPPLIES | CITY EXPENDITURE |
| CHAMPLIN TIRE RECYCLING INC | \$12,122.00 | TIRE DISPOSAL | CITY EXPENDITURE |
| AVI SYSTEMS INC | \$11,254.02 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| FIRST WIRELESS INC | \$11,117.89 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MIDLANDS HUMANE SOCIETY | \$10,328.17 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| ENNIS-FLINT, INC. | \$10,121.58 | SUPPLIES | CITY EXPENDITURE |
| STATE HISTORICAL SOCIETY OF IOWA | \$10,000.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| CITY OF COUNCIL BLUFFS-FLEX | \$9,917.75 | PAYROLL RELATED | CITY EXPENDITURE |

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| VOYA RETIREMENT INSURANCE & ANNUITY COMPANY | \$9,200.00 | PAYROLL RELATED | CITY EXPENDITURE |
| IMPACT7G INC | \$8,778.75 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| PITNEY BOWES INC. | \$8,120.98 | POSTAGE & PRINTING | CITY EXPENDITURE |
| COLLECTION SERVICES CENTER | \$7,914.14 | PAYROLL RELATED | CITY EXPENDITURE |
| STEARNS CONRAD AND SCHMIDT | \$7,834.17 | CONSULTANT | CITY EXPENDITURE |
| COMPASSCOM SOFTWARE CORPORATION | \$7,600.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| NIXON CONSTRUCTION INC | \$7,500.00 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| CENTRAL STATES WIRE PRODUCTS INC | \$7,453.13 | BALER WIRE | CITY EXPENDITURE |
| FAMILY HOUSING ADVISORY SERVICES, INC. | \$7,303.03 | GRANT REIMBURSEMENT | CITY EXPENDITURE |
| ALEX HILDENSTEIN | \$7,300.00 | PLUMBING NEW OR REPAIR | CITY EXPENDITURE |
| BLACK HILLS UTILITY HOLDINGS, INC. | \$7,260.81 | NATURAL GAS | CITY EXPENDITURE |
| CLARK EQUIPMENT COMPANY | \$7,212.40 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ACUSHNET COMPANY | \$7,090.04 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MOBOTREX INC | \$7,065.00 | STREET MAINTENANCE SUPLS | CITY EXPENDITURE |
| BULLER FIXTURE | \$6,905.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| TK ELEVATOR CORPORATION | \$6,547.20 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| BAKER & TAYLOR INC | \$6,468.75 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| SYSCO LINCOLN | \$6,434.24 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| NEBRASKA GOLF AND TURF | \$6,222.28 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DOLL DISTRIBUTING | \$6,163.25 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| AQUA-CHEM INCORPORATED | \$6,160.50 | SUPPLIES | CITY EXPENDITURE |
| VERIZON WIRELESS SERVICES LLC | \$6,032.75 | CELL PHONE | CITY EXPENDITURE |
| LAWSON PRODUCTS INC | \$6,017.01 | SUPPLIES | CITY EXPENDITURE |
| ENGINEERING TECHNOLOGIES INC | \$6,000.00 | CONSULTANT | CITY EXPENDITURE |
| UPTOWN STAFFING INC | \$5,816.25 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| CORNHUSKER INTERNATIONAL TRUCKS | \$5,697.20 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| WASTE CONNECTIONS OF IOWA | \$5,660.83 | HOUSEHOLD TRASH | CITY EXPENDITURE |
| RIEKES EQUIPMENT COMPANY | \$5,536.42 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| VERMEER SALES & SERVICE INC | \$5,456.55 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| BLUE CROSS BLUE SHIELD OF SOUTH DAKOTA | \$5,424.14 | REFUND | CITY EXPENDITURE |
| DODGE RIVERSIDE SALES TAX | \$5,242.15 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ALEGENT CREIGHTON HEALTH | \$5,166.13 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DALES TRASH SERVICE INC | \$5,055.00 | RENTAL EXPS | CITY EXPENDITURE |
| AKSARBEN FENCE & GATE LLC | \$4,921.00 | SERVICE LABOR | CITY EXPENDITURE |
| ZIMCO SUPPLY COMPANY | \$4,854.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| SIEMENS INDUSTRY INC | \$4,831.36 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| VERTIV CORPORATION | \$4,727.70 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| D&K PRODUCTS | \$4,710.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| CITY OF COUNCIL BLUFFS-DEPENDENT | \$4,686.98 | PAYROLL RELATED | CITY EXPENDITURE |
| NODDLE DEVELOPMENT COMPANY | \$4,646.18 | CONSULTANT | CITY EXPENDITURE |
| MARCO HOLDINGS, LLC | \$4,617.25 | COPY/PRINTER MAINTANCE | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN | \$4,500.00 | PAYROLL RELATED | CITY EXPENDITURE |
| GREAT PLAINS COMMUNICATIONS HOLDINGS LLC | \$4,400.00 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| LOCKTON | \$4,387.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| IOWA PRISON INDUSTRIES | \$4,330.00 | SUPPLIES | CITY EXPENDITURE |
| MIDWEST TAPE, LLC | \$4,280.33 | DVD/AUDIO/CD | CITY EXPENDITURE |
| EHRHART GRIFFIN & ASSOCIATES INC | \$4,158.25 | CONSULTANT | CITY EXPENDITURE |
| BLUFFS ELECTRIC INC | \$4,146.31 | ELECTRICAL REPAIR | CITY EXPENDITURE |
| ELAVON INC | \$4,130.02 | FEES | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN | \$4,080.00 | PAYROLL RELATED | CITY EXPENDITURE |
| LG PLAYGROUND LLC | \$4,015.00 | SUPPLIES | CITY EXPENDITURE |
| GLOBAL PAYMENTS DIRECT, INC | \$3,912.11 | CREDIT CARD CHGS | CITY EXPENDITURE |
| FIRST NATIONAL | \$3,899.81 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| THE RETROFIT COMPANIES INC | \$3,818.93 | SERVICE LABOR | CITY EXPENDITURE |
| BMI JANITORIAL GROUP | \$3,766.00 | JANITORIAL SERVICE | CITY EXPENDITURE |
| UNBOUND EVENTS INC. | \$3,750.00 | LIBRARY PREFORMANCES | CITY EXPENDITURE |
| CREDIT MANAGEMENT, LP | \$3,726.07 | COLLECTION FEE | CITY EXPENDITURE |
| REGENTS OF THE UNIVERSITY OF MINNESOTA | \$3,704.00 | SUPPLIES | CITY EXPENDITURE |
| MIDWEST TURF & IRRIGATION | \$3,582.20 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ERRIN K GUNDERSON | \$3,553.00 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| JOSEPH FAUST ENTERPRISES LLC | \$3,455.00 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| DODGE RIVERSIDE CREDIT CARD FEES | \$3,439.82 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| TOYNE INC | \$3,394.36 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| BARTON SOLVENTS INC | \$3,350.75 | SUPPLIES | CITY EXPENDITURE |
| I-80 LIQUOR | \$3,331.38 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MIDWEST TURF & IRRIGATION | \$3,294.63 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| HEARTLAND TIRES & TREADS INC | \$3,285.80 | TIRE REPLACEMENT/REPAIR | CITY EXPENDITURE |
| U.S. VENTURE, INC. | \$3,269.48 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| VULCAN INDUSTRIES INCORPORATED | \$3,184.00 | SUPPLIES | CITY EXPENDITURE |
| CLOVERLEAF TOOL CO | \$3,165.13 | SUPPLIES | CITY EXPENDITURE |
| CHRONOGOLF | \$3,130.28 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| THE DOLLYWOOD FOUNDATION | \$3,117.70 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| BOBCAT OF OMAHA | \$3,067.33 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| KELLY SUPPLY COMPANY | \$3,028.44 | EQUIPMENT/PARTS | CITY EXPENDITURE |

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| ABC ELECTRIC INC. | \$2,977.00 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| COMMERCIAL AIR MANAGEMENT INC | \$2,880.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CARROLL DISTRIBUTING & CONSTRUCTION SUPPLY | \$2,835.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| IOWA DEPARTMENT OF REVENUE | \$2,802.41 | SALES TAX | MAC EXPENDITURE |
| HEARTLAND DOCUMENT SERVICES INC. | \$2,578.00 | JANITORIAL SERVICE | CITY EXPENDITURE |
| EDWARDS CHEVROLET-CADILLAC INC | \$2,551.42 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| NEBRASKA AIR FILTER INC | \$2,545.68 | SUPPLIES | CITY EXPENDITURE |
| NEBRASKA USSSA BASEBALL LLC | \$2,500.00 | REFUND | CITY EXPENDITURE |
| FIRESPRING PRINT INC | \$2,498.78 | PRINTING/BINDING | CITY EXPENDITURE |
| MICHAEL O'BRADOVICH | \$2,400.00 | LEGAL SERVICES | CITY EXPENDITURE |
| ARNOLD MOTOR SUPPLY, LLP | \$2,354.75 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| PREMIER GLAZER'S BEER & BEVERAGE LLC | \$2,316.85 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| NODDLE DEVELOPMENT COMPANY | \$2,294.00 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| ROSANNA M THURMAN | \$2,200.00 | CONSULTANT | CITY EXPENDITURE |
| NAPA AUTO PARTS | \$2,134.89 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| DAILY NONPAREIL | \$2,100.00 | ADVERTISEMENT | CITY EXPENDITURE |
| KRONOS INCORPORATED | \$2,000.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| WEILAGE PROPERTY MGMT LLC | \$1,920.00 | REFUND | CITY EXPENDITURE |
| COMPUTER CABLE CONNECTION | \$1,840.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| TOGETHER INC OF METROPOLITAN OMAHA | \$1,820.43 | BUSINESS ASSISTANCE PROGRAM | CITY EXPENDITURE |
| PEPSI BEVERAGES | \$1,814.15 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| STYKER SALES CORPORATION | \$1,812.30 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| NATIONAL CONCRETE CUTTING INC | \$1,753.94 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| SALSANA LLC | \$1,750.00 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| EAKES INC | \$1,710.25 | SUPPLIES | CITY EXPENDITURE |
| METOLIUS | \$1,670.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| RASMUSSEN MECHANICAL SERVICES INC | \$1,568.34 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CALLAWAY | \$1,535.16 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| FORTE PAYMENT SYSTEMS INC | \$1,531.60 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FACTORY MOTOR PARTS | \$1,514.10 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ALLIED OIL & TIRE COMPANY | \$1,485.14 | SUPPLIES | CITY EXPENDITURE |
| CLEVELAND GOLF | \$1,437.15 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| J&M GOLF | \$1,403.63 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| SWAGIT PRODUCTIONS LLC | \$1,375.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| ABLE LOCKSMITHS | \$1,315.50 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN | \$1,300.00 | PAYROLL RELATED | CITY EXPENDITURE |
| IOWA DEPARTMENT OF NATURAL RESOURCE | \$1,275.00 | FEES | CITY EXPENDITURE |
| PUMA GOLF | \$1,256.76 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ECOLAB INC | \$1,245.64 | SUPPLIES | CITY EXPENDITURE |
| DK&B CONSTRUCTION SPECIALTIES | \$1,213.68 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| CBTZGJ ENTERPRISES | \$1,200.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| MENARD INC. | \$1,197.30 | SUPPLIES | CITY EXPENDITURE |
| DEMCO INC | \$1,195.31 | SUPPLIES | CITY EXPENDITURE |
| BOUND TO STAY BOUND BOOKS INC | \$1,194.78 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| AMERICAN BOTTLING COMPANY | \$1,186.88 | SUPPLIES | CITY EXPENDITURE |
| KINGHORN GARDENS | \$1,143.09 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| GALLS PARENT HOLDING, LLC | \$1,140.72 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MAX I WALKER UNIFORM & APPAREL | \$1,132.22 | UNIFORMS | CITY EXPENDITURE |
| THRYV, INC. | \$1,080.56 | ADVERTISEMENT | CITY EXPENDITURE |
| UMR | \$1,077.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MATHESON TRI GAS INC. | \$1,060.78 | SUPPLIES | CITY EXPENDITURE |
| MIDAMERICAN ENERGY COMPANY | \$1,060.37 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| KELTEK, INCORPORATED | \$1,059.10 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| W.W. GRAINGER, INC. | \$1,038.22 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FLORIDA STATE DISBURSEMENT UNIT | \$1,015.38 | PAYROLL RELATED | CITY EXPENDITURE |
| BLACKSTONE AUDIO INC | \$978.88 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| UNDERGROUND LOCATION COMPANY | \$977.40 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| BLUFFS TAXI & COURIER | \$939.25 | TRANSIT SERVICES | CITY EXPENDITURE |
| MIZUNO | \$920.34 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| NEBRASKA CHILD SUPPORT PAYMENT CTR | \$912.02 | PAYROLL RELATED | CITY EXPENDITURE |
| WEST PUBLISHING CORPORATION | \$906.41 | SUBSCRIPTION | CITY EXPENDITURE |
| CONSTRUCTION SUPPLY HOLDINGS II, LLC | \$904.93 | SUPPLIES | CITY EXPENDITURE |
| DONNA L TROUT | \$900.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| LINDA M CONNER | \$900.00 | CONSULTANT | CITY EXPENDITURE |
| RESTORATIONS & RENOVATIONS, INC | \$899.82 | SERVICE LABOR | CITY EXPENDITURE |
| LYMAN RICHEY SAND & GRAVEL COMPANY | \$893.62 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| JEFF'S WASH & GLO LTD | \$851.20 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| SMA ENTERPRISES INC. | \$840.02 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ALLISON HEAD | \$820.16 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| PASSPORT LABS INC | \$817.00 | PARKING FEES | CITY EXPENDITURE |
| ALL COPY PRODUCTS INC | \$812.00 | LEASE | CITY EXPENDITURE |
| ADIDAS | \$804.59 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MCKINNIS ROOFING & SHEET METAL LLC | \$801.48 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| MIDWEST DISTRIBUTING CORPORATION | \$780.00 | LEASE | CITY EXPENDITURE |

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| DMG INC | \$764.70 | ELECTRICAL REPAIR | CITY EXPENDITURE |
| REPAR LLC | \$760.00 | RENTAL EXPS | CITY EXPENDITURE |
| ECOSOLUTIONS INC | \$758.48 | SUPPLIES | CITY EXPENDITURE |
| CENTURYLINK | \$754.55 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| TRU PRO CONSTRUCTION INC | \$750.00 | CONSTRUCTION | CITY EXPENDITURE |
| RED LIGHT REFUNDS | \$736.90 | REFUND | CITY EXPENDITURE |
| C & J INDUSTRIAL SUPPLY | \$683.00 | JANITORIAL SERVICE | CITY EXPENDITURE |
| COX BUSINESS | \$678.42 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| GENIE SERVICES LLC | \$675.00 | PEST CONTROL | CITY EXPENDITURE |
| STERN OIL CO INC | \$673.69 | SUPPLIES | CITY EXPENDITURE |
| MCMULLEN FORD INC | \$668.55 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| NCH CORPORATION | \$668.37 | SUPPLIES | CITY EXPENDITURE |
| YAMAHA | \$652.24 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| KEAGAN LEE THOMAS | \$650.00 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| MILLER & SONS GOLF CARS | \$650.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| BRYAN PREGON | \$645.00 | TENNIS INSTRUCTION | CITY EXPENDITURE |
| MYRON WILDER | \$645.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DOLL DISTRIBUTING | \$644.89 | BEVERAGE COSTS | MAC EXPENDITURE |
| BGNE INC. | \$638.60 | SUPPLIES | CITY EXPENDITURE |
| IOWA DEPARTMENT OF REVENUE | \$600.00 | PAYROLL RELATED | CITY EXPENDITURE |
| IPFS CORPORATION | \$588.48 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| HUBER CHEVROLET CO INC | \$588.07 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| WATER ENGINEERING INC | \$549.14 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| FOSTERS INC | \$544.20 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FIRE PROTECTION SERVICES, LLC | \$525.00 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| ENTERPRISE FM TRUST | \$512.73 | RENTAL EXPS | CITY EXPENDITURE |
| CAROLINA SOFTWARE INC | \$500.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| SCOTT L WHITE | \$500.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| ZIMCO SUPPLY COMPANY | \$500.00 | SUPPLIES | CITY EXPENDITURE |
| KINGHORN GARDENS | \$500.00 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| SAPP BROTHERS INC | \$495.00 | FUEL | CITY EXPENDITURE |
| LOGAN CONTRACTORS SUPPLY INC | \$492.95 | SUPPLIES | CITY EXPENDITURE |
| ODEYS INC | \$476.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| SANDAU BROS SIGN CO INC | \$472.00 | SUPPLIES | CITY EXPENDITURE |
| YMCA OF GREATER OMAHA | \$470.00 | DUES/MEMBERSHIP | CITY EXPENDITURE |
| LEGAL CLAIMS | \$450.00 | LEGAL CLAIM | CITY EXPENDITURE |
| CFI TIRE SERVICE | \$446.00 | TIRE REPLACEMENT/REPAIR | CITY EXPENDITURE |
| OSAGE INDUSTRIES INC | \$445.62 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ROSE HOLDING, INC. | \$444.57 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CLAUDE BOURBON | \$400.00 | LIBRARY PREFORMANCES | CITY EXPENDITURE |
| NODDLE SERVICES, LLC | \$398.16 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| ROAD MACHINERY AND SUPPLIES CO | \$397.35 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| DIAMOND MOWERS INC | \$394.83 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| NMC INC. | \$383.47 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| SITEONE LANDSCAPE SUPPLY HOLDING LLC | \$382.28 | LANDSCAPING SUPPLIES | CITY EXPENDITURE |
| SCHINDLER ELEVATOR CORPORATION | \$373.23 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| ONE SOURCE THE BACKGROUND CHECK COMPANY | \$364.30 | CONSULTANT | CITY EXPENDITURE |
| J.B. POINDEXTER & CO., INC. | \$364.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| TED'S MOWER SALES & SERVICE INC | \$361.22 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MEYERS CONCRETE PUMPING LLC | \$361.00 | CONSTRUCTION | CITY EXPENDITURE |
| ARROW TOWING | \$338.00 | TOWING/STORAGE/AUCTION | CITY EXPENDITURE |
| GREATAMERICA FINANCIAL SERVICES CORP | \$325.53 | LEASE | CITY EXPENDITURE |
| RICHARD BELT | \$309.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| COX COMMUNICATIONS INC | \$301.25 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| ANTHONY RYAN PONTIERO | \$300.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| COUNCIL HITCH & TRUCK ACCESSORIES | \$287.95 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| DAVIS EQUIPMENT CORPORATION | \$282.40 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN | \$280.00 | PAYROLL RELATED | CITY EXPENDITURE |
| DALTON PREGON | \$279.00 | TENNIS INSTRUCTION | CITY EXPENDITURE |
| CENTER POINT LARGE PRINT | \$276.84 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| MIDWEST MEDICAL & SAFETY INC | \$275.90 | MEDICAL SUPPLIES | CITY EXPENDITURE |
| ALVARADO UPHOLSTERING | \$275.00 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| JAMES PALMER | \$275.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| MACQUEEN EQUIPMENT, INC. | \$264.13 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| OMAHA DOOR & WINDOW CO INC | \$258.60 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| CENGAGE LEARNING INC | \$244.06 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| ELANA GRACE ZALAR | \$242.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| THE WALMAN OPTICAL COMPANY | \$233.00 | SAFETY EQUIP & MAINTENANCE | CITY EXPENDITURE |
| DULTMEIER SALES LLC | \$231.02 | SUPPLIES | CITY EXPENDITURE |
| DXP ENTERPRISES INC | \$229.80 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| PREMIER GLAZER'S BEER & BEVERAGE LLC | \$227.48 | BEVERAGE COSTS | MAC EXPENDITURE |
| ECHO GROUP | \$217.20 | SUPPLIES | CITY EXPENDITURE |
| M & R WELDING | \$210.00 | WELDING SUPPLIES/SERVICE | CITY EXPENDITURE |
| JONES AUTOMOTIVE | \$206.13 | EQUIPMENT/PARTS | CITY EXPENDITURE |

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| LINCOLN NATIONAL LIFE INS. | \$202.40 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| CAVENDISH SQUARE PUBLISHING LLC | \$201.48 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| GRANT DUIN | \$201.26 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| JODI R QUAKENBUSH | \$200.00 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| TK ELEVATOR CORPORATION | \$190.07 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| TK ELEVATOR CORPORATION | \$190.07 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| HEARTLAND CO-OP | \$189.01 | FUEL | CITY EXPENDITURE |
| PARKS & REC REFUNDS | \$183.75 | REFUND | CITY EXPENDITURE |
| GREAT AMERICA FINANCIAL | \$183.74 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DAVID AARON | \$182.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| BRAYDON R LINCOLN | \$180.00 | UMPIRE/PARKS | CITY EXPENDITURE |
| ZACHARY T LINCOLN | \$180.00 | UMPIRE/PARKS | CITY EXPENDITURE |
| MID STATES | \$177.32 | BANK FEES | MAC EXPENDITURE |
| NODDLE SERVICES, LLC | \$175.00 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| LANEE A OLSEN | \$171.00 | TENNIS INSTRUCTION | CITY EXPENDITURE |
| ATHLETICO EXCEL NEBRASKA LLC | \$155.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| VINCENT MARTORELLO | \$153.60 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| POTTAWATTAMIE COUNTY CLERK OF COURT | \$150.00 | COURT COSTS | CITY EXPENDITURE |
| CANON SOLUTIONS AMERICA INC | \$149.76 | COPY/PRINTER MAINTANCE | CITY EXPENDITURE |
| CRITEX LLC | \$146.95 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| INTERSTATE POWERSYSTEMS | \$144.59 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| HEARTLAND TOXICOLOGY | \$132.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| SOIL DYNAMICS COMPOSTING FARM INC | \$129.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| GRP & ASSOCIATES | \$123.00 | SUPPLIES | CITY EXPENDITURE |
| MISSOURI STATE UNIVERSITY | \$120.00 | REIMBURSEMENT | CITY EXPENDITURE |
| STEPHEN FELTY | \$106.00 | CONSULTANT | CITY EXPENDITURE |
| MIDWEST RESEARCH & SETTLEMENT SERVICES, INC. | \$100.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DAVID W WOODY | \$96.39 | SUPPLIES | CITY EXPENDITURE |
| RICOH USA INC | \$96.04 | LEASE | CITY EXPENDITURE |
| BILL'S WATER CONDITIONING INC | \$94.89 | SUPPLIES | CITY EXPENDITURE |
| BRICK GENTRY P.C. | \$90.00 | CONSULTANT | CITY EXPENDITURE |
| MUTUAL OF OMAHA | \$82.23 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| GARY D SELF | \$80.73 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| NUCO PUMP SALES | \$80.25 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| WASTE CONNECTIONS OF IOWA | \$80.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DAVID P THOMAS | \$76.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| FELD FIRE | \$74.50 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| NEBRASKA DISTRIBUTING CO | \$73.40 | BEVERAGE COSTS | MAC EXPENDITURE |
| RELIANT FIRE APPARATUS INC | \$69.49 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CERTIFIED POWER INC | \$66.71 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| AMERICAN NATIONAL BANK | \$65.00 | BANK SERVICES | CITY EXPENDITURE |
| DAVID C ANDERSEN | \$64.00 | CONSTRUCTION | CITY EXPENDITURE |
| LORETTA GOESCHEL | \$58.97 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| PRESTO X | \$57.78 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| PRESTO X | \$57.78 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| DATASHIELD CORPORATION | \$54.00 | SERVICE LABOR | CITY EXPENDITURE |
| LEADERSHIP COUNCIL BLUFFS | \$50.00 | DUES/MEMBERSHIP | CITY EXPENDITURE |
| BOFA | \$46.26 | CC FEES | MAC EXPENDITURE |
| BANK SERVICE FEES | \$45.50 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| MERITAS LIFE INS | \$45.29 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| GENIE PEST CONTROL | \$35.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| BAILEY ADAMS | \$34.01 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| MATTHEW WULK | \$23.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| TURF CARS LTD | \$19.07 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FASTENAL COMPANY | \$18.57 | SUPPLIES | CITY EXPENDITURE |
| SECURITY EQUIPMENT INCORPORATED | \$18.00 | ALARM SECURITY | CITY EXPENDITURE |
| US BANK | \$16.97 | CREDIT CARD PURCHASES | CITY EXPENDITURE |
| MATTHEW J WALSH | \$15.00 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| O'REILLY AUTOMOTIVE INC | \$14.59 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| AMERICAN MESSAGING SERVICES LLC | \$14.47 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| FEDEX | \$11.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| UNION BANK & TRUST | \$9.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| UNITED PARCEL SERVICE | \$7.22 | FREIGHT/POSTAGE | CITY EXPENDITURE |
| ALISSA BLAIR | \$3.50 | REFUND | CITY EXPENDITURE |
| JAMIE HANSEN | \$1.75 | REFUND | CITY EXPENDITURE |
| TOTAL | \$9,870,516.37 | | |

**CITY OF COUNCIL BLUFFS
AP BY VENDOR
AUGUST 2022
(\$'S)**

| VENDOR | AMOUNT | DESCRIPTION | BUSINESS PURPOSE |
|--|----------------|---------------------------|-------------------------------|
| ABC ELECTRIC INC. | \$2,977.00 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| ABLE LOCKSMITHS | \$1,315.50 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| ACUSHNET COMPANY | \$7,090.04 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ADIDAS | \$804.59 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ADVANCED DATA PROCESSING, INC | \$45,150.24 | AMBULANCE BILLING FEE | CITY EXPENDITURE |
| AGRILAND F S INC | \$140,317.60 | SUPPLIES | CITY EXPENDITURE |
| AGRIVISION EQUIPMENT GROUP | \$21,682.06 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| AHLERS & COONEY P.C | \$36,745.36 | LEGAL SERVICES | CITY EXPENDITURE |
| AKSARBEN FENCE & GATE LLC | \$4,921.00 | SERVICE LABOR | CITY EXPENDITURE |
| ALEGENT CREIGHTON HEALTH | \$5,166.13 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| ALEX HILDENSTEIN | \$7,300.00 | PLUMBING NEW OR REPAIR | CITY EXPENDITURE |
| ALISSA BLAIR | \$3.50 | REFUND | CITY EXPENDITURE |
| ALL COPY PRODUCTS INC | \$812.00 | LEASE | CITY EXPENDITURE |
| ALLIED OIL & TIRE COMPANY | \$1,485.14 | SUPPLIES | CITY EXPENDITURE |
| ALLISON HEAD | \$820.16 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| ALVARADO UPHOLSTERING | \$275.00 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| AMERICAN BOTTLING COMPANY | \$1,186.88 | SUPPLIES | CITY EXPENDITURE |
| AMERICAN MESSAGING SERVICES LLC | \$14.47 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| AMERICAN NATIONAL BANK | \$65.00 | BANK SERVICES | CITY EXPENDITURE |
| AMERICAN TRAFFIC SOLUTIONS, INC. | \$40,442.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| ANTHONY RYAN PONTIERO | \$300.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| AQUA-CHEM INCORPORATED | \$6,160.50 | SUPPLIES | CITY EXPENDITURE |
| ARNOLD MOTOR SUPPLY, LLP | \$2,354.75 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ARROW TOWING | \$338.00 | TOWING/STORAGE/AUCTION | CITY EXPENDITURE |
| ATHLETICO EXCEL NEBRASKA LLC | \$155.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| AVI SYSTEMS INC | \$11,254.02 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| BAILEY ADAMS | \$34.01 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| BAKER & TAYLOR INC | \$6,468.75 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| BANK SERVICE FEES | \$45.50 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| BARTON SOLVENTS INC | \$3,350.75 | SUPPLIES | CITY EXPENDITURE |
| BGNE INC. | \$638.60 | SUPPLIES | CITY EXPENDITURE |
| BILL'S WATER CONDITIONING INC | \$94.89 | SUPPLIES | CITY EXPENDITURE |
| BLACK HILLS UTILITY HOLDINGS, INC. | \$7,260.81 | NATURAL GAS | CITY EXPENDITURE |
| BLACKSTONE AUDIO INC | \$978.88 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| BLUE CROSS BLUE SHIELD OF SOUTH DAKOTA | \$5,424.14 | REFUND | CITY EXPENDITURE |
| BLUFFS ELECTRIC INC | \$4,146.31 | ELECTRICAL REPAIR | CITY EXPENDITURE |
| BLUFFS TAXI & COURIER | \$939.25 | TRANSIT SERVICES | CITY EXPENDITURE |
| BMI JANITORIAL GROUP | \$3,766.00 | JANITORIAL SERVICE | CITY EXPENDITURE |
| BOBCAT OF OMAHA | \$3,067.33 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| BOFA | \$46.26 | CC FEES | MAC EXPENDITURE |
| BOUND TO STAY BOUND BOOKS INC | \$1,194.78 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| BRAYDON R LINCOLN | \$180.00 | UMPIRE/PARKS | CITY EXPENDITURE |
| BRICK GENTRY P.C. | \$90.00 | CONSULTANT | CITY EXPENDITURE |
| BRYAN PREGON | \$645.00 | TENNIS INSTRUCTION | CITY EXPENDITURE |
| BULLER FIXTURE | \$6,905.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| BURTON PLUMBING | \$15,820.90 | PLUMBING NEW OR REPAIR | CITY EXPENDITURE |
| C & J INDUSTRIAL SUPPLY | \$683.00 | JANITORIAL SERVICE | CITY EXPENDITURE |
| CAESARS ENTERTAINMENT | \$215,058.86 | INTERCOMPANY AUGUST | MAC EXPENDITURE |
| CALLAWAY | \$1,535.16 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| CANON SOLUTIONS AMERICA INC | \$149.76 | COPY/PRINTER MAINTANCE | CITY EXPENDITURE |
| CAROLINA SOFTWARE INC | \$500.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| CARROLL DISTRIBUTING & CONSTRUCTION SUPPLY | \$2,835.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CAVENDISH SQUARE PUBLISHING LLC | \$201.48 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| CBTZGJ ENTERPRISES | \$1,200.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| CENGAGE LEARNING INC | \$244.06 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| CENTER POINT LARGE PRINT | \$276.84 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| CENTRAL STATES WIRE PRODUCTS INC | \$7,453.13 | BALER WIRE | CITY EXPENDITURE |
| CENTURYLINK | \$754.55 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| CERTIFIED POWER INC | \$66.71 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CFI TIRE SERVICE | \$446.00 | TIRE REPLACEMENT/REPAIR | CITY EXPENDITURE |
| CHAMPLIN TIRE RECYCLING INC | \$12,122.00 | TIRE DISPOSAL | CITY EXPENDITURE |
| CHRONOGOLF | \$3,130.28 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| CITY OF COUNCIL BLUFFS PAYROLL | \$2,089,828.01 | PAYROLL RELATED | CITY EXPENDITURE |
| CITY OF COUNCIL BLUFFS-DEPENDENT | \$4,686.98 | PAYROLL RELATED | CITY EXPENDITURE |
| CITY OF COUNCIL BLUFFS-FLEX | \$9,917.75 | PAYROLL RELATED | CITY EXPENDITURE |
| CLARK EQUIPMENT COMPANY | \$7,212.40 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CLAUDE BOURBON | \$400.00 | LIBRARY PREFORMANCES | CITY EXPENDITURE |
| CLEVELAND GOLF | \$1,437.15 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |

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| CLOVERLEAF TOOL CO | \$3,165.13 | SUPPLIES | CITY EXPENDITURE |
| COLLECTION SERVICES CENTER | \$7,914.14 | PAYROLL RELATED | CITY EXPENDITURE |
| COMMERCIAL AIR MANAGEMENT INC | \$2,880.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| COMPASS UTILITY LLC | \$131,135.27 | CONSTRUCTION | CITY EXPENDITURE |
| COMPASSCOM SOFTWARE CORPORATION | \$7,600.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| COMPUTER CABLE CONNECTION | \$1,840.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| CONSOLIDATED ELECTRICAL DISTR, INC | \$12,333.58 | SUPPLIES | CITY EXPENDITURE |
| CONSTRUCTION SUPPLY HOLDINGS II, LLC | \$904.93 | SUPPLIES | CITY EXPENDITURE |
| CORNHUSKER INTERNATIONAL TRUCKS | \$5,697.20 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| COUNCIL BLUFFS AREA WIFI CONSORTIUM | \$65,998.10 | GRANT REIMBURSEMENT | CITY EXPENDITURE |
| COUNCIL BLUFFS WATER WORKS | \$22,323.82 | WATER | CITY EXPENDITURE |
| COUNCIL HITCH & TRUCK ACCESSORIES | \$287.95 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| COX BUSINESS | \$678.42 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| COX COMMUNICATION INC | \$15,336.64 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| COX COMMUNICATIONS INC | \$301.25 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| CREDIT MANAGEMENT, LP | \$3,726.07 | COLLECTION FEE | CITY EXPENDITURE |
| CRITEX LLC | \$146.95 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| CROUCH RECREATION INC | \$115,741.02 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| D&K PRODUCTS | \$4,710.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DAILY NONPAREIL | \$2,100.00 | ADVERTISEMENT | CITY EXPENDITURE |
| DALES TRASH SERVICE INC | \$5,055.00 | RENTAL EXPS | CITY EXPENDITURE |
| DALTON PREGON | \$279.00 | TENNIS INSTRUCTION | CITY EXPENDITURE |
| DATASHIELD CORPORATION | \$54.00 | SERVICE LABOR | CITY EXPENDITURE |
| DAVID AARON | \$182.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DAVID C ANDERSEN | \$64.00 | CONSTRUCTION | CITY EXPENDITURE |
| DAVID P THOMAS | \$76.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DAVID W WOODY | \$96.39 | SUPPLIES | CITY EXPENDITURE |
| DAVIS EQUIPMENT CORPORATION | \$282.40 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| DEMCO INC | \$1,195.31 | SUPPLIES | CITY EXPENDITURE |
| DIAMOND MOWERS INC | \$394.83 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| DIXON CONSTRUCTION CO. | \$103,233.50 | CONSTRUCTION | CITY EXPENDITURE |
| DK&B CONSTRUCTION SPECIALTIES | \$1,213.68 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| DMG INC | \$764.70 | ELECTRICAL REPAIR | CITY EXPENDITURE |
| DODGE RIVERSIDE CREDIT CARD FEES | \$3,439.82 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DODGE RIVERSIDE PAYROLL | \$72,359.56 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DODGE RIVERSIDE SALES TAX | \$5,242.15 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DOLL DISTRIBUTING | \$644.89 | BEVERAGE COSTS | MAC EXPENDITURE |
| DOLL DISTRIBUTING | \$6,163.25 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| DONNA L TROUT | \$900.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| DOUBLE T LAND COMPANY, LLC | \$52,500.00 | PROPERTY ACQUISITION | CITY EXPENDITURE |
| DULTMEIER SALES LLC | \$231.02 | SUPPLIES | CITY EXPENDITURE |
| DXP ENTERPRISES INC | \$229.80 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| EAKES INC | \$1,710.25 | SUPPLIES | CITY EXPENDITURE |
| ECHO GROUP | \$217.20 | SUPPLIES | CITY EXPENDITURE |
| ECOLAB INC | \$1,245.64 | SUPPLIES | CITY EXPENDITURE |
| ECOSOLUTIONS INC | \$758.48 | SUPPLIES | CITY EXPENDITURE |
| ECO-STORAGE INVESTMENTS INC | \$28,477.24 | SOLID WASTE DISPOSAL | CITY EXPENDITURE |
| EDWARDS CHEVROLET-CADILLAC INC | \$2,551.42 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| EFTPS | \$576,056.77 | PAYROLL RELATED | CITY EXPENDITURE |
| EHRHART GRIFFIN & ASSOCIATES INC | \$4,158.25 | CONSULTANT | CITY EXPENDITURE |
| ELANA GRACE ZALAR | \$242.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| ELAVON INC | \$4,130.02 | FEES | CITY EXPENDITURE |
| EMPLOYERS MUTUAL CASUALTY COMPANY | \$170,465.82 | INSURANCE | CITY EXPENDITURE |
| ENGINEERING TECHNOLOGIES INC | \$6,000.00 | CONSULTANT | CITY EXPENDITURE |
| ENNIS-FLINT, INC. | \$10,121.58 | SUPPLIES | CITY EXPENDITURE |
| ENTERPRISE FM TRUST | \$512.73 | RENTAL EXPS | CITY EXPENDITURE |
| ERRIN K GUNDERSON | \$3,553.00 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| ESO SOLUTIONS INC | \$17,317.70 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| EXCHANGE BANK | \$17,971.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| FACTORY MOTOR PARTS | \$1,514.10 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FAMILY HOUSING ADVISORY SERVICES, INC. | \$7,303.03 | GRANT REIMBURSEMENT | CITY EXPENDITURE |
| FASTENAL COMPANY | \$18.57 | SUPPLIES | CITY EXPENDITURE |
| FEDEX | \$11.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| FELD FIRE | \$74.50 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FIRE PROTECTION SERVICES, LLC | \$525.00 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| FIRESRING PRINT INC | \$2,498.78 | PRINTING/BINDING | CITY EXPENDITURE |
| FIRST NATIONAL | \$3,899.81 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| FIRST WIRELESS INC | \$11,117.89 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FLORIDA STATE DISBURSEMENT UNIT | \$1,015.38 | PAYROLL RELATED | CITY EXPENDITURE |
| FORTE PAYMENT SYSTEMS INC | \$1,531.60 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| FOSTERS INC | \$544.20 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| GALLS PARENT HOLDING, LLC | \$1,140.72 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| GARY D SELF | \$80.73 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| GENIE PEST CONTROL | \$35.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |

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| GENIE SERVICES LLC | \$675.00 | PEST CONTROL | CITY EXPENDITURE |
| GLOBAL PAYMENTS DIRECT, INC | \$3,912.11 | CREDIT CARD CHGS | CITY EXPENDITURE |
| GRANT DUIN | \$201.26 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| GREAT AMERICA FINANCIAL | \$183.74 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| GREAT PLAINS COMMUNICATIONS HOLDINGS LLC | \$4,400.00 | PHONE/INTERNET SVC | CITY EXPENDITURE |
| GREATAMERICA FINANCIAL SERVICES CORP | \$325.53 | LEASE | CITY EXPENDITURE |
| GRP & ASSOCIATES | \$123.00 | SUPPLIES | CITY EXPENDITURE |
| HDR ENGINEERING INC | \$72,804.52 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| HEARTLAND CO-OP | \$189.01 | FUEL | CITY EXPENDITURE |
| HEARTLAND DOCUMENT SERVICES INC. | \$2,578.00 | JANITORIAL SERVICE | CITY EXPENDITURE |
| HEARTLAND TIRES & TREADS INC | \$3,285.80 | TIRE REPLACEMENT/REPAIR | CITY EXPENDITURE |
| HEARTLAND TOXICOLOGY | \$132.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| HGM ASSOCIATES INC | \$42,041.69 | CONSULTANT | CITY EXPENDITURE |
| HISTORIC GENERAL DODGE HOUSE INC | \$18,750.00 | CONTRIBUTIONS | CITY EXPENDITURE |
| HTM SALES INC | \$12,381.08 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| HUBER CHEVROLET CO INC | \$588.07 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| I-80 LIQUOR | \$3,331.38 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ICMA RETIREMENT TRUST - 457 | \$13,696.00 | PAYROLL RELATED | CITY EXPENDITURE |
| IMPACT7G INC | \$8,778.75 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| INTERSTATE POWERSYSTEMS | \$144.59 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| IOWA DEPARTMENT OF NATURAL RESOURCE | \$1,275.00 | FEES | CITY EXPENDITURE |
| IOWA DEPARTMENT OF REVENUE | \$600.00 | PAYROLL RELATED | CITY EXPENDITURE |
| IOWA DEPARTMENT OF REVENUE | \$2,802.41 | SALES TAX | MAC EXPENDITURE |
| IOWA DEPT OF REVENUE | \$124,889.00 | PAYROLL RELATED | CITY EXPENDITURE |
| IOWA PRISON INDUSTRIES | \$4,330.00 | SUPPLIES | CITY EXPENDITURE |
| IOWA WASTE SERVICES HOLDINGS INC | \$36,730.66 | SOLID WASTE DISPOSAL | CITY EXPENDITURE |
| IPERS | \$314,345.28 | PAYROLL RELATED | CITY EXPENDITURE |
| IPFS CORPORATION | \$588.48 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| J&M GOLF | \$1,403.63 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| J.B. POINDEXTER & CO., INC. | \$364.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| JAMES PALMER | \$275.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| JAMIE HANSEN | \$1.75 | REFUND | CITY EXPENDITURE |
| JEFF'S WASH & GLO LTD | \$851.20 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| JEO CONSULTING GROUP INC | \$12,457.50 | CONSULTANT | CITY EXPENDITURE |
| JODI R QUAKENBUSH | \$200.00 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| JONES AUTOMOTIVE | \$206.13 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| JOSEPH FAUST ENTERPRISES LLC | \$3,455.00 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| JUDDS BROS CONSTRUCTION CO | \$82,944.63 | CONSTRUCTION | CITY EXPENDITURE |
| KEAGAN LEE THOMAS | \$650.00 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| KELLY SUPPLY COMPANY | \$3,028.44 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| KELTEK, INCORPORATED | \$1,059.10 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| KINGHORN GARDENS | \$1,143.09 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| KINGHORN GARDENS | \$500.00 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| KRONOS INCORPORATED | \$2,000.00 | HARDWARE/SOFTWARE | CITY EXPENDITURE |
| KURT A LARSEN | \$50,126.56 | CONSTRUCTION | CITY EXPENDITURE |
| LANDSCAPES GOLF | \$37,638.28 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| LANEE A OLSEN | \$171.00 | TENNIS INSTRUCTION | CITY EXPENDITURE |
| LAWSON PRODUCTS INC | \$6,017.01 | SUPPLIES | CITY EXPENDITURE |
| LEADERSHIP COUNCIL BLUFFS | \$50.00 | DUES/MEMBERSHIP | CITY EXPENDITURE |
| LEGAL CLAIMS | \$450.00 | LEGAL CLAIM | CITY EXPENDITURE |
| LG PLAYGROUND LLC | \$4,015.00 | SUPPLIES | CITY EXPENDITURE |
| LINCOLN NATIONAL LIFE INS. | \$202.40 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| LINDA M CONNER | \$900.00 | CONSULTANT | CITY EXPENDITURE |
| LOCKTON | \$4,387.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| LOGAN CONTRACTORS SUPPLY INC | \$492.95 | SUPPLIES | CITY EXPENDITURE |
| LORETTA GOESCHEL | \$58.97 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN | \$4,080.00 | PAYROLL RELATED | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN | \$280.00 | PAYROLL RELATED | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN | \$4,500.00 | PAYROLL RELATED | CITY EXPENDITURE |
| LSNB AS TRUSTEE FOR POST EMPLOY HLTH PLAN | \$1,300.00 | PAYROLL RELATED | CITY EXPENDITURE |
| LYMAN RICHEY SAND & GRAVEL COMPANY | \$63,852.50 | STREET MAINTENANCE SUPLS | CITY EXPENDITURE |
| LYMAN RICHEY SAND & GRAVEL COMPANY | \$893.62 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| M & R WELDING | \$210.00 | WELDING SUPPLIES/SERVICE | CITY EXPENDITURE |
| MAC PAYROLL | \$84,785.49 | PAYROLL | MAC EXPENDITURE |
| MACQUEEN EQUIPMENT, INC. | \$264.13 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MARCO HOLDINGS, LLC | \$4,617.25 | COPY/PRINTER MAINTANCE | CITY EXPENDITURE |
| MARKUSON CONSTRUCTION INC | \$21,180.00 | CONSTRUCTION | CITY EXPENDITURE |
| MATHESON TRI GAS INC. | \$1,060.78 | SUPPLIES | CITY EXPENDITURE |
| MATTHEW J WALSH | \$15.00 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| MATTHEW WULK | \$23.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| MAX I WALKER UNIFORM & APPAREL | \$1,132.22 | UNIFORMS | CITY EXPENDITURE |
| MCINTOSH PLUMBING INC | \$12,800.00 | PLUMBING NEW OR REPAIR | CITY EXPENDITURE |
| MCKINNIS ROOFING & SHEET METAL LLC | \$801.48 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| MCMULLEN FORD INC | \$668.55 | EQUIPMENT/PARTS | CITY EXPENDITURE |

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| MECO-HENNE CONTRACTING INC | \$850,867.85 | CONSTRUCTION | CITY EXPENDITURE |
| MENARD INC. | \$1,197.30 | SUPPLIES | CITY EXPENDITURE |
| MERITAS LIFE INS | \$45.29 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| METOLIUS | \$1,670.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MEYERS CONCRETE PUMPING LLC | \$361.00 | CONSTRUCTION | CITY EXPENDITURE |
| MFPRSI | \$493,864.87 | PAYROLL RELATED | CITY EXPENDITURE |
| MICHAEL O'BRADOVICH | \$2,400.00 | LEGAL SERVICES | CITY EXPENDITURE |
| MID STATES | \$177.32 | BANK FEES | MAC EXPENDITURE |
| MIDAMERICAN ENERGY COMPANY | \$146,621.43 | ELECTRICITY | CITY EXPENDITURE |
| MIDAMERICAN ENERGY COMPANY | \$1,060.37 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| MIDLANDS HUMANE SOCIETY | \$10,328.17 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| MIDWEST DISTRIBUTING CORPORATION | \$780.00 | LEASE | CITY EXPENDITURE |
| MIDWEST MEDICAL & SAFETY INC | \$275.90 | MEDICAL SUPPLIES | CITY EXPENDITURE |
| MIDWEST RESEARCH & SETTLEMENT SERVICES, INC. | \$100.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| MIDWEST TAPE, LLC | \$4,280.33 | DVD/AUDIO/CD | CITY EXPENDITURE |
| MIDWEST TURF & IRRIGATION | \$3,582.20 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MIDWEST TURF & IRRIGATION | \$3,294.63 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MILLER & SONS GOLF CARS | \$650.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MISSOURI STATE UNIVERSITY | \$120.00 | REIMBURSEMENT | CITY EXPENDITURE |
| MIZUNO | \$920.34 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MOBOTREX INC | \$7,065.00 | STREET MAINTENANCE SUPLS | CITY EXPENDITURE |
| MONROE TRUCK EQUIPMENT, INC. | \$108,856.64 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| MUTUAL OF OMAHA | \$82.23 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| MYRON WILDER | \$645.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| NAPA AUTO PARTS | \$2,134.89 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| NATIONAL CONCRETE CUTTING INC | \$1,753.94 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| NATIONWIDE RETIREMENT SOLUTIONS INC | \$75,313.88 | PAYROLL RELATED | CITY EXPENDITURE |
| NCH CORPORATION | \$668.37 | SUPPLIES | CITY EXPENDITURE |
| NEBRASKA AIR FILTER INC | \$2,545.68 | SUPPLIES | CITY EXPENDITURE |
| NEBRASKA CHILD SUPPORT PAYMENT CTR | \$912.02 | PAYROLL RELATED | CITY EXPENDITURE |
| NEBRASKA DISTRIBUTING CO | \$73.40 | BEVERAGE COSTS | MAC EXPENDITURE |
| NEBRASKA GOLF AND TURF | \$6,222.28 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| NEBRASKA USSSA BASEBALL LLC | \$2,500.00 | REFUND | CITY EXPENDITURE |
| NIXON CONSTRUCTION INC | \$7,500.00 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| NMC INC. | \$383.47 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| NODDLE DEVELOPMENT COMPANY | \$4,646.18 | CONSULTANT | CITY EXPENDITURE |
| NODDLE DEVELOPMENT COMPANY | \$2,294.00 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| NODDLE SERVICES, LLC | \$175.00 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| NODDLE SERVICES, LLC | \$398.16 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| NUCO PUMP SALES | \$80.25 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| ODEYS INC | \$476.00 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| OMAHA DOOR & WINDOW CO INC | \$258.60 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| OMNI ENGINEERING | \$100,946.75 | STREET MAINTENANCE SUPLS | CITY EXPENDITURE |
| ONE SOURCE THE BACKGROUND CHECK COMPANY | \$364.30 | CONSULTANT | CITY EXPENDITURE |
| O'REILLY AUTOMOTIVE INC | \$14.59 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| OSAGE INDUSTRIES INC | \$445.62 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| OVERDRIVE INC | \$16,636.03 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| PARKS & REC REFUNDS | \$183.75 | REFUND | CITY EXPENDITURE |
| PASSPORT LABS INC | \$817.00 | PARKING FEES | CITY EXPENDITURE |
| PEPSI BEVERAGES | \$1,814.15 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| PETERSON CONTRACTORS INC | \$122,513.24 | CONSTRUCTION | CITY EXPENDITURE |
| PITNEY BOWES INC. | \$8,120.98 | POSTAGE & PRINTING | CITY EXPENDITURE |
| POTTAWATTAMIE COUNTY CLERK OF COURT | \$150.00 | COURT COSTS | CITY EXPENDITURE |
| POTTAWATTAMIE COUNTY SHERIFF | \$22,100.00 | INMATE COST | CITY EXPENDITURE |
| PREMIER GLAZER'S BEER & BEVERAGE LLC | \$227.48 | BEVERAGE COSTS | MAC EXPENDITURE |
| PREMIER GLAZER'S BEER & BEVERAGE LLC | \$2,316.85 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| PRESTO X | \$57.78 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| PRETSTO X | \$57.78 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| PUMA GOLF | \$1,256.76 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| RASMUSSEN MECHANICAL SERVICES INC | \$1,568.34 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| RED LIGHT REFUNDS | \$736.90 | REFUND | CITY EXPENDITURE |
| REGENTS OF THE UNIVERSITY OF MINNESOTA | \$3,704.00 | SUPPLIES | CITY EXPENDITURE |
| RELIANCE STANDARD LIFE INSURANCE CO | \$21,960.39 | PAYROLL RELATED | CITY EXPENDITURE |
| RELIANT FIRE APPARATUS INC | \$69.49 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| REPAR LLC | \$760.00 | RENTAL EXPS | CITY EXPENDITURE |
| RESTORATIONS & RENOVATIONS, INC | \$899.82 | SERVICE LABOR | CITY EXPENDITURE |
| RICHARD BELT | \$309.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| RICOH USA INC | \$96.04 | LEASE | CITY EXPENDITURE |
| RIEKES EQUIPMENT COMPANY | \$5,536.42 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ROAD MACHINERY AND SUPPLIES CO | \$397.35 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| ROSANNA M THURMAN | \$2,200.00 | CONSULTANT | CITY EXPENDITURE |
| ROSE HOLDING, INC. | \$444.57 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| RTG BUILDING SERVICES INC | \$17,015.13 | JANITORIAL SERVICE | CITY EXPENDITURE |
| RYAN ROBERT ADKINS | \$14,914.00 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |

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| SALSANA LLC | \$1,750.00 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| SANDAU BROS SIGN CO INC | \$472.00 | SUPPLIES | CITY EXPENDITURE |
| SAPP BROTHERS INC | \$495.00 | FUEL | CITY EXPENDITURE |
| SCHINDLER ELEVATOR CORPORATION | \$373.23 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| SCOTT L WHITE | \$500.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| SECURITY EQUIPMENT INCORPORATED | \$18.00 | ALARM SECURITY | CITY EXPENDITURE |
| SIEMENS INDUSTRY INC | \$4,831.36 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| SITEONE LANDSCAPE SUPPLY HOLDING LLC | \$382.28 | LANDSCAPING SUPPLIES | CITY EXPENDITURE |
| SJ ELECTRO SYSTEMS INC | \$19,277.42 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| SMA ENTERPRISES INC. | \$840.02 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| SNYDER & ASSOCIATES INC | \$66,986.78 | CONSULTANT | CITY EXPENDITURE |
| SOIL DYNAMICS COMPOSTING FARM INC | \$129.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| SOUTHWEST IOWA PLANNING COUNCIL | \$31,494.92 | TRANSIT SERVICES | CITY EXPENDITURE |
| STATE HISTORICAL SOCIETY OF IOWA | \$10,000.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| STEARNS CONRAD AND SCHMIDT | \$7,834.17 | CONSULTANT | CITY EXPENDITURE |
| STEPHEN FELTY | \$106.00 | CONSULTANT | CITY EXPENDITURE |
| STERN OIL CO INC | \$673.69 | SUPPLIES | CITY EXPENDITURE |
| STYKER SALES CORPORATION | \$1,812.30 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| SWAGIT PRODUCTIONS LLC | \$1,375.00 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| SYSCO LINCOLN | \$6,434.24 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| TED'S MOWER SALES & SERVICE INC | \$361.22 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| THE DAVEY TREE EXPERT COMPANY | \$18,262.50 | TREE WORK | CITY EXPENDITURE |
| THE DOLLYWOOD FOUNDATION | \$3,117.70 | BOOKS/PERIODICALS/SUB | CITY EXPENDITURE |
| THE RETROFIT COMPANIES INC | \$3,818.93 | SERVICE LABOR | CITY EXPENDITURE |
| THE SCHEMMER ASSOCIATES INC | \$13,633.81 | CONSULTANT | CITY EXPENDITURE |
| THE WALMAN OPTICAL COMPANY | \$233.00 | SAFETY EQUIP & MAINTENANCE | CITY EXPENDITURE |
| THRYV, INC. | \$1,080.56 | ADVERTISEMENT | CITY EXPENDITURE |
| TK ELEVATOR CORPORATION | \$6,547.20 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| TK ELEVATOR CORPORATION | \$190.07 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| TK ELEVATOR CORPORATION | \$190.07 | RE PARKING GARAGE EXPENSE | RE PARKING GARAGE EXPENDITURE |
| TOGETHER INC OF METROPOLITAN OMAHA | \$1,820.43 | BUSINESS ASSISTANCE PROGRAM | CITY EXPENDITURE |
| TOYNE INC | \$3,394.36 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| TRANSIT AUTHORITY OF THE CITY OF OMAHA | \$99,976.00 | BUS SERVICE | CITY EXPENDITURE |
| TREASURER STATE OF IOWA/SALES TAX | \$20,975.54 | SALES TAX | CITY EXPENDITURE |
| TRU PRO CONSTRUCTION INC | \$750.00 | CONSTRUCTION | CITY EXPENDITURE |
| TS DEVELOPMENT LLC | \$26,775.00 | DEVLPMNT CONTRACT | CITY EXPENDITURE |
| TURF CARS LTD | \$19.07 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| TWO RIVERS INSURANCE COMPANY, INC. | \$1,028,828.93 | EMPLOYEE INSURANCE | CITY EXPENDITURE |
| U.S. VENTURE, INC. | \$3,269.48 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| UMR | \$1,077.14 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| UNBOUND EVENTS INC. | \$3,750.00 | LIBRARY PREFORMANCES | CITY EXPENDITURE |
| UNDERGROUND LOCATION COMPANY | \$977.40 | PROFESSIONAL SVCS | CITY EXPENDITURE |
| UNION BANK & TRUST | \$9.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| UNITED PARCEL SERVICE | \$7.22 | FREIGHT/POSTAGE | CITY EXPENDITURE |
| UPTOWN STAFFING INC | \$5,816.25 | CONTRACT AGREEMENT | CITY EXPENDITURE |
| US BANK | \$16.97 | CREDIT CARD PURCHASES | CITY EXPENDITURE |
| VERIZON WIRELESS SERVICES LLC | \$6,032.75 | CELL PHONE | CITY EXPENDITURE |
| VERMEER SALES & SERVICE INC | \$5,456.55 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| VERTIV CORPORATION | \$4,727.70 | REPAIRS & MAINTENANCE | CITY EXPENDITURE |
| VINCENT MARTORELLO | \$153.60 | REIMB EMPLOYEE EXPENSE | CITY EXPENDITURE |
| VOYA RETIREMENT INSURANCE & ANNUITY COMPANY | \$9,200.00 | PAYROLL RELATED | CITY EXPENDITURE |
| VULCAN INDUSTRIES INCORPORATED | \$3,184.00 | SUPPLIES | CITY EXPENDITURE |
| W.W. GRAINGER, INC. | \$1,038.22 | EQUIPMENT/PARTS | CITY EXPENDITURE |
| WAL-MART REAL ESTATE BUSINESS TRUST | \$817,293.46 | TIF REBATE | CITY EXPENDITURE |
| WASTE CONNECTIONS OF IOWA | \$5,660.83 | HOUSEHOLD TRASH | CITY EXPENDITURE |
| WASTE CONNECTIONS OF IOWA | \$80.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| WATER ENGINEERING INC | \$549.14 | MOWING/GROUNDS MAINT | CITY EXPENDITURE |
| WEILAGE PROPERTY MGMT LLC | \$1,920.00 | REFUND | CITY EXPENDITURE |
| WEST PUBLISHING CORPORATION | \$906.41 | SUBSCRIPTION | CITY EXPENDITURE |
| WESTERN ENGINEERING COMPANY INC | \$122,568.87 | CONSTRUCTION | CITY EXPENDITURE |
| YAMAHA | \$652.24 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| YMCA OF GREATER OMAHA | \$470.00 | DUES/MEMBERSHIP | CITY EXPENDITURE |
| ZACHARY T LINCOLN | \$180.00 | UMPIRE/PARKS | CITY EXPENDITURE |
| ZIMCO SUPPLY COMPANY | \$500.00 | SUPPLIES | CITY EXPENDITURE |
| ZIMCO SUPPLY COMPANY | \$4,854.00 | DODGE OPERATING EXPENSE | DODGE EXPENDITURE |
| TOTAL | \$9,870,516.37 | | |

City of Council Bluffs

**Receipts by Fund
For the Month of Aug FY23**

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|-----------------------|-----------------------------------|
| General Fund | 2,983,603.38 |
| Special Revenue | 1,643,751.40 |
| Debt Service | 0.00 |
| Capital Project | 749,386.36 |
| Enterprise | <u>1,700,330.93</u> |
| Total Receipts | <u><u>7,077,072.07</u></u> |

**Expenditures by Fund
For the Month of Aug FY23**

| | |
|---------------------------|-----------------------------------|
| General Fund | 6,031,831.73 |
| Special Revenue | 1,598,982.51 |
| Debt Service | 0.00 |
| Capital Project | 1,716,053.48 |
| Enterprise | <u>523,648.65</u> |
| Total Expenditures | <u><u>9,870,516.37</u></u> |

Transfer from City Operating Accounts

| | |
|------------------------|---------------------------|
| to Mid America Center | 0.00 |
| to Dodge Riverside | 0.00 |
| to RE Parking Garage | <u>0.00</u> |
| Total Transfers | <u><u>0.00</u></u> |

Council Communication

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

Claims
ITEM 3.F.

Council Action: 11/14/2022

Description

Background/Discussion

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|----------------------------------|-------|-------------|
| Claims, 11.14.22 | Other | 11/9/2022 |

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

CITY CLAIM NO. 22-PW-2172

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Laura Smith
DAY PHONE: [REDACTED]
ADDRESS: [REDACTED]
DOB: [REDACTED] 1985

DATE & TIME OF LOSS/ACCIDENT: 10/13/2022 @ 09:35
LOCATION OF LOSS/ACCIDENT: LEO on Ramp
DESCRIPTION OF LOSS/ACCIDENT: Gravel truck threw gravel off and cracked my windshield while I was driving onto leo off the on ramp. — Nothing follows —

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: Windshield for Jeep Cherokee Latitude 2019 \$800.00
WITNESS(ES) (Name(s), Address(es), Phone No(s)): deductible \$500.00

WAS POLICE REPORT FILED YES NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:
N/A — NOTHING FOLLOWS

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: The crack is spreading across drivers side sight / view.

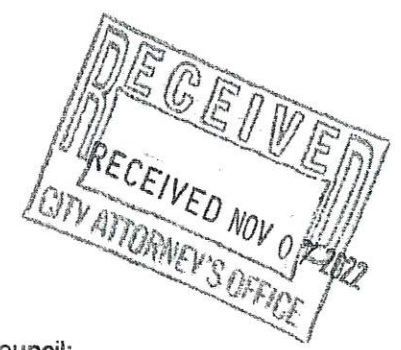
LIST INSURANCE PROVIDER AND COVERAGE: USAA - Full coverage deductible \$500.00

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

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

10/28/2022
DATE

[Signature]
CLAIMANT'S SIGNATURE



PH12:07
7 NOV 22
CLERK/ROD

Action by Council:
Receive & File:
Date: 11-14-22

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

CITY CLAIM NO. 22-PW-2173

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Stefani Maggio DAY PHONE [REDACTED]
ADDRESS: [REDACTED] 92

DATE & TIME OF LOSS/ACCIDENT: 11/4/2022 7:55 AM

LOCATION OF LOSS/ACCIDENT: Woodbury Avenue

DESCRIPTION OF LOSS/ACCIDENT: I was driving on Woodbury Avenue on 11/4/2022, it was dark and raining outside. I hit the hole that was in the road and heard a giant boom. (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 754.43

WITNESS(ES) (Name(s), Address(es), Phone No(s)) [REDACTED]

WAS POLICE REPORT FILED YES NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

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

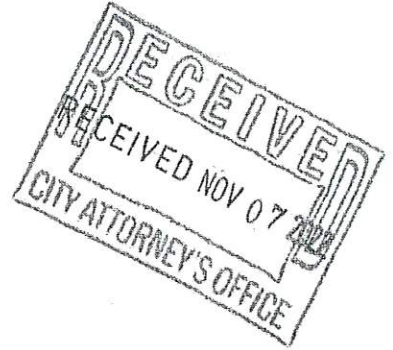
LIST INSURANCE PROVIDER AND COVERAGE: Esurance by Allstate

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

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

11/5/22
DATE

Stefani Maggio
CLAIMANT'S SIGNATURE



PH12:07
7 NOV 22
CLERK RCUD

Action by Council:
Receive & File:
Date: 11-14-22

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

CITY CLAIM NO. 22-PW-2174

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Mike Redman DAY PHONE: [REDACTED]
ADDRESS: [REDACTED] 23

DATE & TIME OF LOSS/ACCIDENT: 11-4-2022 8:40 Am

LOCATION OF LOSS/ACCIDENT: corner of woodbury by the daycare

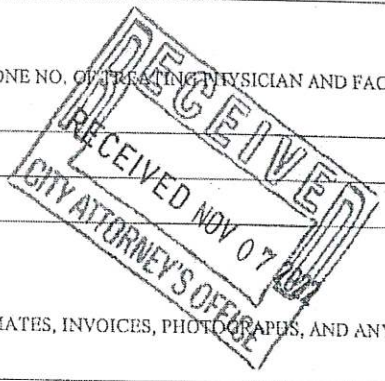
DESCRIPTION OF LOSS/ACCIDENT: Front right tire hit unmarked pot hole - there was a sign but it was set by the side and nothing saying there was a pothole
(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 172.91

WITNESS(ES) (Name(s), Address(es), Phone No(s)): the lady in the car ahead also hit it and had a blow out. (also the front right tire)

WAS POLICE REPORT FILED YES NO

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



HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

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

LIST INSURANCE PROVIDER AND COVERAGE: fire blow out not covered by insurance

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

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

11-10-2022
DATE

[Signature]
CLAIMANT'S SIGNATURE

PH12:07
7 NOV 22
CLERK ROAD

Action by Council:
Receive & File:

Date: 11.14.22

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

CITY CLAIM NO. 22-PD-2170

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Michael C. Brooks DAY PHONE: [REDACTED]
ADDRESS: [REDACTED] DOB: [REDACTED] 1955

DATE & TIME OF LOSS/ACCIDENT: 27 April 2022
LOCATION OF LOSS/ACCIDENT: 3124 Avenue J Council Bluffs, IA 51501
DESCRIPTION OF LOSS/ACCIDENT: Damage To Privacy Fence

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$122.00
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Case Number 22004481 (CoBluffs Police)/FECR 168207 (Pott County)
I Was Not Provided Any Information On Date Of Incidence-Just Subsequently Provided Case Numbers
Also No Followup On Process For Reporting Claim Until Recently Contacted By County Attorney

WAS POLICE REPORT FILED YES NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

CLERK RCVD

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

OTHER RELEVANT INFORMATION: 1) 8' x 2" x 4" Backer Rail: \$27 2) Pine Dog Ear Picket (x3): \$7 ea
3) Exterior Wood Screws: \$8.00 4) Labor: 2Hrs @ \$40/Hr
Loss Statement Filed With Pott County Attorney Office

18 OCT '22

PH4:12

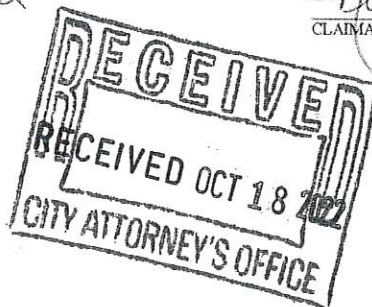
LIST INSURANCE PROVIDER AND COVERAGE: NA

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

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

17 OCT 2022
DATE

Michael C. Brooks
CLAIMANT'S SIGNATURE



Action by Council:
Receive & File:

Date: 11.14.22

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

CITY CLAIM NO. 22-PW-2171

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Nanette & Khoa Nguyen DAY PHONE: [REDACTED]
ADDRESS: [REDACTED] DOB: Unknown

DATE & TIME OF LOSS/ACCIDENT: 09/05/2022- 1:02 pm
LOCATION OF LOSS/ACCIDENT: 1423 Fairmont Ave; Council Bluffs, IA 51503
DESCRIPTION OF LOSS/ACCIDENT: Clog in City sewer line backed up into our insured's home causing damage

TOTAL DAMAGES CLAIMED: \$ 6,000.00 (USE BACK OF FORM, IF NECESSARY)
Policy Limits - Our insured will have out of pocket expenses not covered
WITNESS(ES) (Name(s), Address(es), Phone No(s)): Roto Rooter; 5708 S 118th Circle; Omaha, NE 68137; 402-592-2701

WAS POLICE REPORT FILED YES NO
IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:
No

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO
IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY
OTHER RELEVANT INFORMATION: Demand Package attached

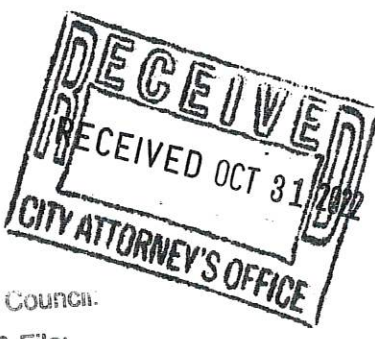
LIST INSURANCE PROVIDER AND COVERAGE: National Subrogation Services on behalf of Nationwide Mutual

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.
NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

10/23/2022
DATE

Susan Hunter
CLAIMANT'S SIGNATURE

National Subrogation Services on behalf of Nationwide Mutual
shunter@nationalsubrogation.com
Matter #220409236 NW Claim #728366-GN



CLERK ROND
2 NOV 22
PM 2:24

Action by Council.
Receive & File:
Date: 11.14.22

Council Communication

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

Small Business Saturday Proclamation
ITEM 4.A.

Council Action: 11/14/2022

Description

Background/Discussion

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|--|--------------|-------------|
| Small Business Saturday Proclamation | Proclamation | 11/2/2022 |

City of Council Bluffs Iowa

Office of the Mayor PROCLAMATION

Whereas, the government of Council Bluffs, Iowa celebrates our local small businesses and the contributions they make to our local economy and community; and

Whereas, according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62% of net new jobs created since 1995, and small businesses employ 46.8% of the employees in the private sector in the United States; and

Whereas, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and

Whereas, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

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

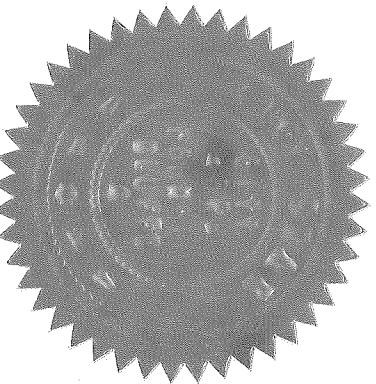
Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Matt Walsh, Mayor of Council Bluffs, Iowa do hereby proclaim,
November 26, 2022, as

SMALL BUSINESS SATURDAY

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Council Bluffs, Iowa to be affixed this 26th day of November, in the year Two Thousand Twenty-Two.




Matthew Walsh, Mayor

Council Communication

Department: City Clerk
Case/Project No.: PR-22-004
Submitted by: Haley Weber, Planner

Ordinance 6527
ITEM 5.A.

Council Action: 11/14/2022

Description
Ordinance to amend the zoning map as adopted by reference in section 15.27.020, by appending a PR-2 Overlay and adopting the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, as set forth and defined in Chapter 15.28. Location: Undeveloped land located immediately north of 105 S. 24th Street. PR-22-004

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|--|--------------|-------------|
| Staff Report | Staff Report | 10/14/2022 |
| Attachment A – The Row on First Final Plat | Other | 10/14/2022 |
| Attachment B – Letter of Intent | Letter | 10/14/2022 |
| Attachment C – Site Plan | Other | 10/14/2022 |
| Attachment D – Building Elevations | Other | 10/14/2022 |
| Attachment E – Landscaping Plan | Other | 10/14/2022 |
| Attachment F – Location/Zoning Map | Map | 10/14/2022 |
| Public Hearing Notice | Notice | 10/14/2022 |
| Exhibit 1 | Other | 11/8/2022 |
| Ordinance 6527 | Ordinance | 10/18/2022 |

City Council Communication

| | | |
|--|----------------------------|--|
| <p>Department: Community Development</p> <p>CASE #PR-22-004</p> <p>Applicant: Pottawattamie County Development Corporation d/b/a The 712 Initiative 1228 South Main Street Council Bluffs, IA 51503</p> <p>Property Owner: Same as applicant</p> <p>Developer: Same as applicant</p> | <p>Ordinance No. _____</p> | <p><u>City Council</u> 1st Consideration: 10/24/22</p> <p>2nd Consideration: 11/14/22</p> <p>3rd Consideration: 11/28/22</p> <p>Planning Commission: 10/11/22</p> |
|--|----------------------------|--|

| |
|--|
| |
|--|

Subject/Title

Request: Public hearing of the request of the Pottawattamie County Development Corporation d/b/a The 712 Initiative to append a PR-2 Overlay and adopt the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa

Location: Undeveloped land located immediately north of 105 S. 24th Street

Background

The Community Development Department has received a request from the Pottawattamie County Development Corporation d/b/a The 712 Initiative to append a PR-2 Overlay and adopt the associated development plan to allow for the construction of a three-unit townhome on the property legally described above.

On February 28, 2022, Council Bluffs City Council approved Ordinance No. 6483 to amend Chapter 15.28, P-R/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) to enact new standards in regards to planned residential overlays within the city. The intent of the text amendment was to provide a tool to allow for innovative and imaginative residential development through flexibility in land use and site design with the adoption of a development plan.

The proposal includes a final plat, included as Attachment 'A', to subdivide the property into three lots of record so each townhome unit can be sold separately. The applicant's letter of intent is included with this report as Attachment 'B'. The townhomes will be oriented towards First Avenue, with each unit having direct access to the First Avenue multi-use trail. The submitted site plan, included as Attachment 'C', shows a one-car garage provided for each of the two end units. The applicant is working on a shared parking agreement with HyVee to dedicate four parking spaces in their overflow parking lot, located across S. 24th Street, to the proposed townhome development. Two of the four parking spaces will be dedicated to the middle unit. The two end units will utilize the two remaining parking spaces.

The front façade facing First Avenue will utilize smooth hardboard siding as the primary material, with architectural aluminum siding with a wood appearance as an accent material around the entrance to each unit. The proposed exterior colors will be white and a dark gray/charcoal. Each unit will have a second story balcony with a cable railing over the front entrance, which is covered by a portico. The front façade is further characterized by differing roof elevations between the end and middle units and a galvanized metal roof. The east, west, and rear elevations utilize eight inch lap siding. The end units have garage doors off the east and west elevations. The building elevations are included as Attachment ‘D’. The submitted landscaping plan, included as Attachment ‘E’, shows a mixture of trees, shrubs, and perennial flowers and grasses along the west, north, and east building elevations.

Attachments – The following attachments are included with this report:

- Attachment A – Row on First Final Plat
- Attachment B – Letter of Intent
- Attachment C – Site Plan
- Attachment D – Building Elevations
- Attachment E – Landscaping Plan
- Attachment F – Location/Zoning Map

Land Use and Zoning

The following zoning and land uses surround the subject property:

- North: HyVee grocery store zoned C-2/Commercial District
- South: Single-family dwellings zoned R-3/Low-Density Multifamily District
- East: Residential properties zoned R-3/Low-Density Multifamily Residential District
- West: HyVee’s overflow parking lot zoned C-2/Commercial District

A location/zoning map is included with this report as Attachment ‘F’.

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

All City Departments and local utilities were notified of the proposed planned residential overlay request. The following comments were received:

The Community Development Department provided the following comments:

- A. The subject property is located within the West Broadway Corridor Design Overlay (CDO). The purpose of the West Broadway CDO is “*to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan.*” The West Broadway CDO design standards are applicable to “*new construction of commercial, mixed use, and multifamily structures and sites*”. While the proposed townhome development is not required to adhere to the minimum design standards of the West Broadway CDO, all new construction of non-one and two family uses within the West Broadway CDO shall be designed in a manner that is consistent with the spirit and intent of the ordinance.
- B. The subject property is located along the First Avenue trail, which is the City’s premier multi-use trail, conducive to walking, biking and micro-mobility options. Once complete, the First Avenue

multi-use trail will connect Downtown Omaha to Downtown Council Bluffs. The proposed townhome development will have the benefit of direct access to the trail, which will allow its residents to utilize an array of transportation options to access the jobs, education, recreational spaces, retail spaces, and services located in Downtown Omaha, the West Broadway Corridor, and Downtown Council Bluffs.

- C. Section 15.28.010, Statement of Intent, PR/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that *“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.”* Furthermore, Section 15.28.020, Applicability, of the CBMC (Zoning Ordinance), states that *“A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P Administrative Professional District”* and *“The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:*
1. *A minimum of two (2) residential structures.*
 2. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
 3. *A minimum of one (1) mixed commercial-residential structure.”*

Additionally, Section 15.28.030, Permitted Land Uses and Site Development Regulations, of the CBMC (Zoning Ordinance), lists *“dwelling, townhouse”* as an allowed use in a PR Overlay.

The applicant proposes to append a PR-2/Planned Residential Overlay over the entirety of the subject property in order to establish site-specific development standards to allow the proposed three-unit townhome to be built in an R-3/Low Density Multifamily District. The following items regulate the development of the subject property:

A. Site Development

1. Per Section 15.28.020, Applicability, of the CBMC, the maximum land area allowed for a PR-2 Overlay is 1.5 acres. The subject properties contain a total of 0.14 acres, which qualifies for use of a PR-2 Overlay.
2. Per Section 15.28.020, Applicability, of the CBMC, *“at least one of the following shall be included within the development:*
 - a. *A minimum of two (2) residential structures.*
 - b. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
 - c. *A minimum of one (1) mixed commercial-residential structure.”*

The proposed development contains one residential structure with three dwelling units and therefore qualifies for use of a PR-2 Overlay.

3. For the purpose of this development plan, the north property line facing First Avenue shall be considered the front property line and the west property line along S. 24th Street shall be considered the street side yard property line. The following site development standards shall apply to the proposed townhome development:
 - a. The front and rear yard setback shall be five (5) feet. No accessory structures shall be located between the front wall of the townhome and the front property line.
 - b. The interior and street side yard setback shall be ten (10) feet.

- c. Accessory structures, decks, porches, awnings, or other similar features, shall be no closer than five (5) feet to any property line.
- d. The maximum lot coverage for the entire property shall be 60 percent.
4. No fencing or walls are proposed at this time. Any fencing or walls installed at a future date shall comply with the standards stated in Section 15.32A.130, Fences and Walls, of the Council Bluffs Municipal Code (Zoning Ordinance).
5. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
6. A five-foot utility easement shall be retained along the front and rear property lines for utility access and maintenance. No structures shall be located within said easement areas.
7. A homeowner's association (HOA) shall be established through the subdivision process for maintenance of utilities and easements, all greenspace area, and building architecture.

B. Off-Street Parking

1. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance) the required number of off-street parking spaces for townhomes is 2 spaces per dwelling unit. The three proposed townhomes would require a total of six (6) off-street parking spaces. The proposed floor plans show the end units having one, one car attached garage each, with no attached parking provided for the middle unit. The submitted letter of intent states that the applicant and HyVee are working on a shared parking agreement for four (4) parking spaces. A total of six (6) off-street parking spaces are being provided total for the proposed townhomes, which meets the total minimum required. The parking spaces leased from HyVee shall be located within 400 feet of the front entrance to the middle unit to ensure that this unit has parking within a reasonable walking distance. No additional off-street parking shall be provided on-site, unless first approved by the Community Development and Public Works Departments. Additionally, the subject property is located within walking distance of a Metro bus stop.
2. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.
3. All driveways shall be hard surfaced paved and designed to meet all applicable City standards.

C. Architecture

1. The submitted elevations, included as Attachment 'D', show the front façade utilizing smooth hardboard siding as the primary material. The primary colors proposed are white and a dark gray/charcoal. Architectural aluminum siding with a wood appearance is shown as an accent material around the entrance to each unit. Each unit will have a second story balcony with a cable railing over the front entrance, which is covered by a portico. The front façade is further characterized by differing roof elevations between the end and middle units and a galvanized metal roof. All siding shall be non-vinyl siding. The proposed architectural plans are generally acceptable in design and layout and shall be adopted as submitted.
2. The submitted site plan shows air conditioning units for each unit along the rear of the property. If any wall or ground equipment, including air conditioning units, are visible from adjacent public right-of-way, excluding alleys, they shall be screened from view using architectural features, fencing, masonry wall, landscaping, or a combination thereof.
3. The subject property is located within the West Broadway CDO. While the townhomes are not subject to the full extent of the West Broadway CDO design standards, the proposed townhomes shall utilize high-quality materials and be designed in a manner that is consistent with the spirit and intent of the West Broadway CDO.
4. Minor modifications deemed to be compatible with the West Broadway CDO design standards listed in Section 15.32A, *West Broadway Corridor Design Overlay*, of the Council Bluffs

Municipal Code (Zoning Ordinance) shall be approved administratively by the Community Development Director or their designee.

D. Landscaping

1. The submitted landscaping plan, included as Attachment ‘D’, shows a mixture of trees, shrubs, and perennial flowers and grasses along the west, north, and east building elevations is generally acceptable and shall be adopted as submitted.
2. All tree species shall be reviewed and approved by the Parks and Recreation Department prior to planting to ensure there is no conflict with First Avenue trail plantings.
3. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.

5. Signage

1. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

Council Bluffs Chief of Staff stated that the proposed development is a great example of the small-scale infill development that the City is striving to realize with all of our efforts within the West Broadway Corridor including the FIRST AVE multi-use trail, the West Broadway Corridor Plan, West Broadway CDO, rezonings, etc.

Council Bluffs Public Works Department stated that they have no comments in regards to the request.

Council Bluffs Permits and Inspections Division stated they have no concerns with the request.

Council Bluffs Water Works stated that they have no comments in regards to the request.

MidAmerican Energy stated that they have no concerns with the request and noted that the developer should contact MidAmerican Energy to discuss the project timeline, provide final engineering plans, and load information necessary to complete the design and identify costs associated with extending electric service to the proposed development.

Cox Communications stated that they have no objections to the request.

Recommendation

The Community Development Department recommends approval of the request to append a PR-2 Overlay and adopt the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to all comments stated above and the following conditions:

- A. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.
- B. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.

C. The final plat for the three-lot Row on First Subdivision shall not be recorded until such time that permits have been issued for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.

Public Hearing

Staff speakers for the request:

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

Speakers in favor:

1. Lynn Dittmer, 1228 S. Main Street, Council Bluffs, IA 51503
2. Sheryl Garst, 1228 S. Main Street, Council Bluffs, IA 51503

Speakers against:

1. Corey Ratliff, 105 S. 24th Street, Council Bluffs, IA 51501

Planning Commission Recommendation

The City Planning Commission recommended approval of the request to append a PR-2 Overlay and adopt the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to all comments stated above and the following conditions:

- A. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.
- B. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.
- C. The final plat for the three-lot Row on First Subdivision shall not be recorded until such time that permits have been issued for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.

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

Attachments

- Attachment A –The Row on First Final Plat
- Attachment B – Letter of Intent
- Attachment C – Site Plan
- Attachment D – Building Elevations
- Attachment E – Landscaping Plan
- Attachment F – Location/Zoning Map

Prepared by: Haley Weber, Planner, Community Development Department



August 19, 2022

City of Council Bluffs
Christopher Gibbons
209 Pearl Street
Council Bluffs, IA 51570

Subject: Letter of Intent – The Row on 1st Development Plan

Dear Mr. Gibbons,

Through our Housing Revitalization Program, The 712 Initiative is working to improve the quality and increase the diversity of the city's housing stock. We are proposing to develop the parcel located at the SE corner of S 24th Street and 1st Avenue. The proposed development is a 3-unit townhome, as allowed under the PR-2 Overlay. Completed units would be sold for owner occupancy.

The lot has been vacant for some time. The proposed development will bring housing, energy, and tax revenue to the community. The 2-story structure will be compatible with the surrounding residential development and provide an alternative method for redeveloping in an older residential area.

Site Details:

1. Utilities exist adjacent to the site and support existing development. All new utilities will be installed for the townhomes as part of construction (see Utility Exhibit – G.02). No gas connection is proposed for this development. A condo association will address utility maintenance and landscaping.
2. No area is being considered for dedicated public use.
3. No signage other than address/house number are being proposed.
4. Outdoor lighting will be limited to typical single-family exterior lighting. No light poles are being proposed.

A construction timeline is attached. No phasing of this site is anticipated. While we hope to complete site prep (as noted in the Geotechnical Exploration Report) this fall, the foundation and construction will happen in 2023.

Off-street parking may be utilized for the middle unit (Lot 2). However, additional parking is being addressed with Hy-Vee. The 712 has requested 4 dedicated spaces in Hy-Vee's parking lot to the west. This request has support from the local store and is currently being considered by Hy-Vee Corporate.

Also included with this letter is:

- Attachment A: Townhome Concept

- Attachment B: Construction Timeline
- Attachment C: Replat
- Attachment D: Preliminary Development Plan
- Attachment E: Geotechnical Exploration Report

The 712 Initiative is excited to bring these units to the Council Bluffs market. Please review and let us know what questions you have. You can contact me at sgarst@the712initiative.org or by phone at (712) 396-2464.

Sincerely,



Sheryl Garst
CEO

DEVELOPMENT PLAN

THE ROW ON 1ST

RESIDENTIAL OVERLAY OF LOTS 1 THRU 3 INCLUSIVE

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

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

| | | | | |
|--------------|-----------------|-----------------|----------------|----------|
| JNS drawn | BJR designed | JEJ approved | JUN 22 date | revision |
|--------------|-----------------|-----------------|----------------|----------|

VERTICAL CONTROL

BENCHMARK OF ORIGIN: NGS P 127 NAVD '88 ELEV.=1011.00'

IN COUNCIL BLUFFS, 1.5 MILES WEST ALONG THE UNION PACIFIC RAILROAD FROM THE STATION AT COUNCIL BLUFFS, ABOUT 0.6 MILE EAST OF THE EAST END OF THE RAILWAY BRIDGE OVER THE MISSOURI RIVER, SET IN THE NORTH CORNER OF THE EAST ABUTMENT BRIDGE NO. 1.46, 12 FEET NORTH OF THE CENTERLINE OF THE NORTH TRACK, 1 FOOT BELOW TRACK LEVEL

CURRENT OWNER/DEVELOPER:

THE 712 INITIATIVE
1228 S MAIN ST
COUNCIL BLUFFS, IA 51503

STORM WATER DETENTION:

NONE

ENGINEER:

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

BOUNDARY SURVEY:

BOUNDARY SURVEY WILL BE PROVIDED BY HGM ASSOCIATES INC.

ZONING:

EXISTING ZONING OF PROPOSED TOWNHOME SUBDIVISION IS CLASS R-3, CITY FOR LOTS 1-3

NOTES:

- PROPOSED SEWER: CONSTRUCT PRIVATE LATERAL CONNECTIONS.
- PROPOSED WATER: CITY WATER CONNECTIONS TO EXISTING WATER MAIN
- DEDICATION OF R-O-W: NO
- SURFACE RUNOFF: TO EXISTING STORM SEWER
- EASEMENTS: A 5.00 FOOT WIDE PERMANENT EASEMENT ON NORTH AND SOUTH LOT LINES ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

EXISTING FLOOD PLAIN:

MISSOURI RIVER FLOOD PLAIN
FEMA FLOOD ZONE - AREA PROTECTED FROM THE 1% ANNUAL CHANCE FLOOD BY LEVEE, DIKE OR OTHER STRUCTURE SUBJECT TO FAILURE DURING LARGER FLOODS

SPECIFICATIONS

THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, 2022, AND CITY OF COUNCIL BLUFFS SUPPLEMENTAL SPECIFICATIONS 2022, SHALL APPLY TO THIS PROJECT.

INDEX

| PAGE NO. | DESCRIPTION |
|----------|--------------------|
| A.01 | TITLE SHEET |
| A.02 | AREA MAP |
| G.01 | SITE PLAN SHEET |
| G.02 | UTILITY PLAN SHEET |

LEGAL DESCRIPTION:

BEING A REPLAT OF LOT 12, BLOCK 5, COCHRANS ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



VICINITY MAP - NO SCALE

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

JOHN E. JORGENSEN

My license renewal date is December 31, 2023.

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

project THE ROW ON 1ST
 client THE 712 INITIATIVE
 1228 S MAIN ST COUNCIL BLUFFS, IA
 sheet **TITLE SHEET**

project no.
 106822
 sheet
A.01



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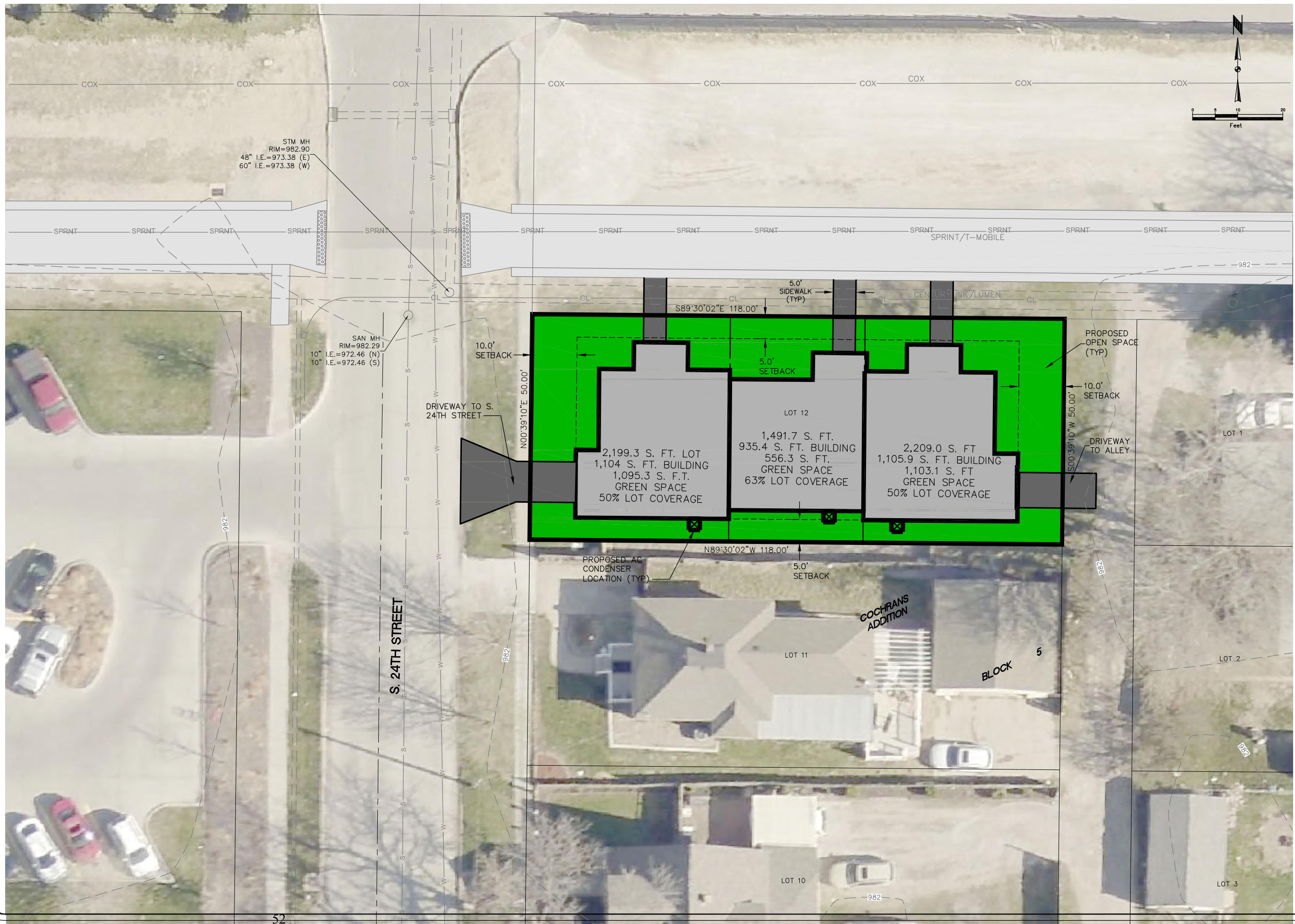
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ASSOCIATES, INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
PHONE: (712) 323-0530

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|-----|----------|---------|------|
| JNS | drawn | | |
| BJR | designed | | |
| JEJ | approved | JUNE 22 | date |
| | revision | | |

project THE ROW ON 1ST
client THE 712 INITIATIVE
sheet 1228 S MAIN ST COUNCIL BLUFFS, IA
AREA MAP

project no. 106822
sheet **A.02**

Dr: hgm



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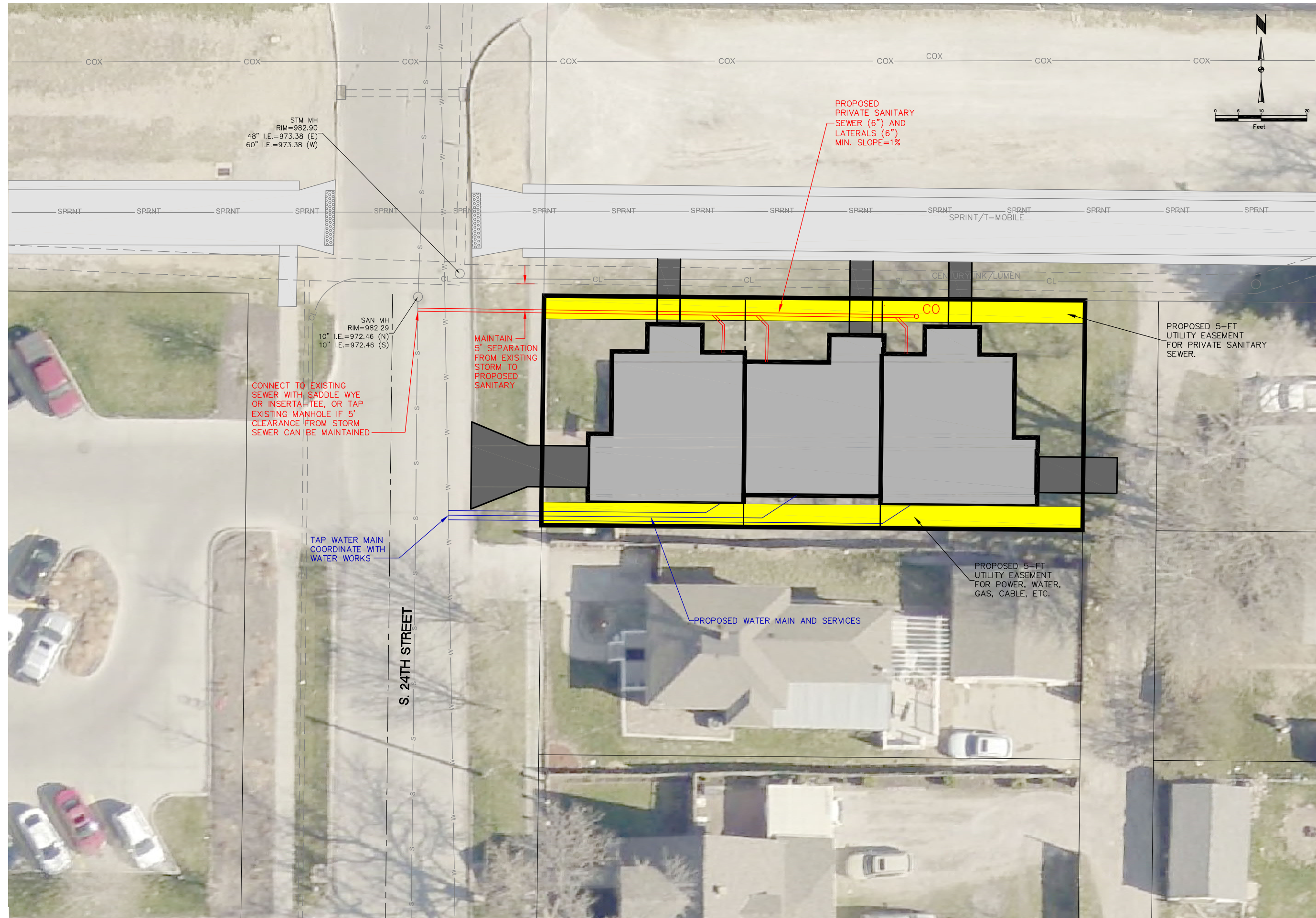
hgm
ASSOCIATES, INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
PHONE: (712) 323-0530

| drawn | date |
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| JNS | |
| BJR | |
| designed | |
| JEJ | |
| approved | |
| JUNE'22 | |
| date | |
| revision | |

project THE ROW ON 1ST
client THE 712 INITIATIVE
1228 S MAIN ST COUNCIL BLUFFS, IA
sheet **SITE EXHIBIT**

project no.
106822
sheet
G.01

Dr. Ingn.



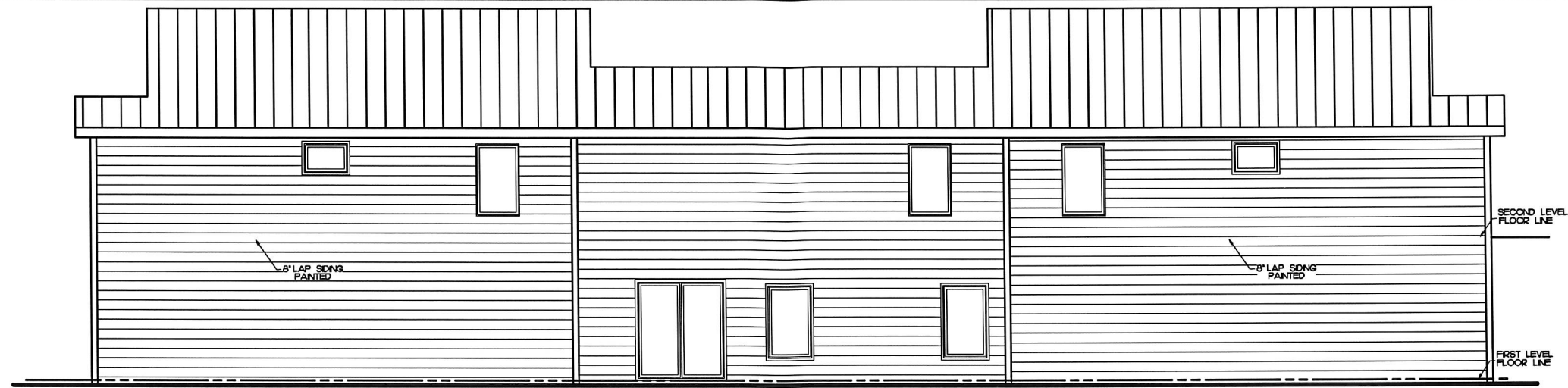
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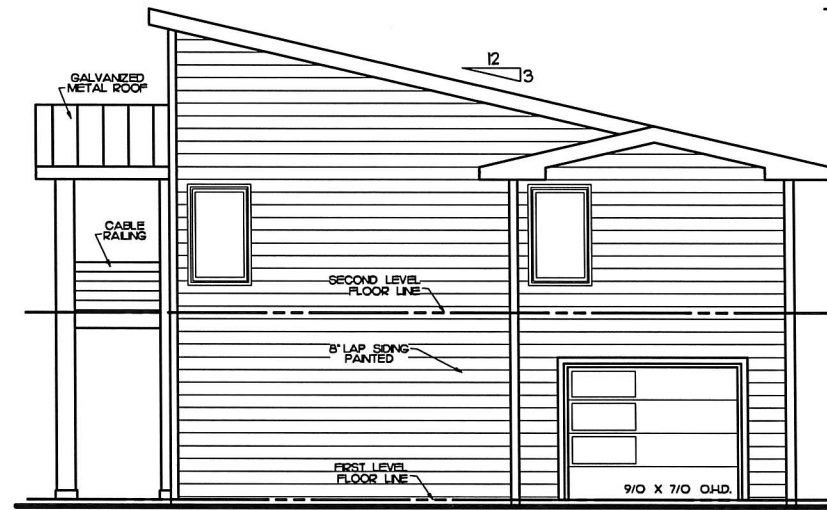
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| JNS | drawn | date |
| BJR | designed | |
| JEJ | approved | |
| JUNE'22 | date | |
| | revision | |

project THE ROW ON 1ST
client THE 712 INITIATIVE
1228 S MAIN ST COUNCIL BLUFFS, IA
sheet **UTILITY EXHIBIT**

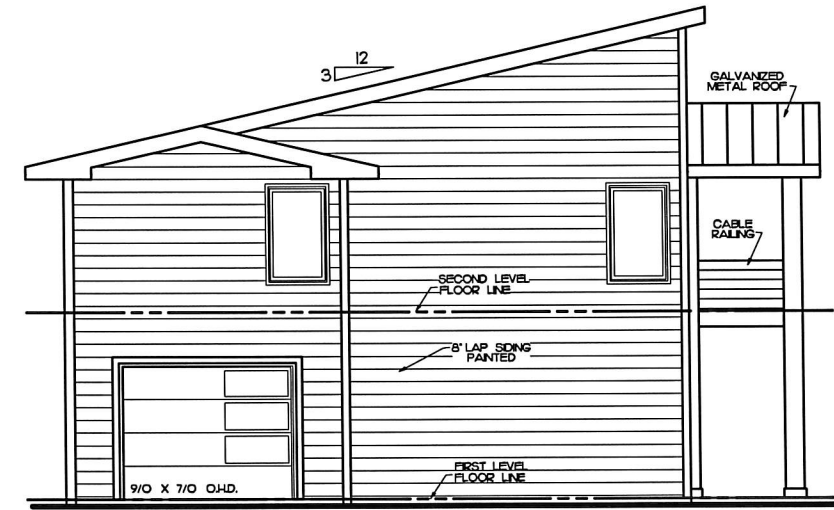
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sheet **G02**



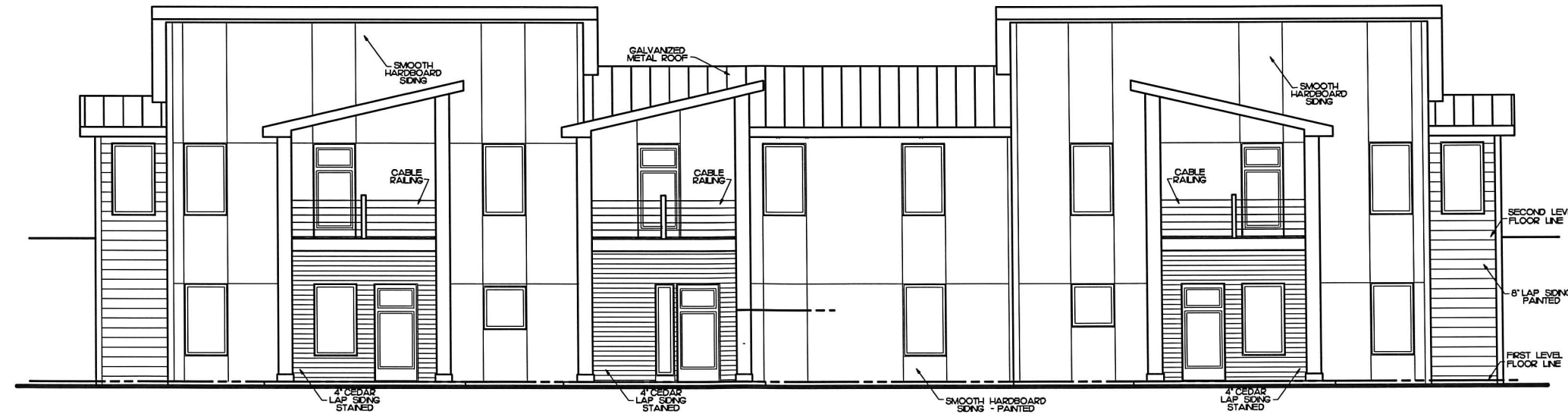
REAR ELEVATION
SCALE 1/4" = 1'-0"



SIDE ELEVATION
SCALE 1/4" = 1'-0"



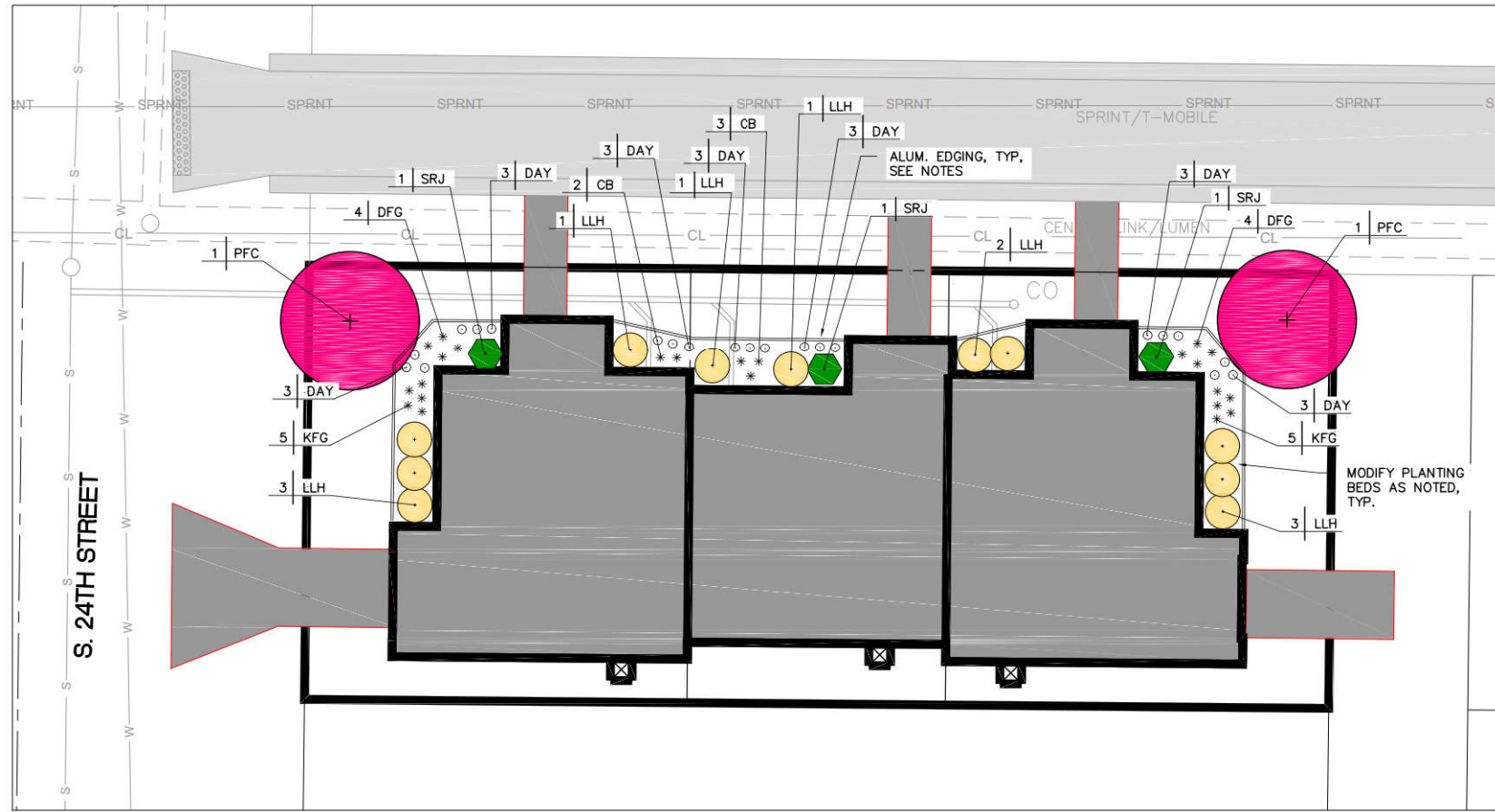
SIDE ELEVATION
SCALE 1/4" = 1'-0"



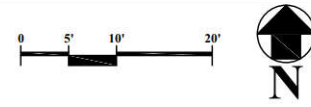
FRONT ELEVATION
SCALE 1/4" = 1'-0"

DESIGN IS NOT AN ARCHITECT OR ENGINEER. THE INFORMATION IS FOR INFORMATION ONLY. THE USER ASSUMES ALL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION. THE USER SHALL CONSULT WITH A PROFESSIONAL TO DETERMINE THE SUITABILITY OF THESE PLANS FOR YOUR SPECIFIC SITE.
 402-572-6968
 Residential Design Services
 402-572-6968
 TPK & Associates
 Q

Attachment E



1 OVERALL LANDSCAPE PLAN
SCALE: 1" = 10'-0"

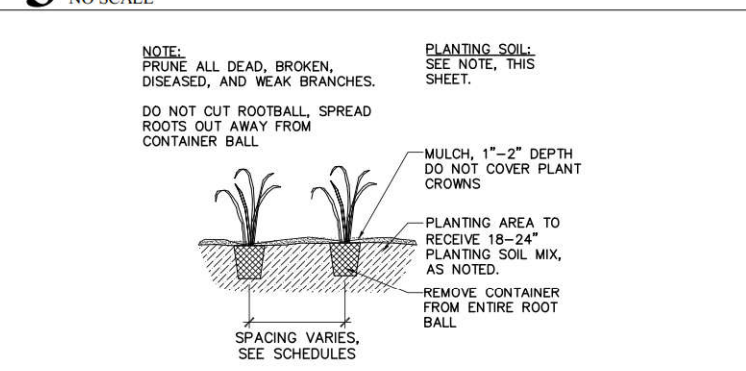
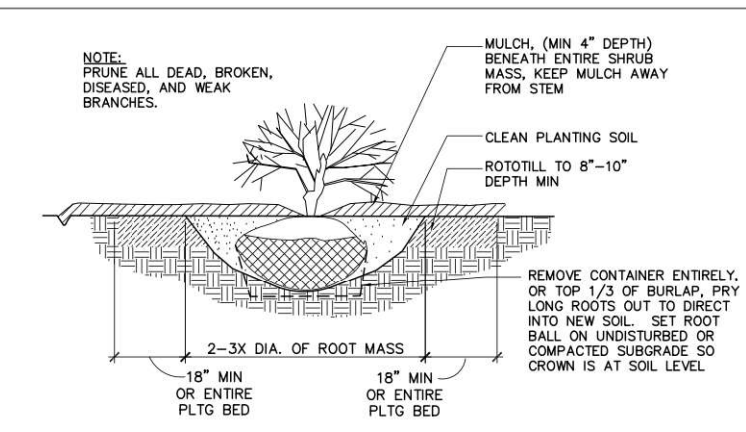
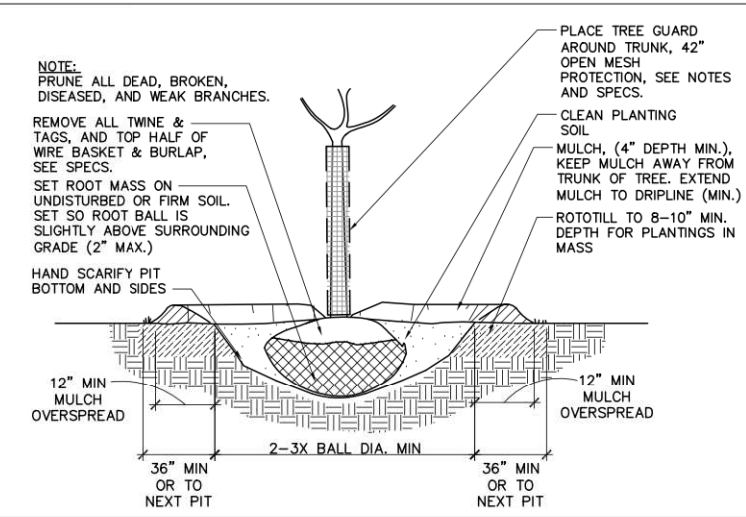


PLANTING SCHEDULE

| KEY | QTY | BOTANICAL NAME | COMMON NAME | SIZE | DESCRIPTION |
|-------------------------|-----|--|-----------------------------|---------|-------------|
| ORNAMENTAL TREES | | | | | |
| PFC | 2 | Malus 'Prairiefire' | Prairiefire Crabapple | 2" CAL. | B&B |
| SHRUBS | | | | | |
| LLH | 11 | Hydrangea paniculata 'Little Lime' | Little Lime Hydrangea | 24" | CONTAINER |
| SRJ | 3 | Juniperus scopulorum 'Skyrocket' | Skyrocket Juniper | 36" | CONTAINER |
| PERENNIALS | | | | | |
| DAY | 21 | Hemerocallis 'Happy Returns' | Happy Returns Daylily | 1 GAL | CONTAINER |
| KFG | 10 | Calamagrostis x acutiflora 'Karl Foerster' | Karl Foerster Reed Grass | 1 GAL | CONTAINER |
| DFG | 8 | Pennisetum alopecuroides 'Hameln' | Hameln Dwarf Fountain Grass | 1 GAL | CONTAINER |
| CB | 5 | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 GAL | CONTAINER |

PLANTING NOTES:

- ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
- LOCATE AND FLAG ALL UNDERGROUND UTILITIES PRIOR TO ANY CONSTRUCTION. ANY DAMAGE TO UTILITIES OR OTHER SITE IMPROVEMENTS CAUSED BY CONTRACTOR SHALL BE REPAIRED AT NO COST TO THE OWNER.
- ALL PLANT MATERIALS MUST CONFORM TO AMERICAN STANDARDS FOR NURSERY STOCK (A.S.N.S.), LATEST EDITION PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, WASHINGTON D.C.
- LARGER SIZED PLANT MATERIALS OF THE SPECIES LISTED MAY BE USED IF THE STOCK CONFORMS TO THE A.S.N.S. ALL SPECIES SUBSTITUTIONS MUST BE APPROVED IN WRITING BY THE LANDSCAPE ARCHITECT.
- THE LOCATIONS OF PLANT MATERIAL IS CRITICAL AND SHALL BE INSTALLED AS INDICATED ON THE DRAWINGS. STAKE LOCATION OF PLANT MATERIALS AND OBTAIN APPROVAL OF LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. DO NOT PLANT TREES OR SHRUBS IN SWALE AREAS.
- THE LANDSCAPE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AND MATERIALS INJURIOUS TO PLANT GROWTH FROM PLANTING PITS AND BEDS PRIOR TO BACKFILLING WITH PLANTING MIX.
- PLANTING SOIL MIX CONTINUOUS PLANTING BEDS, EXCAVATE AREAS FOR NEW PLANTING SOIL OF CLEAN LOAM TOPSOIL AND 1" COMPOST MATERIAL MIXED THOROUGHLY TO A DEPTH OF 18" MIN. THIS TO BE COMPLETED AFTER RESTORATION OF THE AREA TO REMOVE HARD PAN OR COMPACTED AREAS.
- PROVIDE SHREDDED HARDWOOD MULCH IN ALL PLANT SAUCERS AND PLANTING BEDS TO A 4-INCH MINIMUM DEPTH. APPLY PRE-EMERGENT TO ALL PLANTING BEDS PRIOR TO MULCHING. PROVIDE BROWN-COLORED MULCH.
- ALL EXISTING TURF AREAS DISTURBED BY CONSTRUCTION SHALL BE SODDED. SEE DRAWINGS AND SPECIFICATIONS. AREAS DISTURBED AND NOT SHOWN TO BE SODDED, SHALL BE SEEDED AND BLANKETED.
- SODDED AREAS SHALL MATCH ELEVATION OF EXISTING TURF GRASS. CUT EXISTING TURF IN STRAIGHT LINES TO BUTT TIGHT THE EDGES OF THE NEW SOD AT SAME ELEVATION. NO OVERLAP WILL BE ACCEPTED.
- OWNER RESERVES THE RIGHT TO SUBSTITUTE PLANT MATERIAL TYPE, SIZE, AND/OR QUANTITY.
- FIELD ADJUSTMENTS MAY BE NECESSARY BASED UPON FIELD CONDITIONS (I.E. ROOT BALL AND DROP INLET CONFLICT). CONFIRM LOCATION OF ALL UNDERGROUND STORAGE CELLS PRIOR TO PLANTING. ALL ADJUSTMENTS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT.
- ALL DEMOLISHED AND/OR REMOVED ITEMS SHALL BE HAULED COMPLETELY AWAY FROM THE SITE BY THE CONTRACTOR.
- ALUM. EDGING SHALL BE CLEANLINE, 3/16"x 5-1/2" ALUMINUM EDGING WITH STAKING (BLACK ANODIZED FINISH) AS MANUFACTURED BY PERMALOC CORPORATION OR APPROVED EQUIVALENT.



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

TMM drawn
TMM designed
JUEJ approved
JUNE 22 date

revision
date

project THE ROW ON 1ST
client THE 712 INITIATIVE
1228 S MAIN ST COUNCIL BLUFFS, IA
sheet **LANDSCAPE PLAN**





REDUCED TO HALF SCALE

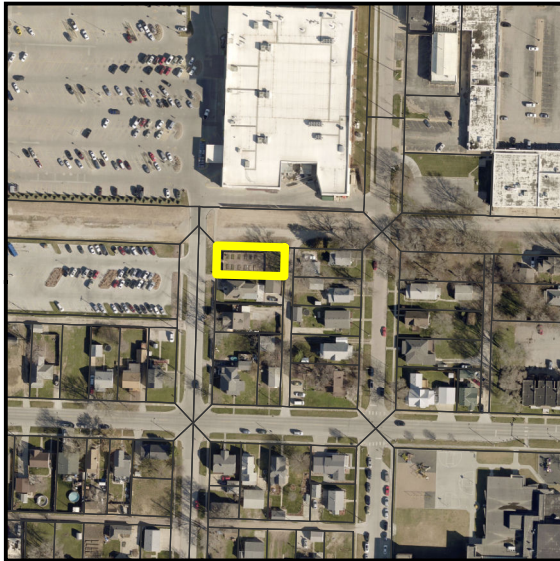
project no. 106822
sheet L.01

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #PR-22-004 ZONING/LOCATION MAP

Legend

-  Subject Property Case #PR-22-004
-  Parcels

0 37.5 75
1 inch = 72 feet

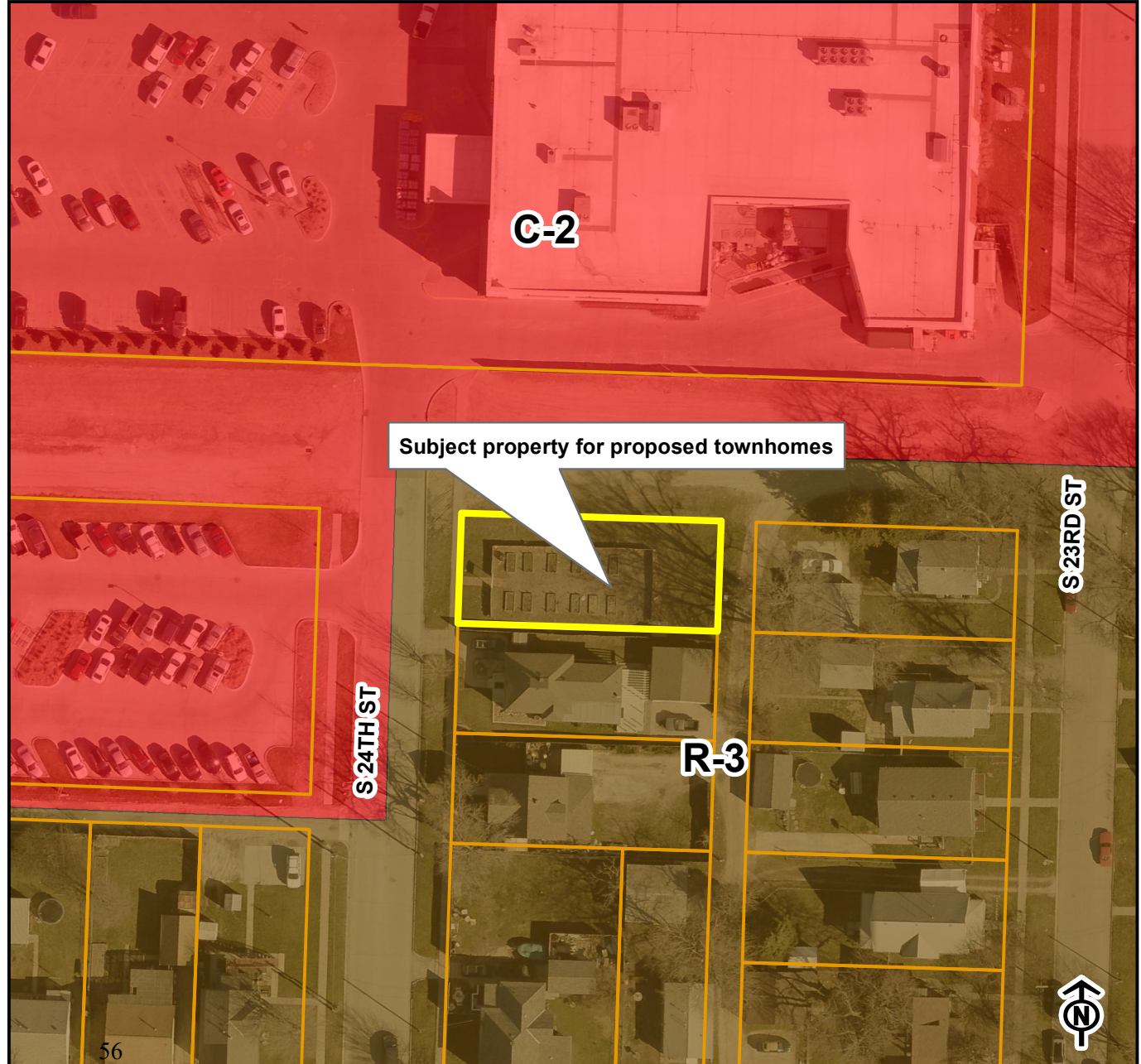


Last Amended: 9/16/2022



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

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



NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of Pottawattamie County Development Corporation d/b/a The 712 Initiative to append a PR-2/Planned Residential Overlay and adopt the associated planned residential development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, as defined in Chapter 15.28 of the Municipal Code of Council Bluffs, Iowa.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 14th day of November, 2022 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

EXHIBIT 1

The Rows on 1st PR/Planned Residential Development Plan

A. Site Development

1. Per Section 15.28.020, Applicability, of the CBMC, the maximum land area allowed for a PR-2 Overlay is 1.5 acres. The subject properties contain a total of 0.14 acres, which qualifies for use of a PR-2 Overlay.
2. Per Section 15.28.020, Applicability, of the CBMC, “*at least one of the following shall be included within the development:*”
 - a. *A minimum of two (2) residential structures.*
 - b. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
 - c. *A minimum of one (1) mixed commercial-residential structure.”*The proposed development contains one residential structure with three dwelling units and therefore qualifies for use of a PR-2 Overlay.
3. For the purpose of this development plan, the north property line facing First Avenue shall be considered the front property line and the west property line along S. 24th Street shall be considered the street side yard property line. The following site development standards shall apply to the proposed townhome development:
 - a. The front and rear yard setback shall be five (5) feet. No accessory structures shall be located between the front wall of the townhome and the front property line.
 - b. The interior and street side yard setback shall be ten (10) feet.
 - c. Accessory structures, decks, porches, awnings, or other similar features, shall be no closer than five (5) feet to any property line.
 - d. The maximum lot coverage for the entire property shall be 60 percent.
4. No fencing or walls are proposed at this time. Any fencing or walls installed at a future date shall comply with the standards stated in Section 15.32A.130, Fences and Walls, of the Council Bluffs Municipal Code (Zoning Ordinance).
5. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
6. A five-foot utility easement shall be retained along the front and rear property lines for utility access and maintenance. No structures shall be located within said easement areas.
7. A homeowner’s association (HOA) shall be established through the subdivision process for maintenance of utilities and easements, all greenspace area, and building architecture.

B. Off-Street Parking

1. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance) the required number of off-street parking spaces for townhomes is 2 spaces per dwelling unit. The three proposed townhomes would require a total of six (6) off-street parking spaces. The proposed floor plans show the end units having one, one car attached garage each, with no attached parking provided for the middle unit. The submitted letter of intent states that the applicant and HyVee are working on a shared parking agreement for four (4) parking spaces. A total of six (6) off-street parking spaces are being provided total for the proposed townhomes, which meets the total minimum required. The parking spaces leased from HyVee shall be located within 400 feet of the front entrance to the middle unit to ensure that this unit has parking within a reasonable walking distance. No additional off-street parking shall be provided on-site, unless first approved by the Community Development and Public

Works Departments. Additionally, the subject property is located within walking distance of a Metro bus stop.

2. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.
3. All driveways shall be hard surfaced paved and designed to meet all applicable City standards.

C. Architecture

1. The submitted elevations, included as Attachment 'D', show the front façade utilizing smooth hardboard siding as the primary material. The primary colors proposed are white and a dark gray/charcoal. Architectural aluminum siding with a wood appearance is shown as an accent material around the entrance to each unit. Each unit will have a second story balcony with a cable railing over the front entrance, which is covered by a portico. The front façade is further characterized by differing roof elevations between the end and middle units and a galvanized metal roof. All siding shall be non-vinyl siding. The proposed architectural plans are generally acceptable in design and layout and shall be adopted as submitted.
2. The submitted site plan shows air conditioning units for each unit along the rear of the property. If any wall or ground equipment, including air conditioning units, are visible from adjacent public right-of-way, excluding alleys, they shall be screened from view using architectural features, fencing, masonry wall, landscaping, or a combination thereof.
3. The subject property is located within the West Broadway CDO. While the townhomes are not subject to the full extent of the West Broadway CDO design standards, the proposed townhomes shall utilize high-quality materials and be designed in a manner that is consistent with the spirit and intent of the West Broadway CDO.
4. Minor modifications deemed to be compatible with the West Broadway CDO design standards listed in Section 15.32A, *West Broadway Corridor Design Overlay*, of the Council Bluffs Municipal Code (Zoning Ordinance) shall be approved administratively by the Community Development Director or their designee.

D. Landscaping

1. The submitted landscaping plan, included as Attachment 'D', shows a mixture of trees, shrubs, and perennial flowers and grasses along the west, north, and east building elevations is generally acceptable and shall be adopted as submitted.
2. All tree species shall be reviewed and approved by the Parks and Recreation Department prior to planting to ensure there is no conflict with First Avenue trail plantings.
3. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.

E. Signage

1. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

ORDINANCE NO. 6527

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.27.020 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY APPENDING A PLANNED RESIDENTIAL-2 OVERLAY AND ADOPTING THE ASSOCIATED DEVELOPMENT PLAN FOR THREE TOWNHOMES IN AN R-3/MULTI-FAMILY RESIDENTIAL DISTRICT, ON PROPERTY LEGALLY DESCRIBED AS LOT 12, BLOCK 5, COCHRAN'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AS SET FORTH AND DEFINED IN CHAPTER 15.28 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2020 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by appending a Planned Residential-2 Overlay and adopting the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, as defined in Chapter 15.28 of the Municipal Code of Council Bluffs, Iowa.

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

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

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

ADOPTED
AND
APPROVED

November 14, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 10-24-22
Second Consideration: 11-14-22
Public Hearing: 11-14-22
Third Consideration: waived

Council Communication

Department: City Clerk
Case/Project No.: ZT-22-008
Submitted by: Brandon Siracuse, Planner

Ordinances 6528 and 6529
ITEM 5.B.

Council Action: 11/14/2022

Description
Amending the following sections of Title 15: Zoning of the Municipal Code
Ordinance 6528 to amend Chapter 15.16, C-3/Commercial District, by amending Section 15.16.060 "Additional Regulations."
Ordinance 6529 to amend Chapter 15.23, Off-Street Parking, Loading and Unloading, by amending Section 15.23.020 "General Provisions" and Section 15.23.030 "Design Standards."

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|--------------|-------------|
| Staff Report | Staff Report | 10/14/2022 |
| Attachment A: Proposed Chapter 15.16, C-3/Commercial District | Code Section | 10/14/2022 |
| Attachment B: Proposed Chapter 15.23, Off-Street Parking, Loading and Unloading | Code Section | 10/14/2022 |
| Public Hearing Notice | Notice | 10/14/2022 |
| Ordinance 6528 | Ordinance | 10/18/2022 |
| Ordinance 6529 | Ordinance | 10/18/2022 |

City Council Communication

| | | |
|--|---------------------|---|
| Department: Community Development CASE #ZT-22-008 Applicants: Ryan Adkins 104 Crogans Way Circle Council Bluffs, Iowa 51501 City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503 | Ordinance No. _____ | <u>City Council</u> 1 st Consideration: 10/24/22 2 nd Consideration: 11/14/22 3 rd Consideration: 11/28/22 Planning Commission: 10/11/22 |
|--|---------------------|---|

Subject/Title

Request: Public hearing on the request of Ryan Adkins to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(F), General Provisions, relative to hard surface parking standards; Section 15.23.030(A)(2), Design Standards, by reducing hard surface pavement standards for certain farm operation uses in the A-2/Parks, Open Space and Agricultural District; and on the request of the City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(B), General Provisions, by increasing the maximum distance certain off-site parking facilities may be located relative to the uses they serve; Section 15.23.020(F), General Provisions, relative to hard surface parking standards; Section 15.23.030(A)(2), Design Standards, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non one- and two-family uses; and Section 15.16.060, Additional Regulations, relative to parking and loading requirements for developments within the C-3/Commercial District.

Background

Ryan Adkins is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

1. Amend Section 15.23.020(F), General Provisions, by updating language relative to hard surface pavement requirements for parking and loading areas; and
2. Amend Section 15.23.030(A)(2), Design Standards, by reducing hard surface pavement requirements for parking and loading areas associated with certain non-industrial and non-commercial scale farming operations.

Additionally, the Community Development Department is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

1. Amend Section 15.23.020(B), General Provisions, by updating the distance that off-site parking facilities may be located from the uses they serve;
2. Amend Section 15.23.020(F), General Provisions, by updating language relative to hard surface pavement requirements for parking and loading areas;
3. Amend Section 15.23.030(A)(2), Design Standards, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non one- and two-family uses; and

4. Amend Section 15.16.060, *Additional Regulations*, by updating the parking and loading requirements for developments within the C-3/Commercial District such that the standards match those of the C-4/Commercial District.

Ryan Adkins (applicant) is the owner of a family farming operation within City limits and has approached the City about reducing hard surface pavement standards for farming operations that are non-industrial and non-commercial in nature within the City, such that these farming uses may use a lower quality surface material for parking and loading areas associated with the agricultural operations on the property. The applicant proposed allowing parking and loading surfaces for such agricultural uses to be constructed with crushed Portland cement concrete or crushed asphalt cement concrete. The applicant has requested this change because paving large areas for parking, loading, and circulation of agricultural machines to current standards is “financially unrealistic.” In addition, the hard surfaces currently required by City code would not hold up to the weight of farm equipment over time and can create stormwater drainage and access issues. A material such as crushed Portland cement concrete or crushed asphalt cement concrete would provide more longevity, easier maintenance, and better drainage for non-industrial and non-commercial farming operations.

In addition, the City of Council Bluffs is proposing amendments to various parking standards. The Community Development Department is proposing certain changes that will help better facilitate developments in the City’s downtown business district, and the Public Works Department has suggested minor changes to some pavement standards. These changes are presented in detail in the “Discussion” section.

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

Discussion

A. Section 15.23.020 *General Provisions*

- B. *Contractual agreements may be made between uses which generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet from the building or use which they are required to serve, measured in a straight line from the building. Off-site parking owned by or affiliated directly with the owner of the use it serves may be located up to one thousand three hundred twenty (1,320) feet from the use it serves, measured in a straight line from the building.*
- F. *All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, ~~brick~~ concrete pavers, or asphalt, unless otherwise stated in this chapter, to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.*

The purpose of the revisions to subsection (B) is to enable both new and existing developments to utilize off-site parking located up to ¼-mile away from the use it serves, provided the off-site parking facility is wholly owned or affiliated with the use it serves. A ¼-mile maximum distance is proposed because it is generally an acceptable walking distance. The ability to utilize off-site parking within walking distance of a building will be particularly useful in the downtown context where space for new parking lots on-site may be limited. However, the proposed changes above may be used elsewhere in the City when and where feasible as well.

The proposed changes to subsection (F) aim to change the “brick” pavement type currently allowed for parking surfaces to “concrete pavers” as per the request of the Public Works Department and to clarify that

the hard surface pavement types listed in the *General Provisions* section are required unless otherwise specified. These changes will bring the parking surface requirements into alignment with engineering standards adopted by the Public Works Department and accommodate the proposed exception to hard-surface paving requirements associated with certain farming operations.

B. *Section 15.23.030 Design Standards*

A. *General Use Parking and Traveled Areas Including All Required and Nonrequired Parking, Driveways, Entrances and Exits, Vehicles or Sales.*

2. *Pavement Requirements. Five inches of Portland cement concrete or ~~four~~ six inches rock base with four inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.*

a. *Lower quality surface materials, such as crushed Portland cement concrete or crushed asphalt cement concrete, may be used for parking, drive aisles, and circulation areas associated with active farming operations, which do not have the appearance or scale of a commercial or industrial farming operation, on properties zoned A-2 with the written approval of the Community Development Director and Public Works Director. All surface materials shall be maintained such that the driving and parking surfaces are fully covered with the approved surface material and do not create any dust or hazardous conditions. The portion of a driveway within public right-of-way shall be hard surfaced to city standards.*

The proposed revisions would increase the rock base depth for non one- and two-family parking, loading and circulation areas paved with asphalt cement concrete to six (6) inches, as requested by the Public Works Department.

Furthermore, the addition of subsection (A)(2)(a) would specify that non-commercial and non-industrial scale farming operations in an A-2/Parks, Estates and Agricultural District could utilize crushed Portland cement concrete or crushed asphalt cement concrete as an alternative surface material for parking, loading and circulation areas on-site. These lower standards would apply only to portions of a farming operation used for agricultural purposes. Parking and circulation areas associated with other uses in this district (such as dwellings, parks, etc.) will remain subject to the hard surface pavement standards that exist currently. Allowing reduced pavement standards for certain farming operations in the A-2 District will help to reduce economic burden on farmers who are currently required by the City's parking code to pave hard surface parking and circulation areas for farm equipment, despite such hard surfaces not being ideal for farming operations.

C. *Section 15.16.060 Additional Regulations*

All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

Parking and loading requirements:

A. *Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;*

B. *Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.*

The proposed changes to this section will bring the parking and loading requirements for the C-3/Commercial District into alignment with those of the C-4/Commercial District. Both the C-3 and C-4 Districts primarily

serve the City’s downtown area, and it is sensible to have uniform parking standards across both districts. The proposed parking and loading standards would eliminate minimum parking requirements for all land uses within the C-3 District except for the residential portion of a mixed commercial/residential structure. This will create a degree of flexibility for future developments in the C-3 District, as the amount of parking provided for non-residential uses will be the choice of the developer or property owner. A reduction in required parking amounts can be useful for developments on parcels with constrained space, as an average parking space requires approximately 330 square feet of land when accounting for parking stalls, drive aisles, ramps, landscaping, and setbacks. Reduced parking requirements can also make new development more cost-effective, as the cost of a typical surface parking lot is roughly \$5,000 to \$10,000 per space and a typical parking structure can cost \$25,000 to \$50,000 per space (costs include land values, materials, and labor). The ability to build less on-site parking could enable developments in the downtown area that may not otherwise be geometrically and/or financially feasible with current minimum parking requirements.

Notably, elimination of minimum parking requirements within the C-3 District would not prohibit developers or property owners from providing on-site parking facilities in this district. On the contrary, virtually all new developments will include some amount of parking either on-site or off-site, primarily due to economic forces that make it difficult for new development to be built without parking. In nearly all cases, some parking will be required in order for new developments to be marketable to prospective tenants. Financing for new developments typically also necessitates some amount of parking, as loan underwriters will be hesitant to lend money for a development with a high risk of failing to generate enough revenue to make timely loan payments. Elimination of minimum parking requirements would simply give landowners and developers the latitude to provide the amount of parking that makes the most sense for a particular site, rather than applying uniform minimum parking requirements.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.15.060, *Additional Regulations*; Section 15.23.020, *General Provisions*; and Section 15.23.030, *Design Standards*; of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachments ‘A’ and ‘B’.

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the request to amend Section 15.15.060, *Additional Regulations*; Section 15.23.020, *General Provisions*; and Section 15.23.030, *Design Standards*; of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachments ‘A’ and ‘B’.

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

Attachments

Attachment A: Proposed Chapter 15.16, C-3/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Proposed Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Brandon Siracuse, Planner, Community Development Department

Chapter 15.16 - C-3/COMMERCIAL DISTRICT

15.16.010 Statement Of Intent

15.16.020 Principal Uses

15.16.030 Conditional Uses

15.16.040 Accessory Uses

15.16.050 Site Development Regulations

15.16.060 Additional Regulations

15.16.070 Signs

15.16.010 Statement Of Intent

The C-3 district is intended to accommodate office, retail and related activities in the traditional commercial center of the city as well as other appropriate commercial sites.

(Ord. 5469 § 1 (part), 1999)

15.16.020 Principal Uses

The following principal uses shall be permitted outright in a C-3 district:

- A. Automobile service establishment;
- B. Business, professional office;
- C. Business goods and service establishment;
- D. Club or lodge;
- E. College or university;
- F. Commercial recreation (indoor);
- G. Consumer service establishment;
- H. Cultural service;
- I. Financial service;
- J. Funeral service;
- K. General government use;
- L. Hospital;
- M. Hotel/motel;
- N. Mixed commercial/residential structure;
- O. Newspaper printing;
- P. Park and recreation service;
- Q. Pawn shop;
- R. Private parking lot;
- S. Public parking lot;
- T. Religious assembly;
- U. Restaurant (drive-in, limited and general);
- V. Retail shopping establishment;
- W. School;
- X. Second hand store;
- Y. Tattoo parlor;
- Z. Tavern;
- AA. Small alcohol production facility;

BB. Dwelling, multifamily.

(Ord. No. 6027, § 1, 2-23-2009; Ord. No. 6292, § 1, 5-8-2017; Ord. No. 6343, § 1, 8-13-2018)

Editor's note— Ord. No. 6027, § 1, adopted Feb. 23, 2009, repealed the former § 15.16.020, and enacted a new CBMC 15.16.020 as set out herein. The former CBMC 15.16.020 pertained to similar subject matter and derived from Ord. No. 5556, § 1, adopted 2001.

HISTORY

Amended by Ord. [6455](#) on 6/14/2021

15.16.030 Conditional Uses

The following conditional uses shall be permitted in a C-3 district in accordance with the requirements set forth in CBMC 15.27:

- A. Communication towers;
- B. Day care service.

(Ord. 5469 § 1 (part), 1999)

15.16.040 Accessory Uses

The following accessory uses shall be permitted in a C-3 district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-3 district, unless otherwise excluded.

(Ord. 5469 § 1 (part), 1999)

15.16.050 Site Development Regulations

- A. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-3 after the effective date of this ordinance shall not be subject to **Minimum Lot Size**, set back or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.
- B. Lots or parcels of land more than two acres in areas rezoned to C-3 after the effective date of this chapter shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.

(Ord. 5469 § 1 (part), 1999)

15.16.060 Additional Regulations

All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

Parking and loading requirements:

- A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;
- B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

(Ord. 5469 § 1 (part), 1999)

15.16.070 Signs

Signage in this district shall comply with CBMC 15.33 "Signs."

(Ord. 5469 § 1 (part), 1999)

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Chapter 15.23 - OFF-STREET PARKING, LOADING AND UNLOADING

15.23.010 Statement Of Intent

15.23.020 General Provisions

15.23.025 Permit Required

15.23.030 Design Standards

15.23.040 Submission Of Plans

15.23.050 Completion Time For Off Street Parking, Loading And Unloading Areas

15.23.060 Parking Spaces Required

15.23.070 Loading Spaces Required

15.23.080 Nuisance Conditions - Improvement

15.23.090 Violations And Penalties

15.23.010 Statement Of Intent

This chapter is intended to provide standards on surface paving and design requirements for off-street parking lots and areas, sales lots, loading and unloading areas, personal and recreational vehicle parking, truck terminals, intermodal facilities and storage uses. The lawful use of such existing uses immediately prior to the effective date of the ordinance codified in this chapter may be continued although such designs do not conform to such standards. When any of these items are to be improved, the design shall meet the new requirements within this code.

(Ord. 5532 § 1 (part), 2001)

15.23.020 General Provisions

- A. All of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with when any of the following actions occur:
1. Construction of any new residential and/or non-residential development;
 2. Building additions, expansions, and/or remodels for existing development:
 - a. Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results an increase in the total number of required off-street parking spaces for a premises by 50% or more; and
 - b. Residential uses: Any addition or remodel that increases the total number of dwelling units on a premises, or any conversion of an existing dwelling into a group care home, boarding, lodging, or rooming house and/or bed and breakfast use.
 3. Building additions and/or detached accessory structures that are designed in a manner where they are capable of being used for parking motorized vehicles, recreational vehicles, and/or boats, or which are intended to be used for loading/unloading, warehousing and distributing stored items, materials, and/or products shall be accessed by a hard-surfaced paved driveway in accordance with the standards stated in this Chapter; and

4. All off-street parking requirements associated with any special zoning overlay, development plan, or master planned area in the City shall supersede the requirements stated in this Chapter.
- B. Contractual agreements may be made between uses which generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet from the building or use which they are required to serve, measured in a straight line from the building. Off-site parking owned by or affiliated directly with the owner of the use it serves may be located up to one thousand three hundred twenty (1,320) feet from the use it serves, measured in a straight line from the building.
- C. In the event several uses occupy a structure or parcel of land, the total requirements for off-street parking or loading and unloading spaces shall be the sum of the requirements of the several uses computed separately.
- D. Parking and loading or unloading spaces shall not be located in a required front yard with the exception of commercial and industrial districts, but may be located within a required side or rear yard.
- E. All such off-street parking lots and areas, sales lots, apron space and loading and unloading spaces shall be so drained as to prevent damage to abutting properties and/or public streets;
- F. All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick concrete pavers, or asphalt, unless otherwise stated in this chapter, to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.
- G. In non one and two family uses, all parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be set back a minimum of five feet from the property line unless required for approved access.
- H. Barriers must be located for lots over seven thousand five hundred (7,500) square feet in area to contain the parking within the approved parking lot. For parking lots with less than seven thousand five hundred (7,500) square feet in area the following setbacks shall only apply to the side(s) that directly abut public right-of-way. However, appropriate barriers are needed to protect adjacent buildings and structures on a zero setback side.

| Barrier | Setback from Property Line | Setback from Parking Surface |
|--------------------------------------|-----------------------------------|-------------------------------------|
| A curb at least six inches in height | 5 feet | 0 |

| | | |
|---|--------|--------|
| Bump rail at least four inches in height | 5 feet | 3 feet |
| Guardrail barrier of eighteen to thirty (30) inches in height | 5 feet | 0 |
| Post and cable barrier or bollard and chain of eighteen to thirty (30) inches in height | 5 feet | 0 |
| Concrete, brick, metal or iron fence of twenty-four to forty-eight inches in height | 5 feet | 0 |

- I. Lighting which illuminates parking lots shall be consistent with CBMC 15.24.050.
- J. When a computation of required parking spaces results in a fraction of .5 or greater, the requirement shall be rounded up to the next whole number.

(Ord. 5532 § 1 (part), 2001)

HISTORY

Amended by Ord. [6414](#) on 6/22/2020

15.23.025 Permit Required

No person or entity shall undertake any of the activities required by this chapter unless they have first applied for and received a permit from the building division for the city of Council Bluffs. Fees for these permits shall be established by the city council and set out in CBMC 2.

(Ord. 5532 § 1 (part), 2001)

15.23.030 Design Standards

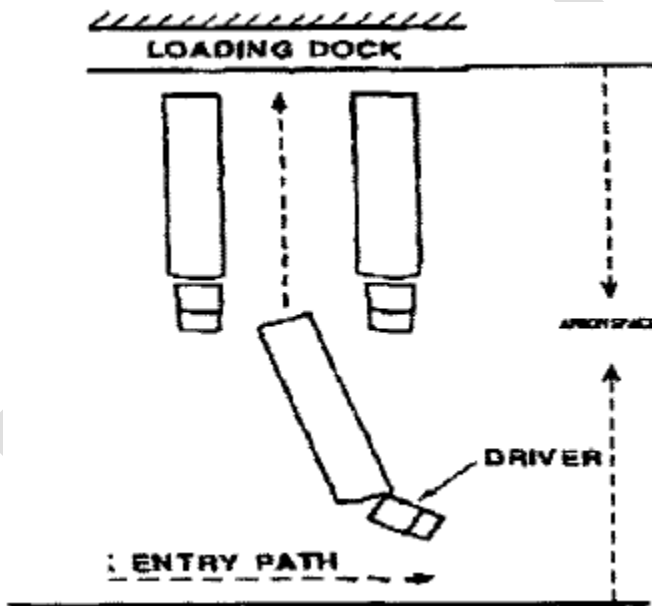
Off-street parking lot and areas, sales lots, loading and unloading areas storage uses and non one and two family uses shall observe the following design guidelines:

- A. General Use Parking and Traveled Areas Including All Required and Nonrequired Parking, Driveways, Entrances and Exits, Vehicles or Sales.
 - 1. Required Parking and Aisle Widths. Each automobile space shall be not less than one hundred sixty two (162) square feet in area, with dimensions of nine feet by eighteen (18) feet. A maximum of ten (10) percent of required parking can be compact. A compact space shall be one hundred twenty-eight (128) square feet in area, with dimensions of eight by sixteen (16) feet. In addition, there shall be provided adequate entrance and exit driveways to connect each parking space with a street or alley open to use by the public, except where parking of vehicles by attendants is provided.

| Type | Minimum Aisle Width |
|-------------------------------|---------------------|
| Two-way angled parking | 18 feet |
| Two-way perpendicular parking | 24 feet |
| One-way angled parking | 16 feet |
| One-way perpendicular parking | 24 feet |

2. Pavement Requirements. Five inches of Portland cement concrete or ~~four~~ six inches rock base with four inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
 - a. Lower quality surface materials, such as crushed Portland cement concrete or crushed asphalt cement concrete, may be used for parking, drive aisles, and circulation areas associated with active farming operations, which do not have the appearance or scale of a commercial or industrial farming operation, on properties zoned A-2 with the written approval of the Community Development Director and Public Works Director. All surface materials shall be maintained such that the driving and parking surfaces are fully covered with the approved surface material and do not create any dust or hazardous conditions. The portion of a driveway within public right-of-way shall be hard surfaced to city standards.
3. Layout/Markings. The developer shall submit to the building official for review and approval a detailed and accurately scaled parking lot layout clearly showing the location of parking spaces and aisles, all conforming to said standards. Upon construction of the parking lot, the parking spaces must be marked on the parking lot surface according to the extent that those spaces are required in connection with the development. Spaces not required for a development need not be marked, or may be marked to lesser standards. Parking aisles should be designed to reduce pedestrian-vehicular conflicts by placing them perpendicular to the structure. Handicapped parking stalls shall be designed and signed as required by Iowa Admin. Code Chapter 18.
4. Required Green Space. All parking lots with seven thousand five hundred (7,500) square feet shall meet the following requirements:
 - a. A minimum of five feet of landscaped area is required between a parking surface and the property line.
 - b. The maximum allowable area that can be paved is ninety (90) percent of total lot area.

- c. A minimum of ten (10) percent of the parking lot area must be landscaped with a permeable surface. Parking lot area is that which is contained within the property line and is adequate for approved parking. This can include the five-foot minimum landscaped setback.
 - d. Adjacent parking lots and access points may have the five-foot landscaped area waived when they are shared. The 90/10 rule for required green space will still apply for each abutting lot. Lots less than seven thousand five hundred (7,500) square feet in area shall have five feet on landscaping on those side(s) which abut public right-of-way and the 90/10 rule is not applicable.
5. Screening Requirements. All parking lots shall be screened along the boundary of the parking lot adjacent to residential uses. No screen is required between abutting parking lots. Screening shall conform to the standards in CBMC 15.24.040 Paragraph D.
- B. Tractor/trailer Terminals, Service Centers, Intermodal Operations and Storage Areas, Including but not Limited To: Vehicle Entry Paths, Apron Space, all Driveways and Other Traveled Areas.



1. Surface Layout. The developer shall submit to the building official for review and approval a detailed and accurately scaled hard surface layout clearly showing the location of parking spaces and aisles, truck entry paths, apron space, driveways and other traveled areas, all conforming to the provisions in this section.
2. Pavement Requirements. Six inches of Portland cement concrete or six inches rock base with six inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

3. Required Green Space. A minimum of five feet of landscaped area is required between a parking lot, loading and unloading spaces and the property line.
 4. Screening. All parking spaces and aisles, truck entry paths, apron spaces, driveways and other traveled areas shall be screened along the boundary adjacent to residential uses. Screening shall conform to the standards in CBMC 15.24.040 Paragraph D.
- C. Parking Provisions for Personal Vehicles. All parking in one and two family residential uses shall be parked or stored in the following manner:
1. All residential drives, approaches required and nonrequired parking surfaces shall be hard surfaced.
 2. All required parking spaces shall be a minimum of one hundred sixty two (162) square feet in area, with dimensions of nine feet by eighteen feet (18).
 3. Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
 4. Parking is permitted inside any enclosed structure when the structure otherwise conforms to the requirements of its specific zoning district.
 5. Parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway;
 6. Personal vehicles shall not be used for storage of goods, materials or equipment other than those items, which are part of the unit or essential to its immediate use.
- D. Parking Provisions for Recreational Vehicles and Vessels. Parking and storing of recreational vehicles and vessels in residential zoning districts, as defined in CBMC 15.03, are subject to the following additional regulations. Recreational vehicles or vessels may be parked and stored by its owner on a single lot in a residential district, subject to the following:
1. Parking of one recreational vehicle or vessel is permitted outside within the required front yard setback on a hard surface driveway or a hard surfaced pad contiguous with the driveway, provided:
 - a. Space is not available in the side yard, behind the required front yard or there is no reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or major landscaping. A fence shall not be deemed to prevent reasonable access;
 - b. Parking in an enclosed structure is not possible;
 - c. The vehicle is parked perpendicular to the curb;
 - d. The vehicle may not extend over the public sidewalk or public right-of-way.
 2. If a recreational vehicle or recreational vessel is equipped with liquefied petroleum gas containers, such containers shall meet all applicable fire

safety codes. Any valves must be closed at all times when the vehicle is not being readied for immediate use.

3. A recreational vehicle shall not be used or occupied for living, sleeping or housekeeping purposes except that nonpaying guests at a residence may occupy one vehicle, parked or stored consistent with the regulations of this chapter, for sleeping purposes only, for a period not exceeding seventy-two (72) consecutive hours and not more than fourteen (14) days in any calendar year.
4. Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

(Ord. 5532 § 1 (part), 2001)

15.23.040 Submission Of Plans

A plan drawn to scale and indicating how the off-street parking or loading and unloading requirements are to be fulfilled shall accompany an application for an off-street parking loading and unloading permit. Such plan shall show all elements necessary to indicate fulfillment of such requirements, inclusive of the following:

- A. Delineation of individual parking and loading spaces;
- B. Circulation area necessary to serve spaces;
- C. Ingress and egress;
- D. Material specifications and locations for paving, barriers, lighting and landscaping;
- E. Dimensions, continuity, and substance of screening;
- F. Grading, drainage, surfacing, and subgrading details;
- G. Delineation of obstacles to parking and circulation in finished parking areas;
- H. Specifications as to signage.

(Ord. 5532 § 1 (part), 2001)

15.23.050 Completion Time For Off Street Parking, Loading And Unloading Areas

Required parking lots and areas, sales lots, loading and unloading areas, personal and recreational vehicle parking, truck terminals and intermodal facilities shall be improved as required and made available for use before the final inspection is completed by the building official. An extension of time may be granted by the building official provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the building official.

(Ord. 5532 § 1 (part), 2001)

15.23.060 Parking Spaces Required

The number of off-street parking spaces required shall be no less than as set forth in the following:

| | |
|---|---|
| Residential Types: | |
| Boarding, lodging, rooming houses, or bed and breakfasts | ½ space for each rooming unit |
| Dormitories | 1 space each 300 square feet of floor area |
| Dwelling, single-family attached and detached dwelling existing prior to the effective date of the ordinance codified in this chapter | 1 space per dwelling unit |
| Dwelling, single-family attached and detached dwelling, townhouse | 2 spaces per dwelling unit |
| Dwelling, two-family and multifamily | |
| Efficiency and 1 bedroom | 1 space per dwelling unit |
| 2 bedroom or more | 1 ½ space per dwelling unit |
| Government sponsored elderly housing | ½ space per dwelling unit |
| Group care home | ½ space per resident |
| Family home | ½ space per resident |
| Institutional Types: | |
| College/technical schools | 1 space for every 3 full-time equivalent students |
| Correctional placement residence | 1 space per 4 person capacity |
| Cultural service | 1 space per each 500 square feet |
| Detention facilities | 1 space per 4 person capacity |
| Hospitals | 1 ½ spaces for each bed |

| | |
|-------------------------------------|--|
| Convalescent and nursing homes | 1 space for every three beds |
| Religious assembly | 1 space per 6 person capacity in the main auditorium |
| Day care services | 1 space for every six children |
| Schools —Elementary and junior high | 2 spaces per classroom |
| Schools —High school | 12 spaces per classroom |
| Places of Public Assembly: | |
| Clubs and lodges | 1 space per 4 person capacity |
| Commercial recreation (indoor) | ½ space per capacity of the occupant load of the facility |
| Public assembly | 1 space per 4 person capacity |
| Sports arena or auditorium | 1 space per 4 person capacity |
| Theaters | 1 space per 4 person capacity |
| Commercial recreation (outdoor) | Parking spaces equal to 50% of the occupant load of the facility |
| Service and Retail Sales: | |
| Agricultural sales and service | 1 space per 1,500 square feet of gross floor area |
| Automobile repair, minor | 1 space per 500 square feet of gross floor area |
| Automobile repair, major | 1 space per 750 square feet of gross floor area |
| Automobile service establishment | 1 space per 750 square feet of gross floor area |

| | |
|--|---|
| Automobile sales and leasing | 1 space per 500 square feet of gross floor area |
| Consumer fireworks sale | 1 space per 200 square feet of gross floor area |
| Consumer service establishment | 1 space for every 400 square feet of gross floor area |
| Equipment sales and rental | 1 space for every 400 square feet of gross floor area |
| Financial services | 1 space for every 400 square feet of gross floor area |
| Funeral services | 1 space per 6 person capacity |
| Hotel and motels | 1 space for each guest room |
| Laundry and dry cleaning | 1 space for every 300 square feet of gross floor area |
| Medical and dental offices | 2 spaces for each office, examining room and treatment room |
| Professional offices | 1 space for every 400 square feet of gross floor area |
| Restaurant, general | 1 space for every 150 square feet of gross floor area |
| Restaurant, drive-in or carry-out | 1 space for every 100 square feet of gross floor area |
| Retail sales including grocery stores | 1 space for every 200 square feet of gross floor area |
| Retail sales, including bulky merchandise, household furniture, appliances | 1 space for every 700 square feet of gross floor area |

| | |
|--------------------------------------|--|
| Tavern | 1 space for every 100 square feet of gross floor area |
| Veterinary services | 1 space for each office, examining room and treatment room |
| Industrial Types: | |
| Contractor and construction yards | 1 space per employee |
| Laboratories and research facilities | 1 space for every 600 square feet of gross floor area |
| Printing and publishing | 1 space for every 400 square feet of gross floor area |
| Wholesale and distribution | |
| 0 to 25,000 square feet | 5 spaces |
| 25,000 square feet or more | 5 spaces plus 1 for each additional 5,000 square feet above 25,000 |
| Manufacturing | |
| Custom | See Schedule A |
| General | See Schedule A |
| Heavy | See Schedule A |
| Light | See Schedule A |
| Use types not listed: | See Schedule B |

Schedule A: This schedule sets forth minimum off-street parking requirements for uses with elements having different functions or operating characteristics.

| Function of Element | Requirement |
|----------------------------|--------------------|
|----------------------------|--------------------|

| | |
|--|-------------------------------|
| Office or administrative activity | 1 space per 300 square feet |
| Indoor sales, display or service area | 1 space per 500 square feet |
| Outdoor sales, display or service area | 1 space per 2,000 square feet |
| Equipment servicing or manufacturing | 1 space per 1,000 square feet |
| Indoor or outdoor storage or warehousing | 1 space per 5,000 square feet |

Schedule B: Specific requirements shall be determined by the mayor or designee. Requirements shall be based on needs for similar uses, location of proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the zoning board of adjustment.

(Ord. 5532 § 1 (part), 2001) (Ord. No. 6336, § 1, 6-11-2018)

15.23.070 Loading Spaces Required

Any use which involves the receipt or distribution of freight, merchandise supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading. The number of loading spaces required shall be no less than as set forth in the following:

- A. The following standards shall be used in determining the minimum number of spaces, which will be required:

| Number of Spaces | Gross Floor Area of the Building in Square Feet |
|-------------------------|--|
| None | 0 to 5,000 |
| One | 5,000 to 20,000 |
| Two | 20,000 to 75,000 |
| Three | 75,000 to 150,000 |
| Four | over 150,000 |

- B. All such areas shall be so drained as to prevent damage to abutting properties and/or public streets.
- C. Driving surfaces of off-street loading spaces shall be surfaced according to CBMC 15.23.030 Paragraph B,2.
- D. Loading and unloading berths shall each contain at least three hundred fifty (50) square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet.
- E. Off-street loading spaces may not be located in any required yard adjacent to a residential district.
- F. Circulation and access to loading spaces must allow maneuvering into or out of the space to occur outside of any public street or right-of-way.

(Ord. 5532 § 1 (part), 2001)

15.23.080 Nuisance Conditions - Improvement

In those areas under purview of this chapter and which on the effective date of the ordinance codified in this chapter, whose premises or private roadways are, which thereafter become adjacent to a paved street or streets or the means of access thereto is a paved alley or driveway, public or private and the premises are being used for public or private for any of the uses described within this chapter. In the event the city building official, after considering and evaluating such factors as the character of the neighborhood of such premises in respect to being improved or unimproved or residential or commercial, the amount and kind of traffic generated by the premises, the extent of such premises, finds and determines that the use of such premises causes air pollution, adverse drainage conditions, or flying or blowing dust, or that the premises are otherwise so conditioned as to be offensive or constitute a nuisance to the occupants or residents of the neighborhood or vicinity of the premises used for the purposes aforesaid shall be permanently improved as proposed in this chapter.

(Ord. 5532 § 1 (part), 2001)

15.23.090 Violations And Penalties

Any person found guilty of a violation of any of the provisions of this chapter shall be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate violation of the provisions of this chapter and may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5532 § 1 (part), 2001)

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 on the request of Ryan Adkins to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(F), General Provisions, relative to hard surface parking standards; Section 15.23.030(A)(2), Design Standards, by reducing hard surface pavement standards for certain farm operation uses in the A-2/Parks, Open Space and Agricultural District; and on the request of the City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(B), General Provisions, by increasing the maximum distance certain off-site parking facilities may be located relative to the uses they serve; Section 15.23.020(F), General Provisions, relative to hard surface parking standards; Section 15.23.030(A)(2), Design Standards, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non one- and two-family uses; and Section 15.16.060, Additional Regulations, relative to parking and loading requirements for developments within the C-3/Commercial District.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 14th day of November, 2022 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. 6528

AN ORDINANCE TO AMEND CHAPTER 15.16, C-3/COMMERCIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.16.060 “ADDITIONAL REGULATIONS”.

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

SECTION 1. That Chapter 15.16, C-3/Commercial District of the Municipal Code (Zoning Ordinance) of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.16.060 “Additional Regulations” to read as follows:

15.16.060 Additional Regulations

All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

Parking and loading requirements:

- A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;
- B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

(Ord. 5469 § 1 (part), 1999)

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

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

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

PASSED
AND
APPROVED

November 14, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 10-24-22
Second Consideration: 11-14-22
Public Hearing: 11-14-22
Third Consideration: _____

ORDINANCE NO. 6529

AN ORDINANCE TO AMEND CHAPTER 15.23, OFF-STREET PARKING, LOADING AND UNLOADING OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.23.020 “GENERAL PROVISIONS” AND SECTION 15.23.030 “DESIGN STANDARDS”.

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

SECTION 1. That Chapter 15.23, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.23.020 “General Provisions” and Section 15.23.030 “Design Standards” to read as follows:

15.23.020 General Provisions

- A. All of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with when any of the following actions occur:
1. Construction of any new residential and/or non-residential development;
 2. Building additions, expansions, and/or remodels for existing development:
 - a. Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results an increase in the total number of required off-street parking spaces for a premises by 50% or more; and
 - b. Residential uses: Any addition or remodel that increases the total number of dwelling units on a premises, or any conversion of an existing dwelling into a group care home, boarding, lodging, or rooming house and/or bed and breakfast use.
 3. Building additions and/or detached accessory structures that are designed in a manner where they are capable of being used for parking motorized vehicles, recreational vehicles, and/or boats, or which are intended to be used for loading/unloading, warehousing and distributing stored items, materials, and/or products shall be accessed by a hard-surfaced paved driveway in accordance with the standards stated in this Chapter; and
 4. All off-street parking requirements associated with any special zoning overlay, development plan, or master planned area in the City shall supersede the requirements stated in this Chapter.
- B. Contractual agreements may be made between uses which generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet from the building or use which they are required to serve, measured in a straight line from the building. Off-site parking owned by or affiliated directly with the owner of the use it serves may be located up to one thousand three hundred twenty (1,320) feet from the use it serves, measured in a straight line from the building.

- C. In the event several uses occupy a structure or parcel of land, the total requirements for off-street parking or loading and unloading spaces shall be the sum of the requirements of the several uses computed separately.
- D. Parking and loading or unloading spaces shall not be located in a required front yard with the exception of commercial and industrial districts, but may be located within a required side or rear yard.
- E. All such off-street parking lots and areas, sales lots, apron space and loading and unloading spaces shall be so drained as to prevent damage to abutting properties and/or public streets;
- F. All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, concrete pavers, or asphalt, unless otherwise stated in this chapter, to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.
- G. In non one and two family uses, all parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be set back a minimum of five feet from the property line unless required for approved access.
- H. Barriers must be located for lots over seven thousand five hundred (7,500) square feet in area to contain the parking within the approved parking lot. For parking lots with less than seven thousand five hundred (7,500) square feet in area the following setbacks shall only apply to the side(s) that directly abut public right-of-way. However, appropriate barriers are needed to protect adjacent buildings and structures on a zero setback side.

| Barrier | Setback from Property Line | Setback from Parking Surface |
|---|-----------------------------------|-------------------------------------|
| A curb at least six inches in height | 5 feet | 0 |
| Bump rail at least four inches in height | 5 feet | 3 feet |
| Guardrail barrier of eighteen to thirty (30) inches in height | 5 feet | 0 |
| Post and cable barrier or bollard and chain of eighteen to thirty (30) inches in height | 5 feet | 0 |
| Concrete, brick, metal or iron fence of twenty-four to forty-eight inches in height | 5 feet | 0 |

- I. Lighting which illuminates parking lots shall be consistent with CBMC 15.24.050.
- J. When a computation of required parking spaces results in a fraction of .5 or greater, the requirement shall be rounded up to the next whole number.

(Ord. 5532 § 1 (part), 2001)

HISTORY

Amended by Ord. 6414 on 6/22/2020

15.23.030 Design Standards

Off-street parking lot and areas, sales lots, loading and unloading areas storage uses and non one and two family uses shall observe the following design guidelines:

A. General Use Parking and Traveled Areas Including All Required and Nonrequired Parking, Driveways, Entrances and Exits, Vehicles or Sales.

1. Required Parking and Aisle Widths. Each automobile space shall be not less than one hundred sixty two (162) square feet in area, with dimensions of nine feet by eighteen (18) feet. A maximum of ten (10) percent of required parking can be compact. A compact space shall be one hundred twenty-eight (128) square feet in area, with dimensions of eight by sixteen (16) feet. In addition, there shall be provided adequate entrance and exit driveways to connect each parking space with a street or alley open to use by the public, except where parking of vehicles by attendants is provided.

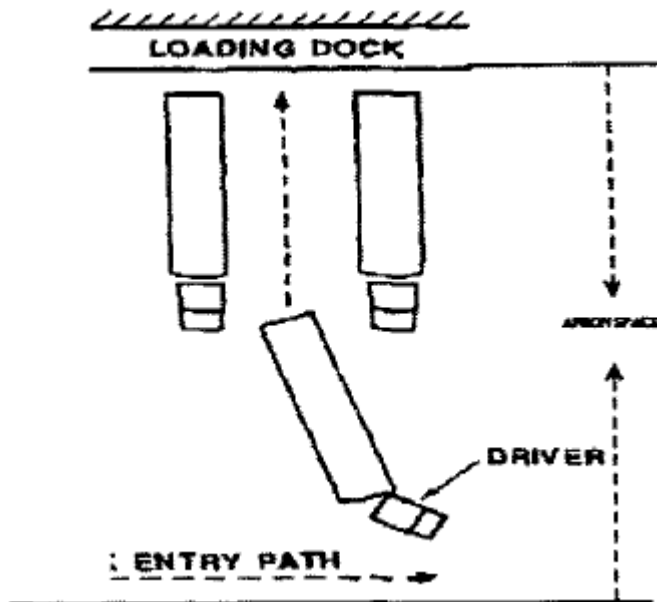
| Type | Minimum Aisle Width |
|-------------------------------|---------------------|
| Two-way angled parking | 18 feet |
| Two-way perpendicular parking | 24 feet |
| One-way angled parking | 16 feet |
| One-way perpendicular parking | 24 feet |

2. Pavement Requirements. Five inches of Portland cement concrete or six inches rock base with four inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
 - a. Lower quality surface materials, such as crushed Portland cement concrete or crushed asphalt cement concrete, may be used for parking, drive aisles, and circulation areas associated with active farming operations, which do not have the appearance or scale of a commercial or industrial farming operation, on properties zoned A-2 with the written approval of the Community Development Director and Public Works Director. All surface materials shall be maintained such that the driving and parking surfaces are fully covered with the approved surface material and do not create any dust or hazardous conditions. The portion of a driveway within public right-of-way shall be hard surfaced to city standards.
3. Layout/Markings. The developer shall submit to the building official for review and approval a detailed and accurately scaled parking lot layout clearly showing the location of parking spaces and aisles, all conforming to said standards. Upon construction of the parking lot, the parking spaces must be marked on the parking lot surface according to

the extent that those spaces are required in connection with the development. Spaces not required for a development need not be marked, or may be marked to lesser standards. Parking aisles should be designed to reduce pedestrian-vehicular conflicts by placing them perpendicular to the structure. Handicapped parking stalls shall be designed and signed as required by Iowa Admin. Code Chapter 18.

4. Required Green Space. All parking lots with seven thousand five hundred (7,500) square feet shall meet the following requirements:
 - a. A minimum of five feet of landscaped area is required between a parking surface and the property line.
 - b. The maximum allowable area that can be paved is ninety (90) percent of total lot area.
 - c. A minimum of ten (10) percent of the parking lot area must be landscaped with a permeable surface. Parking lot area is that which is contained within the property line and is adequate for approved parking. This can include the five-foot minimum landscaped setback.
 - d. Adjacent parking lots and access points may have the five-foot landscaped area waived when they are shared. The 90/10 rule for required green space will still apply for each abutting lot. Lots less than seven thousand five hundred (7,500) square feet in area shall have five feet on landscaping on those side(s) which abut public right-of-way and the 90/10 rule is not applicable.
5. Screening Requirements. All parking lots shall be screened along the boundary of the parking lot adjacent to residential uses. No screen is required between abutting parking lots. Screening shall conform to the standards in CBMC 15.24.040 Paragraph D.

B. Tractor/trailer Terminals, Service Centers, Intermodal Operations and Storage Areas, Including but not Limited To: Vehicle Entry Paths, Apron Space, all Driveways and Other Traveled Areas.



1. Surface Layout. The developer shall submit to the building official for review and approval a detailed and accurately scaled hard surface layout clearly showing the location of parking spaces and aisles, truck entry paths, apron space, driveways and other traveled areas, all conforming to the provisions in this section.

2. Pavement Requirements. Six inches of Portland cement concrete or six inches rock base with six inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
 3. Required Green Space. A minimum of five feet of landscaped area is required between a parking lot, loading and unloading spaces and the property line.
 4. Screening. All parking spaces and aisles, truck entry paths, apron spaces, driveways and other traveled areas shall be screened along the boundary adjacent to residential uses. Screening shall conform to the standards in CBMC 15.24.040 Paragraph D.
- C. Parking Provisions for Personal Vehicles. All parking in one and two family residential uses shall be parked or stored in the following manner:
1. All residential drives, approaches required and nonrequired parking surfaces shall be hard surfaced.
 2. All required parking spaces shall be a minimum of one hundred sixty two (162) square feet in area, with dimensions of nine feet by eighteen feet (18).
 3. Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
 4. Parking is permitted inside any enclosed structure when the structure otherwise conforms to the requirements of its specific zoning district.
 5. Parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway;
 6. Personal vehicles shall not be used for storage of goods, materials or equipment other than those items, which are part of the unit or essential to its immediate use.
- D. Parking Provisions for Recreational Vehicles and Vessels. Parking and storing of recreational vehicles and vessels in residential zoning districts, as defined in CBMC 15.03, are subject to the following additional regulations. Recreational vehicles or vessels may be parked and stored by its owner on a single lot in a residential district, subject to the following:
1. Parking of one recreational vehicle or vessel is permitted outside within the required front yard setback on a hard surface driveway or a hard surfaced pad contiguous with the driveway, provided:
 - a. Space is not available in the side yard, behind the required front yard or there is no reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or major landscaping. A fence shall not be deemed to prevent reasonable access;
 - b. Parking in an enclosed structure is not possible;
 - c. The vehicle is parked perpendicular to the curb;
 - d. The vehicle may not extend over the public sidewalk or public right-of-way.
 2. If a recreational vehicle or recreational vessel is equipped with liquefied petroleum gas containers, such containers shall meet all applicable fire safety codes. Any valves must be closed at all times when the vehicle is not being readied for immediate use.
 3. A recreational vehicle shall not be used or occupied for living, sleeping or housekeeping purposes except that nonpaying guests at a residence may occupy one vehicle, parked or stored consistent with the regulations of this chapter, for sleeping purposes only, for a period not exceeding seventy-two (72) consecutive hours and not more than fourteen (14) days in any calendar year.

4. Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

(Ord. 5532 § 1 (part), 2001)

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

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

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

PASSED
AND
APPROVED

November 14, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 10-24-22
Second Consideration: 11-14-22
Public Hearing: 11-14-22
Third Consideration: _____

Council Communication

Department: Public Works Admin
Case/Project No.: PW22-17
Submitted by: Matthew Cox, Public Works
Director

Resolution 22-272
ITEM 5.C.

Council Action: 11/14/2022

Description
Resolution approving the plans and specifications for the South Expressway Reconstruction, Phase I. Project # PW22-17

Background/Discussion
The South Expressway is a major arterial roadway that serves as one of the main entrances to the downtown area of Council Bluffs from I-29/I-80. The South Expressway was previously a state highway (formerly Iowa 192). Traffic volumes are approaching 20,000 vehicles per day. The South Expressway is currently a rural four-lane divided roadway with a depressed median.
The updated design for the reconstruction will utilize an urban typical section. The project will include new roadway pavement, drainage improvements, street lighting, and a concrete trail on the east side of the South Expressway from just north of the I-29/I-80 ramps to 23rd Avenue.
This is the first of at least two phases planned to reconstruct the South Expressway. Phase 1 includes the area immediately north of the I-29/I-80 interchange, and continues north to just south of 19th Avenue.
This project was included in the FY22 CIP.
The estimated construction cost for this phase of the South Expressway is \$5,993,000. STBG-SWAP funds will be used up to \$4,620,000; the remaining amount including engineering will be paid with Sales Tax funds.
The Iowa DOT will let the project.
The project schedule is as follows:

| | |
|---------------------|-----------------------|
| Hold Public Hearing | November 14, 2022 |
| Bid Letting | December 20, 2022 |
| Award | January/February 2023 |
| Construction Start | March/April 2023 |

Recommendation
Approval of this resolution to hold the Public Hearing.

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Map | Map | 11/1/2022 |
| Resolution 22-272 | Resolution | 11/8/2022 |

PW 22-17 SOUTH EXPRESSWAY RECONSTRUCTION PH I



PROJECT LOCATION

Legend

 PW22-17

RESOLUTION
NO. 22-272

**RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
SOUTH EXPRESSWAY RECONSTRUCTION, PHASE I
PROJECT #PW22-17**

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the South Expressway Reconstruction, Phase I; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on November 14, 2022.

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

That the plans, specifications, form of contract and cost estimate are hereby approved for the South Expressway Reconstruction, Phase I Project.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: MIS-22-006
Submitted by: Christopher N. Gibbons, AICP,
Planning & Code Compliance Manager

Resolution 22-273
ITEM 5.D.

Council Action: 11/14/2022

Description
Resolution to dispose of certain property interest on City-owned property legally described as being the west 15 feet of Lots 6 through 8, Block 14, Ferry Addition, by granting a 15 foot wide easement for the benefit of Council Bluffs Water Works. Location: Northeast corner of the intersection of S. 35th St. and 1st Ave. MIS-22-006

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Attachment A: Water main extension agreement (signed) | Agreement | 11/4/2022 |
| Attachment B: South 35th Street water easement plat | Other | 11/4/2022 |
| Resolution 22-273 | Resolution | 11/8/2022 |

City Council Communication

| | | |
|--|---|--|
| Department: Community Development Case #MIS-22-006 Applicant: City of Council Bluffs | Resolution of Intent No. _____ Resolution to Dispose No. _____ | Set Public Hearing: 10-24-22 Public Hearing: 11-14-22 |
| Subject/Title | | |
| A resolution to dispose of certain property interest on a portion of City-owned property, legally described as being the West 15 feet of Lots 6 through 8, Block 14, Ferry Addition, City of Council Bluffs, Pottawattamie County, Iowa, by granting an easement for the benefit of Council Bluffs Water Works Location: Northeast corner of the intersection of South 35 th Street and 1 st Avenue. | | |
| Background/Discussion | | |
| On December 21, 2021, the Council Bluffs Water Works (CBWW) and City of Council Bluffs entered into a main extension agreement for a new six-inch water line to serve a drinking fountain and irrigation lines for landscaping within the westerly portion of the 1 st Avenue Trail. The water main was constructed in Summer 2022 and was placed underneath City-owned property, as legally described above, in order to avoid conflicts with existing utilities in the adjacent sidewalk and to prevent a partial reconstruction of South 35 th Street. The water main is fully constructed and CBWW has requested an easement over said City-owned property be established so they can access and maintain and their new infrastructure in perpetuity. A copy of the executed water main extension agreement between CBWW and the City of Council along with an easement exhibit are included with this report as Attachments ‘A’ and ‘B’. | | |
| Staff Recommendation | | |
| The Community Development Department recommends approval to dispose of certain property interest on a portion of City-owned property, legally described as the West 15 feet of Lots 6 through 8, Block 14, Ferry Addition, City of Council Bluffs, Pottawattamie County, Iowa, by granting a 15 foot-wide easement for the benefit of Council Bluffs Water Works. | | |
| Attachments | | |
| Attachment A: Water main extension agreement (signed) Attachment B: South 35 th Street water easement plat | | |

Submitted by: Christopher N. Gibbons, Planning Coordinator, Community Development Department

COUNCIL BLUFFS CITY WATER WORKS
COUNCIL BLUFFS, IOWA
MAIN EXTENSION AGREEMENT

This AGREEMENT made and entered into this *21st* day of *December* 2021, by and between the Board of Water Works Trustees of the City of Council Bluffs, Iowa, 2000 North 25th Street, Council Bluffs, Iowa ("Board") and the City of Council Bluffs, Iowa, 209 Pearl Street, Council Bluffs, Iowa 51503 ("Applicant" or "City").

RECITALS

This Agreement is made with reference to the following facts and circumstances.

- A. Applicant is developing property within Pottawattamie County, Iowa, known as 35th Street and 1st Ave. (the "Project").
- B. The City of Council Bluffs, Iowa, ("City") before granting building permits for construction of improvements in the Project requires a water main be located so as to provide domestic service and fire protection.
- C. The parties are in agreement that in order to install the required water main it will be necessary to install approximately 210 linear feet of 6-inch ductile iron pipe together with all necessary fire hydrants and necessary appurtenances (said fire hydrants and appurtenances being collectively the "Appurtenances") within the public rights-of-way in the proposed streets in the Project, said streets being currently identified as 35th Street, and/or the portions of the Project constituting easements to be granted to the City for construction, operation, maintenance or removal of water mains and appurtenances to be constructed prior to the final platting of the Project (the "Easements"). The new main will extend from the Board's existing 6-inch water main located 35th Street. All of said installations shall be in compliance with City requirements and Board approved engineering design and locations required to enable Applicant, its grantees or assigns to provide potable water to its subdivision and to obtain necessary building permits from the City.

AGREEMENT

In consideration of the foregoing recitals which are incorporated into and are made a part of

this Agreement, and in further consideration of the mutual covenants and agreements hereinafter contained, the parties hereto agree, subject to the terms and conditions hereinafter set forth, as follows:

1. The following terms used in this Agreement shall have the following meanings (unless otherwise expressly provided herein):
 - a. "OPC" shall mean the Board's opinion of the probable Cost of The Work.
 - b. "Administrative Fee" shall mean that amount, computed under the Board's current Administrative Fee Schedule, required to reimburse the Board for its costs for development of the water main extension(s) contemplated in this Agreement, including, without limitation, distribution system modeling in order to determine appropriate water main size and routing, preliminary opinion of probable cost, field surveys, final plans, specifications, IDNR construction permit, final opinion of probable cost, construction staking, geotechnical services, construction observation services, lab tests, legal fees and contract administration.
 - c. "Initial Administrative Fee" shall mean the Administrative Fee based upon the OPC.
 - d. "Final Administrative Fee" shall mean the Administrative Fee based upon the actual Cost of The Work; provided, however, that the Final Administrative Fee shall not be less than 90% of the Initial Administrative Fee.
 - e. "Cost of The Work" shall mean all expenses required to be paid in order to complete The Work including, but not limited to, all costs and expenses for labor, materials, machines and equipment and contractors' charges. Notwithstanding the foregoing, the Cost of The Work shall not include any expenses paid by Applicant through the Administrative Fee.
 - f. "The Work" shall mean the construction, for turn-key operation, of a 6-inch ductile iron pipe water main with all Appurtenances constructed within the public rights-of-way of the Project and/or the Easements in order to provide domestic water service and fire protection in and to the Project.
2. To enable Applicant to develop the proposed Project, the Board, in consideration of the

agreement of Applicant to the terms and conditions hereinafter provided, agrees that at such time as Applicant completes the grading and paving of the proposed public rights-of-way located in the Project and/or the grading of the Easements, free of all encumbrances of any kind or nature, and so notifies the Secretary of the Board, in writing, the Board shall authorize Applicant, in writing, to employ contractors acceptable to the Board and Applicant, under duly executed and acknowledged Contracts, Performance, Payment and Maintenance Bonds and Certificates of Insurance naming the Board as an additional insured on all coverages, all in forms prepared by or for the Board, to construct The Work in compliance with City requirements and Board approved engineering design, plans and specifications prepared by or for the Board at locations approved by the Board in City authorized public streets and/or the Easements, so as to provide domestic water service and fire protection in the Project. The Work shall be completed during the 2021 construction season commensurate with existing weather conditions and prudent construction practices.

3. Applicant agrees:

- a. To pay to the Board, concurrent with the execution of this Agreement, the Initial Administrative Fee in the amount of Eight Thousand Five Hundred and 00/100 Dollars (\$8,500.00).
- b. To pay to the Board the difference between the Initial Administrative Fee and the Final Administrative Fee in the event the Final Administrative Fee exceeds the Initial Administrative Fee before the Board will furnish any water service to any water customers located in the Project.
- c. To pay to the Board any Duplicative Costs (defined in §4.c below).
- d. To deliver to the Board duly executed copies of all Contracts, Bonds and Certificates of Insurance for The Work before commencement of The Work.
- e. To complete the final platting of the Project as an addition to the City of Council Bluffs, Iowa, for recording in the Offices of the County Recorder and County Auditor, Pottawattamie County, Iowa, all in accordance with the laws of the State of Iowa and the ordinances of the City.

- f. To pay all of the Cost of The Work and obtain lien waivers for all contractors, subcontractors and materialmen employed on the Project.
- g. After completion and acceptance of The Work by the Board, and before any water service connections may be made by any person or entity to The Work, to execute and deliver to the Board (i) an Easement Agreement in form attached hereto as Exhibit 1 in the event Easements are required, (ii) a Bill of Sale for The Work in form attached hereto as Exhibit 2, free and clear of all encumbrances, and (iii) proof of payment of all sales and income taxes due and owing by Contractor in connection with performance of The Work.

4. IT IS MUTUALLY AGREED THAT:

- a. If the Initial Administrative Fee is greater than the Final Administrative Fee, the difference shall be paid or credited to Applicant by the Board.
- b. No extra work shall be added to or deleted from The Work after the letting of the contract without the Board's prior written consent, which consent shall not be unreasonably withheld. In the process of so modifying The Work, the parties hereto shall recalculate and agree upon their respective percentages of the Cost of The Work.
- c. The Board is using surveys, plans, drawings and other design documents furnished to the Board by Applicant for the routing, location and design of the water main extension. The Board is wholly reliant upon the Applicant as to the accuracy and completeness of the information provided by Applicant and its engineer and surveyor and assumes no liability, stated or implied, for any errors or omissions resulting from the use of the documents provided. While reasonable care and diligence will be exercised in determining the location of buried utilities, soil conditions and depth of water table prior to letting of construction contracts, unforeseen conditions may arise that require a contract change order for extra work and a cost increase. Notwithstanding any provision in this Agreement to the contrary, it is agreed that the Applicant's engineer shall be responsible for the construction staking required for the Project in accordance with the plans and specifications.

In the event any of the information so provided by the Applicant proves to be incorrect and results in the Board duplicating any of its responsibilities under this Agreement, the cost of said duplication (the "Duplicative Cost") shall be paid by Applicant to the Board before the Board will furnish any water service to any water customers located in the Project.

- d. The Work and all additions thereto and replacements thereof, as and when installed, shall be and shall remain the property of and under the exclusive control and jurisdiction of the Board and its assigns and the Board shall have the right to extend said main beyond or laterally without further consent of Applicant and without becoming liable to Applicant for any refunds.
 - e. Applicant, as well as any others desiring water service to be furnished by the Board from and through The Work, shall make application to the Board for the necessary tap permit and shall pay the then existing tap fee and other charges assessed by the Board for providing such water service, none of which shall be refundable to Applicant. Thereafter, the Board agrees to furnish water service to such customers so long as they timely pay for such service at the rates and charges applicable thereto and are in full compliance with all other rules and regulations of the Board pertaining to the providing of water service to its customers.
5. Applicant, its successors in interest and assigns shall be jointly and severally liable for all payments required to be paid to the Board and performance of all obligations of Applicant under the terms and conditions of this Agreement.
 6. This Agreement shall not be sold, transferred or assigned by Applicant without written consent of the Board, which consent shall not be unreasonably withheld. Except as above provided, this Agreement shall be binding on and inure to the benefit of the parties, their successors in interest and assigns, the same as if they were original parties signing this Agreement.
 7. This Agreement shall become effective only when duly signed and acknowledged by all parties of this Agreement.

8. All exhibits referred to in this Agreement are attached hereto and are incorporated herein by reference as if fully set forth herein.
9. This Agreement and the legal relations between the parties hereto shall be governed by and construed in accordance with the laws of the State of Iowa applicable to contracts made and performed in Iowa.
10. Words and phrases herein, including acknowledgements endorsed hereon shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.
11. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral and written, between the parties hereto with respect to the subject matter hereof.
12. This Agreement and any amendments, waivers, consents, supplements may be executed in any number of counterparts and by different parties in separate counterparts, each of which when so executed and delivered shall be deemed an original, but all of which counterparts together shall constitute but one and the same agreement. Delivery of an executed counterpart of this Agreement by telecopy or similar electronic medium shall be equally as effective as delivery of a manually executed counterpart of this Agreement. Any party delivering an executed counterpart of this Agreement by telecopy or similar electronic medium shall also deliver a manually executed counterpart of this Agreement; provided that the failure to deliver a manually executed counterpart shall not affect the validity, enforceability or binding effect of this Agreement.

[signature page follows]

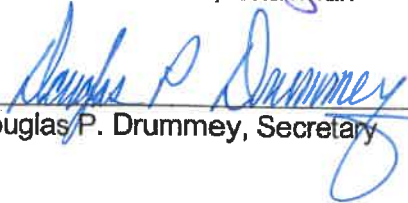
IN WITNESS WHEREOF, the parties have signed this Agreement and affixed any seals required by their respective entities on the dates set opposite their respective signatures.

Board Of Water Works Trustees Of The City Of Council Bluffs, Iowa

Date Signed: 12/21/2021

By: 
Caitlin A. Beresford, Chairman

Date Signed: 12/21/2021

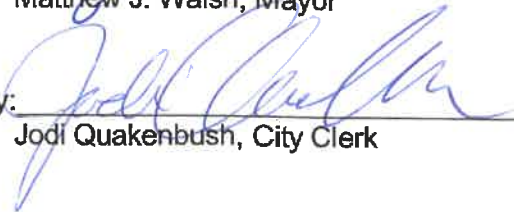
By: 
Douglas P. Drummey, Secretary

City of Council Bluffs, Iowa

Date Signed: 11/22/21

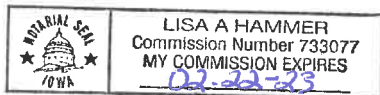
By: 
Matthew J. Walsh, Mayor

Date Signed: 11.22.21

By: 
Jodi Quakenbush, City Clerk

STATE OF IOWA)
) ss
COUNTY OF POTTAWATTAMIE)

On this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Caitlin A. Beresford and Douglas P. Drummey to me personally known, and who, being by me duly sworn, did say that they are the Chairman and Secretary respectively, of the Board of Water Works Trustees of the City of Council Bluffs, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the instrument was signed and sealed on behalf of the Board of Water Works Trustees of the City of Council Bluffs, Iowa, by authority of said Board, as contained in Resolution Number 07-17-21 adopted and passed by said Board on the 20th day of July, 2021, and that Caitlin A. Beresford and Douglas P. Drummey acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of said Board, by it voluntarily executed.



Lisa A Hammer
Notary Public in and for said State

STATE OF IOWA)
) ss
COUNTY OF POTTAWATTAMIE)

On this 22nd day of November, 2021, before me, a Notary Public in and for said county, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who being by me duly sworn did say that they are the Mayor and City Clerk respectively of the City of Council Bluffs, Iowa; that the instrument was signed and sealed on behalf of the City of Council Bluffs by authority of the City Council of the City of Council Bluffs, as contained in Resolution Number 21-271 adopted and passed by the City Council on the 27th day of September, 2021, and that Matthew J. Walsh and Jodi Quakenbush acknowledged the execution of said instrument to be the voluntary act and deed of said City Council, by it voluntarily executed.



(Seal)

Allison Head
Notary Public in and for said State

Exhibit 1

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:

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 _____, a(n) _____(State) _____(corporation/limited liability company), 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 fifty (50) 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"

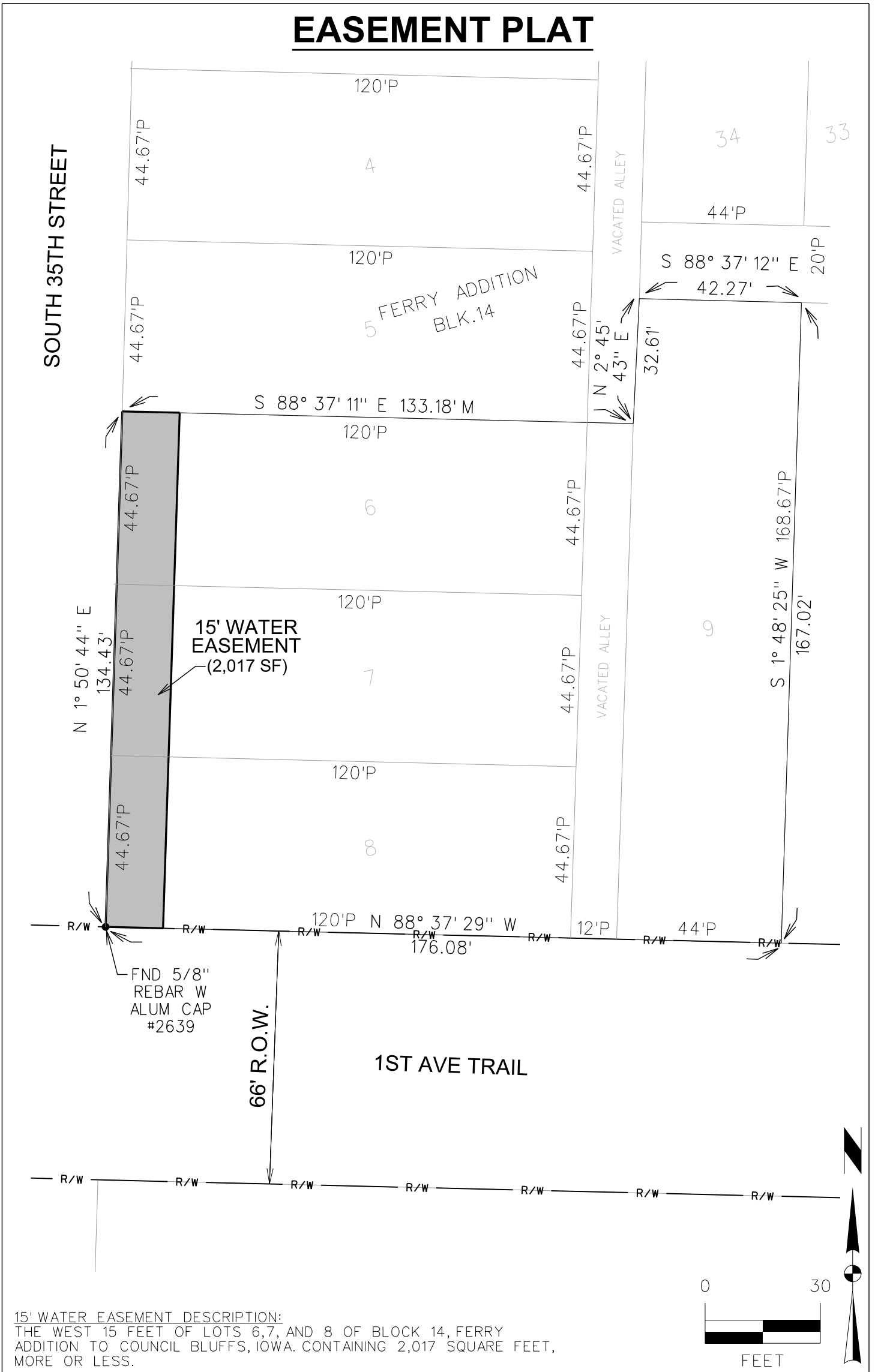
including the perpetual right to enter upon said real estate, at any time that it may see fit, and construct, inspect, maintain, repair, replace and operate or remove underground pipe lines and/or mains for the purpose of conveying water over, across, through and under said real estate, together with 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.

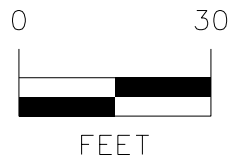
In further consideration for the good and sufficient valuable consideration received by the undersigned, the undersigned agrees that it will not place any permanent structures upon or over said easement without first obtaining the written consent of said City Water Works; further, the

EASEMENT PLAT



15' WATER EASEMENT DESCRIPTION:

THE WEST 15 FEET OF LOTS 6,7, AND 8 OF BLOCK 14, FERRY ADDITION TO COUNCIL BLUFFS, IOWA. CONTAINING 2,017 SQUARE FEET, MORE OR LESS.



SOUTH 35TH ST WATER EASEMENT PLAT



1751 MADISON AVE
CO. BLUFFS, IOWA 51503 (712)-322-3202

| | |
|----------|------------|
| SHEET | 1 OF 1 |
| PN: | 1181173 |
| FLD BK: | PG: |
| DATE: | 08/26/2022 |
| PM/TECH: | DJD |

RESOLUTION NO. 22-273

A RESOLUTION TO DISPOSE OF CERTAIN PROPERTY INTEREST ON CITY-OWNED PROPERTY LEGALLY DESCRIBED AS BEING THE WEST 15 FEET OF LOTS 6 THROUGH 8, BLOCK 14, FERRY ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA BY GRANTING A 15 FOOT-WIDE EASEMENT FOR THE BENEFIT OF COUNCIL BLUFFS WATER WORKS

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines disposing of certain property interest on City-owned property legally described as the West 15 feet of Lots 6 through 8, Block 14, Ferry Addition, City of Council Bluffs, Pottawattamie County, Iowa, by granting a 15 foot-wide easement for the benefit of Council Bluffs Water Works, is of benefit to the public and should be granted; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City property interest; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacment and repair thereof which said City may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacment, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record; and

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

That the interest in the City-owned property legally described as being the West 15 feet of Lots 6 through 8, Block 14, Ferry Addition, City of Council Bluffs, Pottawattamie County, Iowa is hereby disposed of by granting a 15 foot-wide easement for the benefit of Council Bluffs Water Works and all successors in interest; and

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Community Development
Case/Project No.: SUB-22-012
Submitted by: Haley Weber, Planner

Resolution 22-274
ITEM 5.E.

Council Action: 11/14/2022

Description

Resolution granting final plat approval of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, and approval of the requested variance for lot size. Location: Undeveloped land located immediately north of 105 S. 24th Street. SUB-22-012

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Attachment A: Location/Zoning Map | Map | 11/4/2022 |
| Attachment B: Row on 1st Subdivision Final Plat | Other | 11/4/2022 |
| Resolution 22-274 | Resolution | 11/8/2022 |

City Council Communication

| | | |
|---|-----------------------------|-------------------------------|
| <p>Department: Community Development</p> <p>CASE #SUB-22-012</p> <p>Applicant/Property Owner: Pottawattamie County Development Corporation d/b/a The 712 Initiative 1228 S Main Street Council Bluffs, IA 51503</p> <p>Engineer: David E. Forsythe HGM Associates Inc. 640 5th Avenue Council Bluffs, IA 51501</p> | <p>Resolution No. _____</p> | <p>City Council: 11/14/22</p> |
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Subject/Title

Request: Final plat approval of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran’s Addition, City of Council Bluffs, Pottawattamie County, Iowa, and granting a lot size variance for Lots 1 through 3, The Rows on 1st Subdivision.

Location: Undeveloped land located immediately north of 105 S. 24th Street

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Background/Discussion

The 712 Initiative d/b/a Pottawattamie County Development Corporation is requesting final plat approval of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran’s Addition, City of Council Bluffs, Pottawattamie County, Iowa.

The proposed subdivision is comprised of 0.14 acres (more/less) of land and will consist of three lots. The applicant intends to construct a three-unit townhome on the subject property. The purpose of the proposed subdivision is to create three lots of record so that each townhome unit can be sold separately. Proposed Lot 1 will contain the westerly townhome unit and will have vehicular access off South 24th Street. Proposed Lot 2 will contain the middle townhome unit and will have direct frontage onto the First Avenue trail. Lot 3 will contain the easterly most townhome unit and will have vehicular access off the adjacent alley. The subject request includes subdivision variances for lot size for all three proposed lots.

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Comments

- A. The proposed subdivision is zoned R-3/Low Density Multifamily Residential and has a PR-2 Overlay appended to it. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Medium-Density Residential, which is described as areas that include “*duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas.*” The applicant intends to utilize the proposed lots for a three-unit townhome development. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.
- B. The minimum lot size for a townhouse dwelling in the R-3 District is “*7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet.*” The two common walls separating the townhome units coincide

with the lot lines. However, all three proposed lots do not meet the minimum 2,500 square foot lot size requirement (Lot 1 – 2,199 square feet; Lot 2 – 1,492 square feet; Lot 3 – 2,209 square feet).

Section 14.14.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: “*where it can be shown that due to special conditions, a literal enforcement of this ordinance shall result in unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

1. *Not be in contrary to the public interest;*
2. *Be in the best interest of the City;*
3. *Be within the spirit and intent of this title;*
4. *Not be detrimental to the future residents in and near the proposed subdivision; and*
5. *Be consistent with the City’s comprehensive plan.”*

The Community Development Department recommends approval of the requested subdivision variances for lot sizes. The subject property is adjacent to the First Avenue trail, which is the City’s premier multi-use trail, conducive to walking, biking, and micro-mobility options. The proposed lot sizes allows for small-scale, compact, and pedestrian-oriented development that promotes vibrancy along the First Avenue corridor and helps create the density necessary to support a successful future streetcar system as well as other potential expansions of public transportation within the city. Additionally, the proposed lot size variances would not be detrimental to the future residents in and near the proposed subdivision. The proposed subdivision is in line with the housing typologies identified in the Medium Density Residential designation of the Bluffs Tomorrow 2030 Comprehensive Plan.

- C. All development within the proposed subdivision shall comply with the development standards listed in the adopted development plan for the subject property (Case #PR-22-004).
- D. All proposed lots will have non-vehicular access to the First Avenue multi-use trail. Proposed Lot 1 will have vehicular access off South 24th Street and proposed Lot 3 will have vehicular access off the adjacent north/south alley.
- E. All proposed lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground.
- F. The subject property is located within Flood Zone ‘X’, according to the FEMA Map Number 19155C0394E, dated February 4, 2005 and is protected from flooding by a levee along the Missouri River.
- G. The final plat shall be recorded concurrently with the issuance of the building permit for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.
- H. The Council Bluffs Parks and Recreation Department stated they have no comments in regards to the request.
- I. The Council Bluffs Permits and Inspections Division stated they have no concerns with the request.
- J. The Council Bluffs Fire Department stated they have no comments in regards to the request.
- K. The Council Bluffs Public Works Department stated they have no comments in regards to the request.
- L. Council Bluffs WaterWorks stated they have discussed the requirements for independently metering the units from the existing water main with the developer’s engineer.
- M. MidAmerican Energy stated they have no conflicts with the subdivision request and noted that the developer or their agents should contact MidAmerican Energy directly to discuss the project timeline and identify costs and responsibilities for extending electric service to the development.
- N. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
 1. The Certificate of Treasurer of Pottawattamie County, Iowa shall state: “...*the property included in The Row on 1st Subdivision ...*”
 2. Both notary statements shall state 2022 on the date line.
 3. If the private covenants for the proposed subdivision are recorded prior to execution of the final plat, the final plat shall reference the book and page number of said recording. If the private covenants are not recorded prior to the execution of the final plat, said covenants shall be recorded concurrent with the final plat.
 4. For the purpose of establishing franchise utility easements, the northerly and southerly property lines shall be considered interior side yard property lines. The westerly property line shall be considered the front property line, and the easterly property line shall be considered the rear

property line. The standard franchise utility easements over the common property lines between Lots 1 and 2 and Lots 2 and 3 shall not be stated on the final plat as the townhome structures will be constructed over these property lines. The standard dedication of public easements shall appear on the final plat as stated below:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

ERECTION OF STRUCTURES PROHIBITED: *Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.*

CHANGE OF GRADE PROHIBITED: *Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.*

RIGHT OF ACCESS: *City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.*

REMOVAL AND REPLACEMENT: *The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.*

SURFACE RESTORATION: *City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.*

DUTY TO REPAIR: *City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.*

EASEMENT RUNS WITH LAND: *This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.*

Recommendation

The Community Development Department recommends approval of the proposed three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the requested variance for lot-size, subject to the comments above and the conditions below:

- A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
- B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
- C. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
- D. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
- E. All development within the proposed subdivision shall comply with the development standards listed in the adopted development plan for the subject property (Case #PR-22-004).

F. The final plat shall be recorded concurrently with the issuance of the building permit for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.

Attachments



Attachment A: Location/Zoning Map

Attachment B: Row on 1st Subdivision Final Plat

Prepared by: Haley Weber, Planner, Community Development Department

CITY OF COUNCIL BLUFFS CASE #SUB-22-012 ZONING/LOCATION MAP

Legend

-  Subject Property Case #SUB-22-012
-  Parcels

0 37.5 75
1 inch = 72 feet

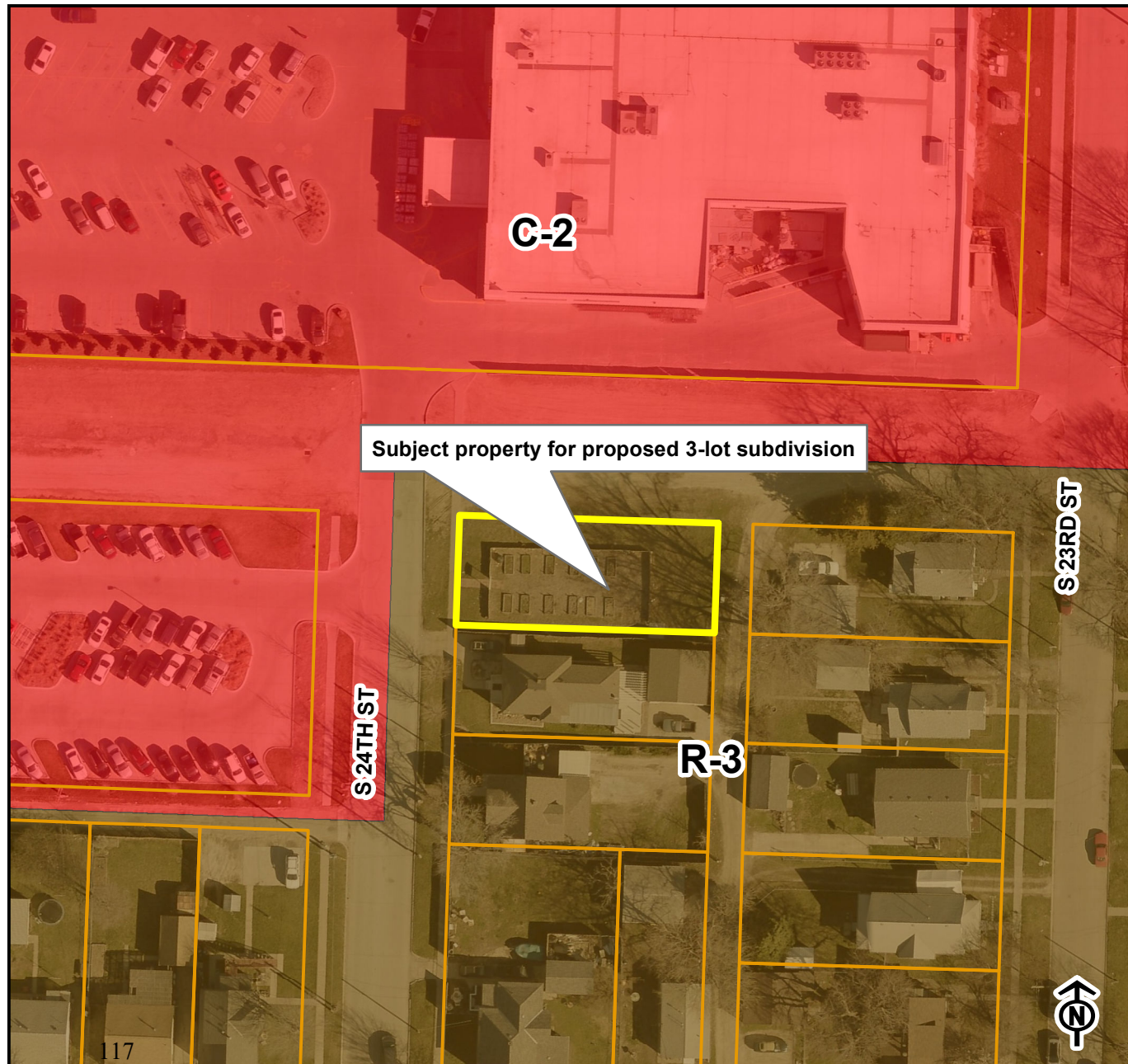


Last Amended: 9/16/2022



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

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



| RECORDER'S INDEX | |
|---|--|
| LOT: 1 | |
| BLOCK: 5 | |
| SUBDIVISION: COCHRANS ADDITION | |
| CITY: COUNCIL BLUFFS | |
| COUNTY: POTTAWATTAMIE | |
| PROPRIETOR: POTTAWATTAMIE DEVELOPMENT CORP. | |
| REQUESTED BY: THE 712 INITIATIVE | |
| DATE OF FIELD SURVEY: MAY 26, 2022 | |

THE ROW ON 1st
BEING A REPLAT OF LOT 12, BLOCK 5, COCHRANS ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION
LOT 1, BLOCK 5, COCHRANS ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

OWNER/DEVELOPER:
THE 712 INITIATIVE
1228 SOUTH MAIN STREET
COUNCIL BLUFFS, IOWA 51503

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

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

ATTESTED TO BY:

CITY CLERK: JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: COURTNEY HARTER DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN RIVER ROAD SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS DATE

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT THE 712 INITIATIVE, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1, LOT 2 AND LOT 3, INCLUSIVE. SAID PROPERTY TO BE KNOWN AS THE ROW ON 1st.

AS PART OF THIS PLATTING, THE 712 INITIATIVE DOES HEREBY DEDICATE TO THE HOMEOWNER'S ASSOCIATION A 5.00 FEET WIDE PERPETUAL SANITARY SEWER EASEMENT ACROSS THE NORTH SIDE OF LOT 1 THROUGH 3 AS SHOWN ON THE DRAWING.

AS PART OF THIS PLATTING, THE 712 INITIATIVE DOES HEREBY DEDICATE A 5.00 FEET WIDE UTILITY EASEMENT ACROSS THE SOUTH SIDE OF LOTS 1 THROUGH 3 AS SHOWN ON THE DRAWING

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

- PRIVATE RESTRICTIONS AND/OR COVENANTS WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE 712 INITIATIVE PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2022.

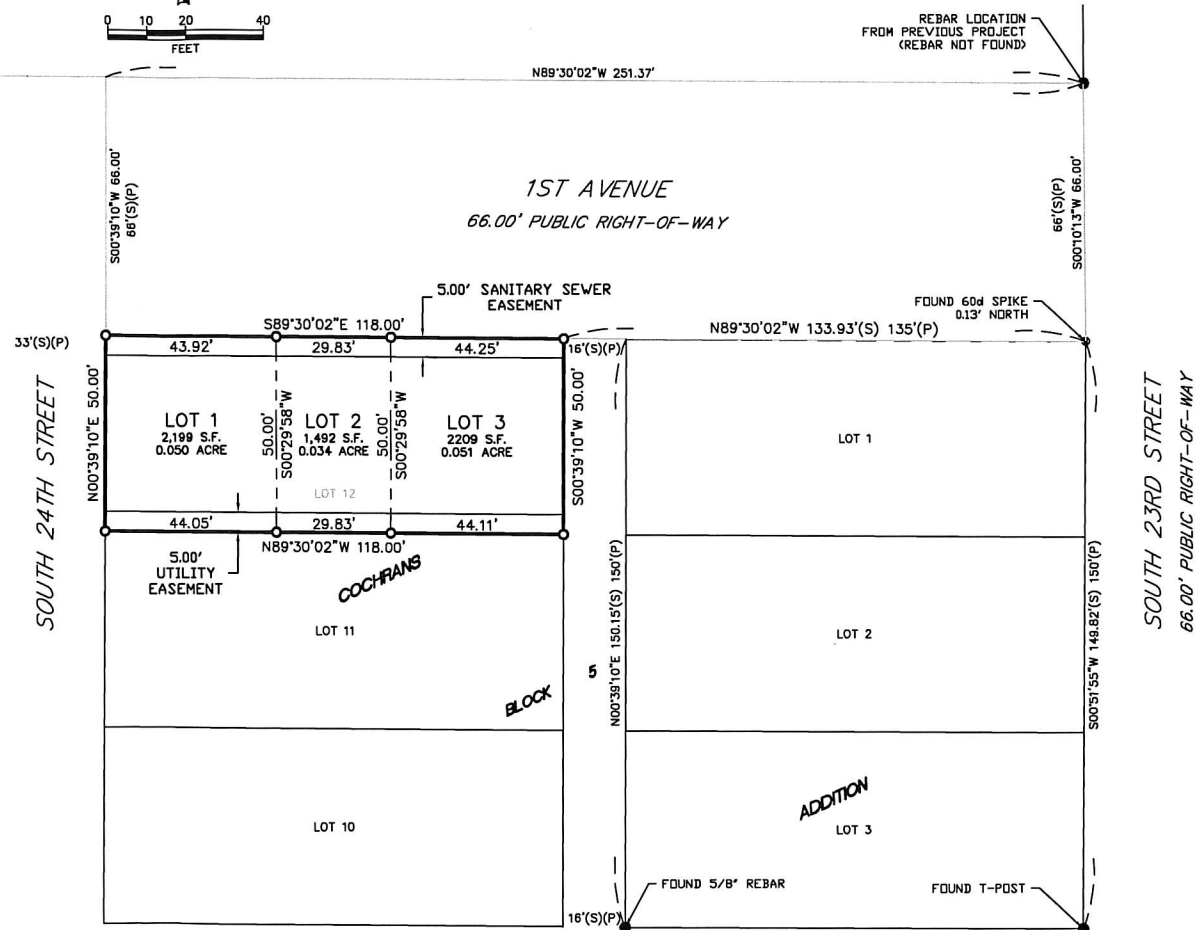
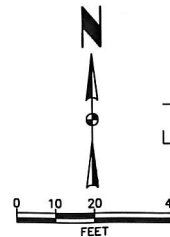
BY: SHERYL GARST CHIEF EXECUTIVE OFFICER

BY: JENNIFER FLETCHER BOARD CHAIR

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2019, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED SHERYL GARST, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY SHE IS THE CHIEF FINANCIAL OFFICER OF THE 712 INITIATIVE, THAT NO SEAL HAS BEEN PROCURED BY SAID THE 712 INITIATIVE, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE 712 INITIATIVE BY AUTHORITY OF THE BOARD AND SAID SHERYL GARST ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID THE 712 INITIATIVE BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE MY COMMISSION EXPIRES



NOTE:

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.

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2019, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED JENNIFER FLETCHER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY SHE IS THE BOARD CHAIR OF THE 712 INITIATIVE, THAT NO SEAL HAS BEEN PROCURED BY SAID THE 712 INITIATIVE, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE 712 INITIATIVE BY AUTHORITY OF THE BOARD AND SAID JENNIFER FLETCHER ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID THE 712 INITIATIVE BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE MY COMMISSION EXPIRES

LEGEND

- FOUND PROPERTY PIN AS NOTED
- SET 5/8"x18 REBAR w/ALUMINUM CAP MARKED "HGM ASSOC. PLS 25604"
- (P) PLATTED
- (S) SURVEYED

PROFESSIONAL LAND SURVEYOR
DAVID E. FORSYTHE
25604
IOWA

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

DATE: JUNE 24, 2022
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 SHEET 2 OF 2

This platting is being done under the authority of the Iowa Code, Chapter 177, Section 1. The owner of this project is THE 712 INITIATIVE. The platting is being done for the purpose of subdividing the property into lots for the purpose of sale. The platting is being done in accordance with the laws of the State of Iowa.

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

DEF. term
DEF. designed
DEF. approved
JUNE '22
date

project THE ROW ON 1ST
sheet REPLAT LOT 12, BLK 5 COCHRANS ADDITION
client THE 712 INITIATIVE
1228 SOUTH MAIN STREET, COUNCIL BLUFFS, IA 51503
sheet REPLAT

project no. 106822
sheet 1 OF 1

RESOLUTION NO. 22-274

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A THREE-LOT RESIDENTIAL MINOR SUBDIVISION TO BE KNOWN AS THE ROW ON 1ST SUBDIVISION, LEGALLY DESCRIBED AS BEING A REPLAT OF LOT 12, BLOCK 5, COCHRAN'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AND APPROVAL OF THE REQUESTED VARIANCE FOR LOT-SIZE.

WHEREAS, Pottawattamie County Development Corporation d/b/a The 712 Initiative has requested final plat approval of a of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The proposed subdivision is comprised of 0.14 acres (more/less) of land located immediately north of 105 S. 24th Street; and

WHEREAS, All City departments and local utility companies were provided a copy of the proposed final plat for review and the following comments were received:

- A. The proposed subdivision is zoned R-3/Low Density Multifamily Residential and has a PR-2 Overlay appended to it. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Medium-Density Residential, which is described as areas that include *"duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas."* The applicant intends to utilize the proposed lots for a three-unit townhome development. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.
- B. The minimum lot size for a townhouse dwelling in the R-3 District is *"7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet."* The two common walls separating the townhome units coincide with the lot lines. However, all three proposed lots do not meet the minimum 2,500 square foot lot size requirement (Lot 1 – 2,199 square feet; Lot 2 – 1,492 square feet; Lot 3 – 2,209 square feet).

Section 14.14.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: *"where it can be shown that due to special conditions, a literal enforcement of this ordinance shall result in unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

- 1. *Not be in contrary to the public interest;*

2. *Be in the best interest of the City;*
3. *Be within the spirit and intent of this title;*
4. *Not be detrimental to the future residents in and near the proposed subdivision; and*
5. *Be consistent with the City's comprehensive plan."*

The Community Development Department recommends approval of the requested subdivision variances for lot sizes. The subject property is adjacent to the First Avenue trail, which is the City's premier multi-use trail, conducive to walking, biking, and micro-mobility options. The proposed lot sizes allows for small-scale, compact, and pedestrian-oriented development that promotes vibrancy along the First Avenue corridor and helps create the density necessary to support a successful future streetcar system as well as other potential expansions of public transportation within the city. Additionally, the proposed lot size variances would not be detrimental to the future residents in and near the proposed subdivision. The proposed subdivision is in line with the housing typologies identified in the Medium Density Residential designation of the Bluffs Tomorrow 2030 Comprehensive Plan.

- C. All development within the proposed subdivision shall comply with the development standards listed in the adopted development plan for the subject property (Case #PR-22-004).
- D. All proposed lots will have non-vehicular access to the First Avenue multi-use trail. Proposed Lot 1 will have vehicular access off South 24th Street and proposed Lot 3 will have vehicular access off the adjacent north/south alley.
- E. All proposed lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground.
- F. The subject property is located within Flood Zone 'X', according to the FEMA Map Number 19155C0394E, dated February 4, 2005 and is protected from flooding by a levee along the Missouri River.
- G. The final plat shall be recorded concurrently with the issuance of the building permit for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.
- H. Council Bluffs WaterWorks stated they have discussed the requirements for independently metering the units from the existing water main with the developer's engineer.
- I. MidAmerican Energy stated they have no conflicts with the subdivision request and noted that the developer or their agents should contact MidAmerican Energy directly to discuss the project timeline and identify costs and responsibilities for extending electric service to the development.
- J. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
 1. The Certificate of Treasurer of Pottawattamie County, Iowa shall state: "*...the property included in **The Row on 1st Subdivision**...*"

2. Both notary statements shall state 2022 on the date line.
3. If the private covenants for the proposed subdivision are recorded prior to execution of the final plat, the final plat shall reference the book and page number of said recording. If the private covenants are not recorded prior to the execution of the final plat, said covenants shall be recorded concurrent with the final plat.
4. For the purpose of establishing franchise utility easements, the northerly and southerly property lines shall be considered interior side yard property lines. The westerly property line shall be considered the front property line, and the easterly property line shall be considered the rear property line. The standard franchise utility easements over the common property lines between Lots 1 and 2 and Lots 2 and 3 shall not be stated on the final plat as the townhome structures will be constructed over these property lines. The standard dedication of public easements shall appear on the final plat as stated below:
 - a. *A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:*
 - b. **ERECTION OF STRUCTURES PROHIBITED:** *Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.*
 - c. **CHANGE OF GRADE PROHIBITED:** *Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.*
 - d. **RIGHT OF ACCESS:** *City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.*
 - e. **REMOVAL AND REPLACEMENT:** *The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.*
 - f. **SURFACE RESTORATION:** *City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.*
 - g. **DUTY TO REPAIR:** *City agrees that any drain tile, drive or*

access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

- h. *EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns; and*

WHEREAS, The Community Development Department recommends approval of the proposed three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the requested variance for lot-size, subject to the comments above and the conditions below:

- A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
- B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
- C. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
- D. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
- E. All development within the proposed subdivision shall comply with the development standards listed in the adopted development plan for the subject property (Case #PR-22-004).

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

That the request for final plat approval for a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, as shown on Attachment "B", is hereby approved subject to all comments and conditions listed above and 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

November 14, 2022.

MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: BM-23-03
Submitted by: Jeremy Noel, Public Works
Operations Manager

Resolution 22-275
ITEM 5.F.

Council Action: 11/14/2022

Description
Resolution approving the plans, specifications, form of contract, and cost estimate for Mid-America Center Ballroom and Pre-Function Lighting. #BM-23-03

Background/Discussion
The lighting for the Mid-America Center ballroom and pre-function areas was installed when the building was new in 2002. The dimming controls for this lighting are no longer functioning and replacement parts for the system are unavailable due to the use of compact fluorescent lamps used in the main pendant fixtures and high wattage halogen bulbs used in the downlights. The use of these lamps also contribute to high utility costs.
The work includes, but is not limited to, replacement of the dimming system with a new dimming system that has components that are more readily available for repair and allow for future changes in equipment without replacement of the system and retrofitting existing fixtures with LED lights that will reduce the amount energy used at the facility. Materials include new retrofit led light fixtures to replace the 250 watt halogen downlights, retrofit led light modules for the compact florescent pendant fixtures, new dimming modules compatible with the retrofit and existing light fixtures, associated wiring, partition sensors and new control interfaces for the different areas.
The estimated cost of this project is \$170,255 which includes \$24,500 for professional services. The project is included in the FY23 CIP with funding from the General Fund - Gaming.
The project schedule is as follows:

| | |
|---------------------|-------------------|
| Hold Public Hearing | November 14, 2022 |
| Bid Letting | December 6, 2022 |
| Award | December 19, 2022 |
| Construction End | May 12, 2023 |

Recommendation
Approval of this resolution to replace the non-working lighting dimmer controls and retrofitting existing lighting with more efficient LED lights to increase energy efficiency and reduce utility costs at the Mid-American Center.

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Resolution 22-275 | Resolution | 11/8/2022 |

RESOLUTION NO. 22-275

**RESOLUTION APPROVING THE PLANS, SPECIFICATIONS,
FORM OF CONTRACT, AND COST ESTIMATE
FOR MID-AMERICA CENTER BALLROOM AND PRE-FUNCTION LIGHTING
PROJECT #BM-23-03**

- WHEREAS, the City of Council Bluffs desires to renovate the Mid-America Center area; and
- WHEREAS, funding for this project will be provided by General Fund – Gaming; and
- 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; and
- WHEREAS, a Notice of public Hearing was published as required by law, and a public hearing was held on October 24, 2022.

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

That the plans, specifications, form of contract, and cost estimate are hereby approved for the Mid-America Center Ballroom and Pre-Function Lighting project and the City is hereby authorized to advertise for bids for said project.

**ADOPTED
AND
APPROVED** November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: SUB-22-013
Submitted by: Brandon Siracuse, Planner

Resolution 22-276
ITEM 5.G.

Council Action: 11/14/2022

Description

Resolution granting final plat approval of a 30-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 1, legally described as being a portion of the NW 1/4 SE 1/4 and the NE 1/4 SE 1/4 of Section 34-75-43. Location: Undeveloped land lying northwest of the intersection of Eastern Hills Drive and Deveron Drive. SUB-22-013

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Attachment A: Location/Zoning Map | Staff Report | 11/4/2022 |
| Attachment B: Hills of Cedar Creek Central Phase 1 Final Plat | Other | 11/4/2022 |
| Resolution 22-276 | Resolution | 11/8/2022 |

City Council Communication

| | | |
|---|-----------------------------|---------------------------------|
| <p>Department: Community Development</p> <p>CASE #SUB-22-013</p> <p>Applicant: James M. Duggan 1473 Abercorn Dr Council Bluffs, IA 51503</p> <p>Property Owner: Aberdeen Partners, LLC 11040 Oakmont Street Overland Park, KS 66210</p> <p>Engineer/Surveyor: Ehrhart Griffin & Associates c/o Terry L. Morrison 142 W Broadway, Suite 136 Council Bluffs, IA 51503</p> | <p>Resolution No. _____</p> | <p>City Council: 11/14/2022</p> |
|---|-----------------------------|---------------------------------|

Subject/Title

Request: Final plat approval of a 30-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 1, legally described as being a portion of the NW ¼ SE ¼ and the NE ¼ SE ¼ of Section 34-75-43, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described on the final plat (Attachment ‘B’).

Location: Undeveloped land lying northwest of the intersection of Eastern Hills Drive and Deveron Drive.

Background/Discussion

The Community Development Department has received an application from James M. Duggan, for final plat approval of a 30-lot major residential subdivision to be known as Hills of Cedar Creek Central Phase 1, legally described as being a portion of the NW ¼ SE ¼ and the NE ¼ SE ¼ of Section 34-75-43, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described above. The proposed subdivision is comprised of 14.26 acres (621,165.6 square feet), more or less, of land, and will consist of 30 single-family residential lots and four outlots (Outlots A-D). The proposed subdivision also includes the dedication of Ardmore Street, which connects into Eastern Hills Drive, and Quenby Drive, Hampton Drive, and Fannin Circle, which connect into Ardmore Street, to the City of Council Bluffs.

Comments

1. The proposed subdivision is currently zoned R-1/Single-Family Residential. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Low Density Residential. The developer proposes to construct one ‘single-family dwelling, detached’ on each proposed lot. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

2. Proposed Lots 1 through 30 each contain more than 5,000 square feet in area and thus exceed minimum R-1 lot size requirements.
3. All development activity within this subdivision shall comply with the standards set forth in Chapter 15.08B, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The proposed subdivision includes Outlots 'A' and 'B,' which will function as landscaped buffers between the proposed subdivision and Eastern Hills Drive. The proposed buffer area is consistent with development along Eastern Hills Drive. A note shall be placed on the final plat that clearly states perpetual ownership and maintenance of Outlots A and B is dedicated to the homeowner's association or management group.
5. The proposed subdivision also contains Outlots 'C' and 'D.' Both outlots and a portion of the undeveloped land lying south of Outlot 'C' and west of Lot 14 will contain a portion of a sanitary sewer extension that will serve the proposed subdivision. Said sanitary sewer extension shall have a 30-foot wide utility easement dedicated to the benefit of the City to allow for maintenance. Outlot 'D' also contains a stormwater detention basin and will contain a segment of stormwater pipe, which shall also require a 30-foot wide utility easement dedicated to the benefit of the City. The applicant shall coordinate with the Public Works Department on the specific locations of these easements.
6. The developer has completed construction of a portion of Ardmore Street that connects into Eastern Hills Drive, as well as Fannin Circle and portions of Hampton Drive and Quenby Drive, which all connect into Ardmore Street. The developer will dedicate all new streets to the City of Council Bluffs as part of the proposed subdivision. All proposed lots will have direct frontage onto at least one of the new streets.
7. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).
8. All utilities were installed during the construction of the above-mentioned streets and are available to service the proposed subdivision. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.
9. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. All sidewalks shall be built to City standards.
10. Sidewalks built to city standards shall be installed along the Ardmore Street frontages of Outlots 'A,' 'B,' and 'D' prior to execution of the final plat.
11. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
12. The Council Bluffs Permits and Inspections Division stated they approve of the request.
13. The Council Bluffs Public Works Department stated that Outlot 'D' contains a detention/sedimentation basin that must be maintained by the developer until such time that a HOA is in place. This basin will also be used for development to the north, and as such the final plat shall contain notes similar to the following example:

PERPETUAL STORM SEWER AND DRAINAGE EASEMENT FOR THE DETENTION BASINS LOCATED IN OUT LOTS "E", "I" AND "M" ARE RESERVED BY THE DEVELOPER. AT SUCH TIME THE EASEMENTS ARE ASSIGNED TO THE HILLS OF CEDAR CREEK HOME OWNERS ASSOCIATION. THE DEVELOPER AND LATER THE HILLS OF CEDAR CREEK HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE OF SAID EASEMENTS INCLUDING, BUT NOT LIMITED TO THE MAINTENANCE OF ALL IMPROVEMENTS ON SAID EASEMENTS WHICH WERE DESIGNED AND CONSTRUCTED BY THE DEVELOPER TO ADDRESS SURFACE WATER RUNOFF AND TO CONTROL SURFACE WATER RUNOFF. SUFFICIENT RUNOFF VOLUMES MUST BE MAINTAINED WITHIN THE EASEMENT AREAS. MINIMUM VOLUMES THAT SHALL BE MAINTAINED ARE AS FOLLOWS:

| | OUT LOT "E" POND | OUT LOT "I" POND | OUT LOT "M" POND |
|--|------------------------------|-------------------------------|------------------------------|
| SURFACE WATER RUNOFF AND SEDIMENT VOLUME | 101500 C.F. 2.33 ACRE FT. | 104110 C.F. 2.39 ACRE FT. | 128500 C.F. 2.95 ACRE FT. |
| SURFACE WATER RUNOFF DETENTION VOLUME | 69260 C.F. 1.59 ACRE FT. | 67953.6 C.F. 1.56 ACRE FT. | 78840 C.F. 1.81 ACRE FT. |
| SOIL EXCAVATION TO COMMENCE AT ELEVATION | 1125 | 1177 | 1133.5 |

TO ACHIEVE THIS REQUIREMENT, EXCAVATION MUST BEGIN IMMEDIATELY WHEN SEDIMENT HAS REACHED A LEVEL 4.0 FEET BELOW THE 100 YEAR WATER DETENTION SURFACE ELEVATION. THE DEVELOPER AND LATER THE HILLS OF CEDAR CREEK HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE OF SAID EASEMENT. THE DEDICATION OF THESE EASEMENT GRANTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

14. The Council Bluffs Fire Department stated they have no comments on the request.
15. No other comments have been received as of the writing of this report.
16. The following technical corrections shall be made to the plat prior to being executed:
 - a. Rename Hampton Drive to something else to prevent potential confusion with existing Hampton Lane, and change all references to said street on the final plat to reflect the name change.

- b. Rename Ardmore Street to West Ardmore Street, North Ardmore Street, or something else consistent with Public Works street naming requirements.
- c. Indicate a 30-foot wide utility easement dedicated to the benefit of the City around the sanitary sewer line extension through Outlots 'C' and 'D' and the undeveloped land lying south of Outlot 'C' and west of Lot 14, as well as around the storm sewer line running through Outlot 'D.'

Recommendation

The Community Development Department recommends approval of the proposed 30-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 1, subject to the comments above and the conditions below:

- 1. The Public Works Department shall accept all infrastructure into the City's inventory prior to the final plat being signed and recorded; and
- 2. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director; and
- 3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
- 4. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document; and
- 5. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
- 6. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. All sidewalks shall be built to City standards.

Attachments




- Attachment A: Location/Zoning Map
- Attachment B: Hills of Cedar Creek Central Phase 1 Final Plat


Prepared by: Brandon Siracuse, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY COUNCIL

CASE #SUB-22-013

ZONING/LOCATION MAP

-  Case #SUB-22-013 Subject Property
-  City of Council Bluffs Corporate Limits
-  Parcels

0 250 500

 1 inch = 500 feet

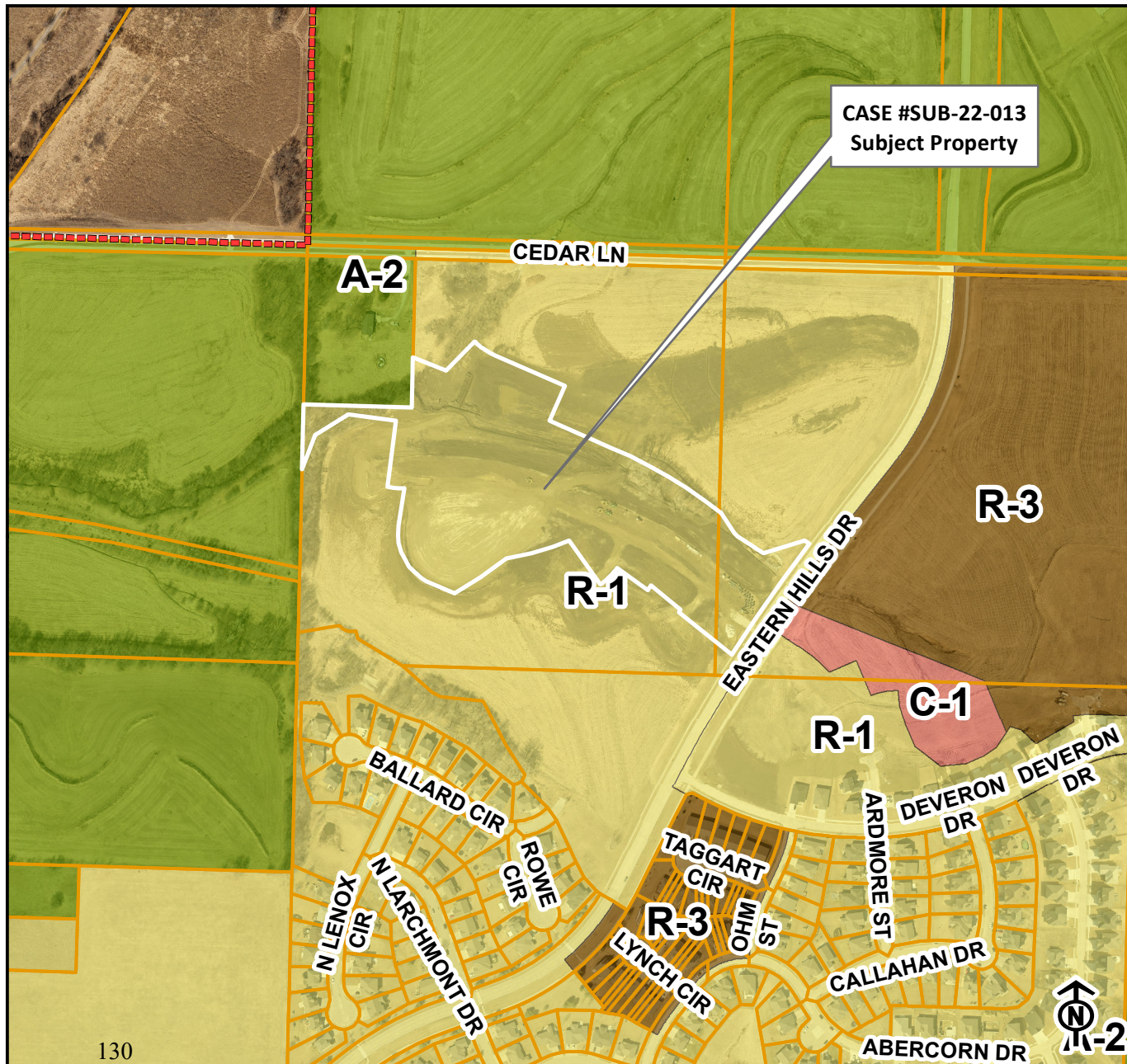


Last Amended: 10/10/2022



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

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



LEGAL DESCRIPTION:

A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER ALL IN SECTION 34, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01° 25' 06"EAST, A DISTANCE OF 503.01 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88° 18' 14"EAST, A DISTANCE OF 341.50 FEET; THENCE NORTH 01° 25' 06"EAST, A DISTANCE OF 158.74 FEET; THENCE SOUTH 67° 58' 06"EAST, A DISTANCE OF 112.25 FEET; THENCE NORTH 44° 26' 11"EAST, A DISTANCE OF 128.26 FEET; THENCE SOUTH 60° 15' 02"EAST, A DISTANCE OF 389.30 FEET; THENCE SOUTH 58° 07' 54"EAST, A DISTANCE OF 172.44 FEET; THENCE SOUTH 30° 17' 22"WEST, A DISTANCE OF 68.96 FEET; THENCE SOUTH 65° 48' 59"EAST, A DISTANCE OF 45.98 FEET; THENCE SOUTH 63° 18' 00"EAST, A DISTANCE OF 67.90 FEET; THENCE SOUTH 60° 37' 34"EAST, A DISTANCE OF 67.90 FEET; THENCE SOUTH 57° 57' 07"EAST, A DISTANCE OF 67.90 FEET; THENCE SOUTH 55° 16' 41"EAST, A DISTANCE OF 67.90 FEET; THENCE SOUTH 52° 41' 28"EAST, A DISTANCE OF 68.16 FEET; THENCE SOUTH 33° 14' 10"EAST, A DISTANCE OF 74.33 FEET; THENCE SOUTH 45° 00' 16"EAST, A DISTANCE OF 15.54 FEET; THENCE SOUTH 57° 05' 59"EAST, A DISTANCE OF 97.24 FEET; THENCE NORTH 72° 52' 17"EAST, A DISTANCE OF 136.43 FEET; THENCE SOUTH 52° 36' 15"EAST, A DISTANCE OF 18.15 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF EASTERN HILLS DRIVE; THENCE SOUTHWESTERLY ON SAID RIGHT-OF-WAY LINE BEING A CURVE THE LEFT HAVING A RADIUS OF 5250.00 AND A CENTRAL ANGLE OF 04° 40' 00", AN ARC DISTANCE OF 427.61 FEET (CHORD=427.50', CHORD BEARING=S 35° 03' 45" W); THENCE NORTH 51° 00' 19"WEST, A DISTANCE OF 213.95 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 1225.00 AND A CENTRAL ANGLE OF 00° 25' 35", AN ARC DISTANCE OF 9.12 FEET (CHORD=9.12', CHORD BEARING=N 39° 12' 28" E); THENCE NORTH 50° 34' 44"WEST, A DISTANCE OF 120.81 FEET; THENCE SOUTH 35° 24' 48"WEST, A DISTANCE OF 18.65 FEET; THENCE NORTH 54° 06' 41"WEST, A DISTANCE OF 120.00 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 225.00 AND A CENTRAL ANGLE OF 18° 50' 27", AN ARC DISTANCE OF 73.99 FEET (CHORD=73.65', CHORD BEARING=S 45° 18' 32" W); THENCE NORTH 35° 16' 15"WEST, A DISTANCE OF 170.00 FEET; THENCE SOUTH 69° 53' 17"WEST, A DISTANCE OF 56.09 FEET; THENCE SOUTH 72° 36' 00"WEST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 78° 29' 13"WEST, A DISTANCE OF 80.60 FEET; THENCE SOUTH 54° 02' 49"WEST, A DISTANCE OF 99.82 FEET; THENCE SOUTH 58° 01' 30"WEST, A DISTANCE OF 97.89 FEET; THENCE NORTH 66° 52' 56"WEST, A DISTANCE OF 97.80 FEET; THENCE NORTH 56° 02' 56"WEST, A DISTANCE OF 18.74 FEET; THENCE NORTH 47° 01' 39"WEST, A DISTANCE OF 50.75 FEET; THENCE NORTH 29° 01' 39"WEST, A DISTANCE OF 52.73 FEET; THENCE NORTH 14° 45' 10"WEST, A DISTANCE OF 29.92 FEET; THENCE NORTH 06° 58' 22"WEST, A DISTANCE OF 25.83 FEET; THENCE NORTH 02° 49' 32"EAST, A DISTANCE OF 31.65 FEET; THENCE NORTH 09° 05' 35"EAST, A DISTANCE OF 117.32 FEET TO A POINT ON A CURVE; THENCE WESTERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 625.00 AND A CENTRAL ANGLE OF 04° 52' 35", AN ARC DISTANCE OF 53.19 FEET (CHORD=53.18', CHORD BEARING=N 84° 51' 51" W); THENCE NORTH 07° 13' 13"EAST, A DISTANCE OF 211.07 FEET; THENCE NORTH 82° 46' 47"WEST, A DISTANCE OF 150.64 FEET; THENCE SOUTH 58° 25' 55"WEST, A DISTANCE OF 122.91 FEET; THENCE SOUTH 21° 08' 59"WEST, A DISTANCE OF 115.47 FEET; THENCE NORTH 01° 25' 05"EAST, A DISTANCE OF 204.74 FEET TO THE POINT OF BEGINNING;

DEDICATION

KNOW ALL PEOPLE OF THESE PRESENTS: THAT

ABERDEEN PARTNERS, LLC A KANSAS LIMITED LIABILITY COMPANY, JAMES M. DUGGAN AND DEBRA A. DUGGAN, HUSBAND AND WIFE

BEING THE SOLE OWNERS AND PROPRIETORS OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED WITH OUR FREE CONSENT AND IN ACCORD WITH OUR DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS 1 THROUGH 30 INCLUSIVE AND OUT LOTS "A", "B", "C" AND "D", AS SHOWN AND TO BE KNOWN AS:

HILLS OF CEDAR CREEK CENTRAL PHASE 1

AND SAID ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND THAT THE STREETS TO BE NAMED ARDMORE STREET, FANNIN CIRCLE, HAMPTON DRIVE AND QUENBY DRIVE (86,766 SF), ARE DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA, FOR PUBLIC USE.

AND SAID ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN DO HEREBY DEDICATE OUT LOTS "A", "B", "C" AND "D" TO THE HOMEOWNER'S ASSOCIATION WHICH SHALL PERPETUALLY OPERATE AND MAINTAIN SAID OUT LOTS.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS,

FOR: ABERDEEN PARTNERS, LLC

JOHN M. DUGGAN AS: ABERDEEN PARTNERS, LLC MANAGER AND MEMBER

DATE: _____

AND

JAMES M. DUGGAN AND DEBRA A. DUGGAN, HUSBAND AND WIFE

JAMES M. DUGGAN

DEBRA A. DUGGAN

NOTE: STANDARD UTILITY EASEMENTS

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET WIDE ALONG EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES. THE DRAINAGE AREAS AND INCLUDED DRAINAGE SYSTEMS, IF ANY, ARE PRIVATE AND ARE TO BE MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE SAME.

ERECTOR OF STRUCTURES PROHIBITED: ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN, OR THEIR SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE PROHIBITED: ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN, OR THEIR SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE ELEVATION, OR CONTOUR OF ANY PART OF THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREAS, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE SAID ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN, OR THEIR SUCCESSORS OR ASSIGNS.

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREAS SHALL BE LIMITED ONLY TO GRADING AND SEEDING.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREAS WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS, SHALL BE REPAIRED AT NO EXPENSE TO THE SAID ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN, OR THEIR SUCCESSORS OR ASSIGNS.

EASEMENTS RUN WITH THE LAND: THESE EASEMENTS SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON ABERDEEN PARTNERS, LLC, JAMES M. DUGGAN AND DEBRA A. DUGGAN, OR THEIR SUCCESSORS OR ASSIGNS.

HILLS OF CEDAR CREEK CENTRAL PHASE 1

CONTAINING LOTS 1 THROUGH 30 INCLUSIVE AND OUT LOTS "A", "B", "C" AND "D", IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, T75N, R43W OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA

FINAL PLAT

PROJECT NO. EGA211204

ACKNOWLEDGEMENT TO DEDICATION

STATE OF _____ } COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME,

JOHN M. DUGGAN, MANAGER AND MEMBER OF ABERDEEN PARTNERS, LLC A KANSAS LIMITED LIABILITY COMPANY, PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE DEDICATION, AND HE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS SUCH MEMBER, AND VOLUNTARY ACT AND DEED OF SAID ABERDEEN PARTNERS, LLC.

WITNESS MY HAND AND NOTARIAL SEAL AT _____

NOTARY PUBLIC _____ DATE _____

ACKNOWLEDGEMENT TO DEDICATION

STATE OF _____ } COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME,

JAMES M. DUGGAN AND DEBRA A. DUGGAN, HUSBAND AND WIFE, PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE NAMES ARE AFFIXED TO THE ABOVE DEDICATION, AND THEY ACKNOWLEDGE THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED AS OWNERS.

WITNESS MY HAND AND NOTARIAL SEAL AT _____

NOTARY PUBLIC _____ DATE _____

CERTIFICATIONS AND APPROVALS

WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUS WITH THE FINAL PLAT:

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.

B. TITLE OPINION LETTER OF ATTORNEY.

C. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MEETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

ABERDEEN PARTNERS, LLC

BY JOHN M. DUGGAN AS MANAGER AND MEMBER DATE _____

BY JAMES M. DUGGAN DEBRA A. DUGGAN DATE _____

COMMUNITY DEVELOPMENT DATE _____ APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, COURTNEY HARTER

CITY COUNCIL: APPROVED BY MAYOR, THE HONORABLE MATTHEW J. WALSH DATE _____

ATTESTED TO BY: CITY CLERK, JODI QUAKENBUSH DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, LEA A. VOSS, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE HILLS OF CEDAR CREEK CENTRAL PHASE 1 IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA, LEA A. VOSS DATE _____

Table with columns: REVISIONS, BY, DATE, DESCRIPTION, NDL.

EHRHART GRIFFIN & ASSOCIATES

142 West Broadway Suite 136 Council Bluffs, IA 51503 712 / 256-5248

- ENGINEERING PLANNING LAND SURVEYING

HILLS OF CEDAR CREEK CENTRAL PHASE 1 FINAL PLAT COUNCIL BLUFFS, IOWA

DATE: DESIGNED BY: DRAWN BY: WAW CHECKED BY: CREW:

SHEET NO. 2 OF 2

RESOLUTION NO. 22-276

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A 30-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HILLS OF CEDAR CREEK CENTRAL PHASE 1, LEGALLY DESCRIBED AS BEING A PORTION OF THE NW ¼ SE ¼ AND THE NE ¼ SE ¼ OF SECTION 34-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, James M. Duggan has requested final plat approval of a 30-lot major residential subdivision to be known as Hills of Cedar Creek Central Phase 1, legally described as being a portion of the NW ¼ SE ¼ and the NE ¼ SE ¼ of Section 34-75-43, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment “B”; and

WHEREAS, The proposed subdivision is comprised of 14.26 acres located on undeveloped land lying northwest of the intersection of Easter Hills Drive and Deveron Drive; and

WHEREAS, All City departments and local utility companies were provided a copy of the proposed final plat for review and the following comments were received:

- A. The proposed subdivision is currently zoned R-1/Single-Family Residential. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Low Density Residential. The developer proposes to construct one ‘single-family dwelling, detached’ on each proposed lot. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.
- B. Proposed Lots 1 through 30 each contain more than 5,000 square feet in area and thus exceed minimum R-1 lot size requirements.
- C. All development activity within this subdivision shall comply with the standards set forth in Chapter 15.08B, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
- D. The proposed subdivision includes Outlots ‘A’ and ‘B,’ which will function as landscaped buffers between the proposed subdivision and Eastern Hills Drive. The proposed buffer area is consistent with development along Eastern Hills Drive. A note shall be placed on the final plat that clearly states perpetual ownership and maintenance of Outlots A and B is dedicated to the homeowner’s association or management group.
- E. The proposed subdivision also contains Outlots ‘C’ and ‘D.’ Both outlots and a portion of the undeveloped land lying south of Outlot ‘C’ and west of Lot 14 will contain a portion of a sanitary sewer extension that will serve the proposed subdivision. Said sanitary sewer extension shall have a 30-foot wide utility easement dedicated to the benefit of the City to allow for maintenance. Outlot ‘D’ also contains a stormwater detention basin and will contain a segment of stormwater pipe, which shall also require a 30-foot wide utility easement dedicated to the benefit of the City. The applicant

shall coordinate with the Public Works Department on the specific locations of these easements.

- F. The developer has completed construction of a portion of Ardmore Street that connects into Eastern Hills Drive, as well as Fannin Circle and portions of Hampton Drive and Quenby Drive, which all connect into Ardmore Street. The developer will dedicate all new streets to the City of Council Bluffs as part of the proposed subdivision. All proposed lots will have direct frontage onto at least one of the new streets.
- G. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).
- H. All utilities were installed during the construction of the above-mentioned streets and are available to service the proposed subdivision. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.
- I. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. All sidewalks shall be built to City standards.
- J. Sidewalks built to city standards shall be installed along the Ardmore Street frontages of Outlots 'A,' 'B,' and 'D' prior to execution of the final plat.
- K. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
- L. The Council Bluffs Permits and Inspections Division stated they approve of the request.
- M. The Council Bluffs Public Works Department stated that Outlot 'D' contains a detention/sedimentation basin that must be maintained by the developer until such time that a HOA is in place. This basin will also be used for development to the north, and as such the final plat shall contain notes similar to examples set forth in the Staff Report attached herein.
- N. The following technical corrections shall be made to the plat prior to being executed:
 - 1. Rename Hampton Drive to something else to prevent potential confusion with existing Hampton Lane, and change all references to said street on the final plat to reflect the name change.
 - 2. Rename Ardmore Street to West Ardmore Street, North Ardmore Street, or something else consistent with Public Works street naming requirements.
 - 3. Indicate a 30-foot wide utility easement dedicated to the benefit of the City around the sanitary sewer line extension through Outlots 'C' and 'D' and the undeveloped land lying south of Outlot 'C' and west of Lot 14, as well as around the storm sewer line running through Outlot 'D'; and

WHEREAS, The Community Development Department recommends approval of the proposed 30-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 1, subject to the comments above and the conditions below:

- A. The Public Works Department shall accept all infrastructure into the City’s inventory prior to the final plat being signed and recorded; and
- B. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director; 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 comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document; and
- E. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
- F. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. All sidewalks shall be built to City standards.

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

That the request for final plat approval for a 30-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 1, as shown on Attachment “B”, is hereby approved subject to all comments and conditions listed above and 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

November 14, 2022.

MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

Department: Community Development
Case/Project No.: SUB-22-014
Submitted by: Christopher N. Gibbons, AICP,
Planning & Code Compliance Manager

Resolution 22-277
ITEM 5.H.

Council Action: 11/14/2022

Description
Resolution granting final plat approval of a two-lot minor industrial subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, along with a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot depth-to-width ratio. Location: Land lying north of property addressed as 2849 River Road. SUB-22-014

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|--|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Attachment A: Location/zoning map | Map | 11/4/2022 |
| Attachment B: River Road Subdivision, Replat 1 final plat (1 of 2) | Other | 11/4/2022 |
| Attachment B: River Road Subdivision, Replat 1 final plat (2 of 2) | Other | 11/4/2022 |
| Resolution 22-277 | Resolution | 11/8/2022 |

Council Communication

| | | |
|--|-----------------------------|---------------------------------|
| <p>Department: Community Development</p> <p>CASE #SUB-22-014</p> <p>Applicant/Owner OPUS Development Company, LLC 10350 Bren Road W Minnetonka, MN 55343</p> <p>Surveyor: David E. Forsythe HGM Associates Inc. 640 5th Avenue Council Bluffs, Iowa 51501</p> | <p>Resolution No. _____</p> | <p>City Council: 11/14/2022</p> |
|--|-----------------------------|---------------------------------|

Subject/Title

Request: Final plat approval of a two-lot minor industrial subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa along with a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot-depth-to-width ratio.

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

Background/Discussion

The Community Development Department has received a request from OPUS Development Company, LLC, represented by Jason Conway, for final plat approval of a two-lot minor industrial subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa along with a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot-depth-to-width ratio.

The proposed subdivision is comprised of 39.47 acres (more/less) of land and is bounded by Nebraska Avenue to the north, River Road to the west, the SIECK Levee to the east, and Warren Distribution (2849 River Road) to the south. In 2019, the City of Council Bluffs sold Lot 1, River Road Subdivision to OPUS Development Company, LLC (Resolution No. 19-220) so they could develop the property in phases with industrial warehouses. OPUS is underway with Phase 1 construction and has plans to begin Phase 2 in the near future. The purpose of this final plat is to create two separate lots of record for each new industrial warehouse building and their associated parking/loading docks. At this time, OPUS plans to develop and own both lots in the proposed subdivision; however they want the flexibility to sell one or both lots to other private entities in the future. The proposed final plat includes all existing easements that were recorded with the original River Road Subdivision final plat (CASE #SUB-19-007), as well as, new declarations for vehicle access, utilities, and stormwater management between the two proposed lots.

Land Use/Zoning

The subject property is zoned I-2/General Industrial District and consists of 398.479 acres more/less of undeveloped land (see Attachment B). Surrounding zoning includes I-2 District to the south and west, along with P-C District to the northwest. Existing land uses in the general vicinity of the request includes Warren Distribution, Heartland Co-Op, Ameristar Casino, and Interstate 29. The future land use plan of the

Bluffs Tomorrow: 2030 Plan designates the property as Light Industrial.

Comments

1. The minimum lot size in an I-2 District is 15,000 square feet, lot width is 75 feet, and lot depth is 150 feet, as per Section 15.21.050, Site development Regulations of the Municipal Code (Zoning Ordinance). Both lots exceed the minimum lot size and dimension requirements for the I-2 District; however, the lot dimensions of proposed Lot 2, River Road Subdivision, Replat 1 result in the parcel exceeding the maximum 3:1 lot depth to width ratio.

Section 14.14.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: “*where it can be shown that due to special conditions, a literal enforcement of this ordinance shall result in unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

- a. *Not be in contrary to the public interest;*
- b. *Be in the best interest of the City;*
- c. *Be within the spirit and intent of this title;*
- d. *Not be detrimental to the future residents in and near the proposed subdivision; and*
- e. *Be consistent with the City’s comprehensive plan.”*

The Community Development Department has reviewed the applicant’s subdivision variance request and recommends approval on the basis the property experiences several unnecessary hardships relative to its existing irregular geometric shape, the presence of several existing and proposed access/utility easements, and is bounded by rights-of-way and/or a levee on three of its four sides. The applicant is proposing to subdivide the property into two parcels in order to create new warehouses which increases the economic vitality of the City via tax base increase and job creation. In order to efficiently develop the property, the applicant is proposing to create a two lot subdivision and have vehicle access and utilities coordinated to run between the two parcels within designated easements. The location of said easements and the resulting limited area for placing a warehouse building on the property results in Lot 2, River Road Subdivision, Replat 1 having to be irregularly shaped and exceeding the maximum 3:1 lot depth to width ratio. The size and shape of the lot is generally consistent with the spirit and intent of the City’s Subdivision Ordinance and will not be detrimental to development in and/or around the subdivision. Furthermore, the granting of the variance will allow the property to be developed with new industrial uses which is consistent with Light Industrial designation for the property, as per the Bluffs Tomorrow 2030 Plan.

2. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
3. All construction within this subdivision shall comply with site development standards stated in Chapter 15.21, I-2/General Industrial District.
4. The subdivision is located within a Flood Zone ‘X’, according to FEMA Map Number 19155C0560E, dated February 4, 2005, and is protected from Missouri River flooding by an industrial levee that is maintained by a collection of property owners in the general vicinity of this request. In 2016, D.E.B. Partnership conveyed ownership of the subject property to the City of Council Bluffs, which then made the City responsible for 16.1878% of the ongoing industrial levee maintenance costs. The City transferred 3.006% of the ongoing levee maintenance costs to Warren Distribution when they purchased Lot 2, River Road Subdivision from the City in 2019. Additionally, the City transferred the remaining 13.1819% of their ongoing levee maintenance responsibility to OPUS when they purchased Lot 1, River Road Subdivision from the City in 2021. The City’s Legal Department stated the proposed

- final plat should include a note that identifies how the 13.1819% of the ongoing levee maintenance will be split between proposed Lots 1 and 2, River Road Subdivision, Replat 1.
5. Both lots in this subdivision have direct access to River Road and Nebraska Avenue, which are public roadways. No street extensions are required to be completed for the proposed two-lot subdivision. The proposed final plat includes an access easement which allows vehicle traffic to cross between the two parcels.
 6. Utilities are available along River Road to service both parcels of land. The plat includes all previously recorded utility easements that were established when River Road Subdivision was recorded in 2019. Additionally, the proposed final plat includes easements for utilities to cross between both parcels. The Council Bluffs Public Works Department commented that Note 'K' on Page 2 of 2 of the final plat shall define who is responsible for perpetual maintenance and repair of the storm water management infrastructure on proposed Lot 2, River Road Subdivision, Replat 1.
 7. All electric, gas, water, cable and communication facilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property.
 8. Section 14.14.040, *Sidewalks/pedestrian ways* of the Municipal Code (Subdivision Ordinance) requires that sidewalks be installed in all new subdivisions. The City has discussed the possibility of extending River Road to the south to connect into Richard Downing Avenue. This connection will provide better vehicular circulation, as well as, improve upon the existing bike network along River Road. Since there are many unknowns associated with this proposed street extension (e.g., timing, design, rights-of-way needs, etc.) it is premature to require sidewalks be provided along this segment of River Road at this time. The City and OPUS previously agreed the best course of action is to allow OPUS to pay a fee in-lieu of installing the sidewalk along the frontage of River Road. The fee was supposed to have been paid as part of the land sale transaction between the City and OPUS; however, the City and OPUS have a verbal agreement in place that fee will be paid prior to OPUS being granted a final Certificate of Occupancy for any buildings within the subdivision. OPUS and the Council Bluffs Parks and Recreations Department shall continue working together on establishing the appropriate fee for installation of a sidewalk along the frontage of Lots 1 and 2, River Road Subdivision, Replat 1.
 9. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such is stated on the final plat.
 10. All City Departments, local utility providers, and the Iowa Department of Transportation (IDOT) were provided a copy of the proposed final plat to review. The following comments were received:
 - a. The Council Bluffs Fire Department stated they have no comments.
 - b. Council Bluffs Water Works stated they have no comments.
 - c. Council Bluffs Permits and Inspections Division stated they have no issues with the plat.
 - d. Iowa Department of Transportation (IDOT) stated the subdivision is located within their Council Bluffs Interstate System Corridor Preservation Zone and they have no issues with the proposed final plat.
 11. The following technical corrections must be made to the final plat prior to being signed by the City:
 - a. The standard dedication of public easements shall appear on the final plat as stated below:
A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.

CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.

SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

- b. State the width of storm sewer easement identified on Note J on Sheet 2 of 2 on the plat.
- c. State the width of the storm water easement identified on Note K on Sheet 2 of 2 on the plat.
- d. State all book and page numbers that are associated with the declarations identified on Sheet 2 of 2 on the plat. Said declarations should be recorded with the Pottawattamie County Recorder's Office prior to the final plat being executed.
- e. Add the linear dimensions for the "Truck Court Easement" on Detail A on Sheet 2 of 2
- f. Identify Nebraska Avenue as a right-of-way that abuts Lot 2, River Road Subdivision, Replat 1 on the final plat.
- g. The Pottawattamie County Assessor's Office identifies a separate PIN number (744404400901) on the proposed Lot 1, River Road Subdivision, Replat 1 that is associated with a billboard owned by Lamar Outdoor Advertising. If OPUS allows the billboard to remain on the subject property, an easement and/or outlot shall be shown on the final plat since this area is identified as a separate parcel identification number.

Recommendation

The Community Development Department recommends final plat approval of a two lot minor subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment 'B', along

with approval for a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot-depth-to-width ratio, 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. OPUS shall pay the City of Council Bluffs a fee in lieu of installing a sidewalk along the frontages of Lots 1 and 2, River Road Subdivision, Replat 1 prior to issuance of any final Certificate of Occupancies for any structures on said lots; and
- f. All owners of Lots 1 and 2, River Road Subdivision, Replat 1 shall be responsible for their portion of the ongoing industrial levee maintenance costs.

Attachments

Attachment A: Location/zoning map

Attachment B: River Road Subdivision, Replat 1 final plat

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

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

CITY OF COUNCIL BLUFFS - CITY COUNCIL CASE #SUB-22-014 LOCATION/ZONING MAP

ATTACHMENT A

Legend

 Subject Property

0 250 500
1 Inch = 500 Feet



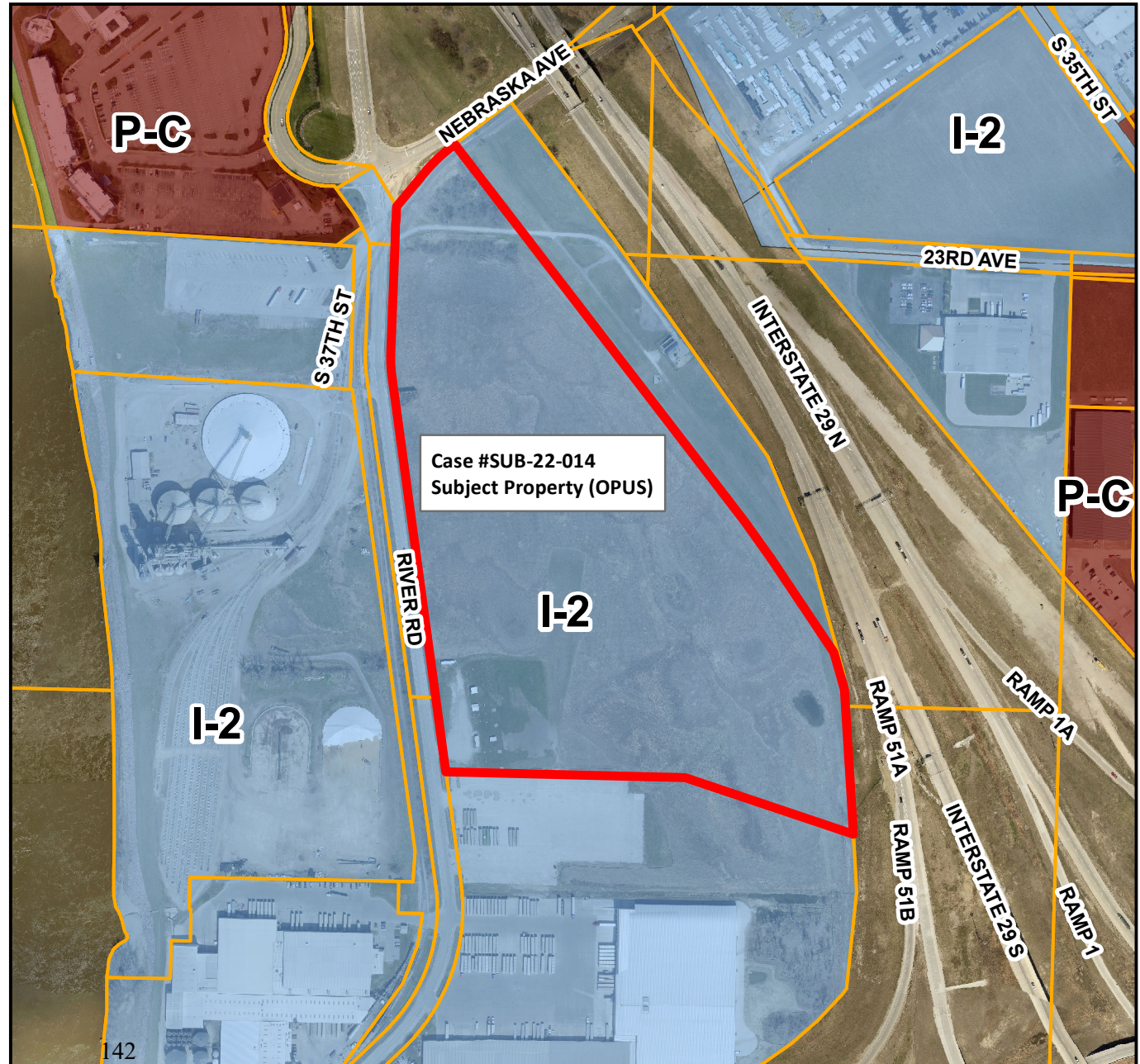
Last Amended: 10/18/2022



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

DISCLAIMER

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



ATTACHMENT B

| RECORDER'S INDEX | |
|-----------------------|------------------------------|
| LOT: | 1 |
| BLOCK: | |
| SUBDIVISION: | RIVER ROAD SUBDIVISION |
| SECTION: | / TOWNSHIP: / RANGE: |
| ALIQUOT PART: | |
| CITY: | COUNCIL BLUFFS |
| COUNTY: | POTTAWATTAMIE |
| PROPRIETOR: | OPUS DEVELOPMENT COMPANY LLC |
| REQUESTED BY: | OPUS DEVELOPMENT COMPANY LLC |
| DATE OF FIELD SURVEY: | JUNE 3, 2022 |

OWNER/DEVELOPER:
OPUS DEVELOPMENT COMPANY, L.L.C.
10350 BREN ROAD WEST
MINNETONKA, MN 55343

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

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE
ATTESTED TO BY:

CITY CLERK: JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: COURTNEY HARTER DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN RIVER ROAD SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS DATE

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT OPUS DEVELOPMENT COMPANY, L.L.C., BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1 AND LOT 2, INCLUSIVE. SAID PROPERTY TO BE KNOWN AS RIVER ROAD SUBDIVISION, REPLAT 1.

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT,

- A. NO PRIVATE RESTRICTIONS AND/OR COVENANTS WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS PLAT ON THIS

_____ DAY OF _____, 2022.

BY: PHILIP T. CATTANACH VICE PRESIDENT
OPUS DEVELOPMENT COMPANY, L.L.C.

BY: DAN HOLOCH VICE PRESIDENT, COMMERCIAL REAL ESTATE
FIRST NATIONAL BANK OF OMAHA

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, BY PHILIP T. CATTANACH, THE VICE PRESIDENT OF OPUS DEVELOPMENT COMPANY, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

NOTARY PUBLIC MY COMMISSION EXPIRES:

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2022, BY DAN HOLOCH THE VICE PRESIDENT OF FIRST NATIONAL BANK OF OMAHA, A NATIONAL BANKING ASSOCIATION, ON BEHALF OF SAID BANKING ASSOCIATION.

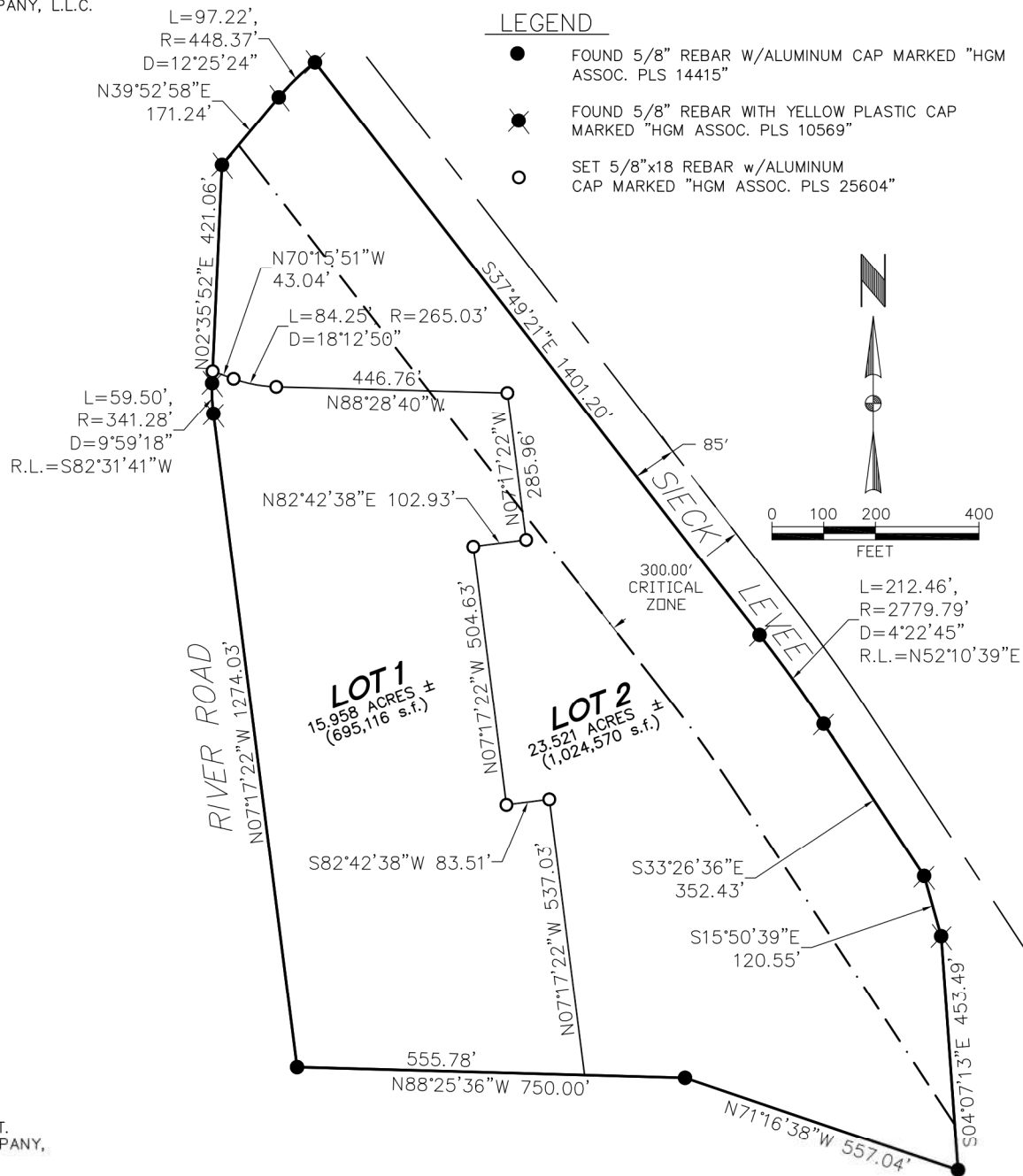
NOTARY PUBLIC MY COMMISSION EXPIRES:

RIVER ROAD SUBDIVISION, REPLAT 1

BEING A REPLAT OF LOT 1, RIVER ROAD SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION

REPLAT OF LOT 1, RIVER ROAD SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



This drawing is being made available by HGM Associates Inc. as a service to the project. It is not to be used for any other purpose without the written consent of HGM Associates Inc. HGM Associates Inc. is not responsible for any errors or omissions in this drawing or any part thereof, except in accordance with the terms of the above agreement.

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

| DEF. | DATE |
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| drawn | |
| designed | |
| approved | JUN 22 |
| date | |
| revision | |

project: RIVER ROAD SUBDIVISION, REPLAT 1
 client: LOT 1, RIVER ROAD SUBDIVISION, COUNCIL BLUFFS, IA
 sheet: OPUS DEVELOPMENT COMPANY, L.L.C.
 10350 BREN ROAD WEST, MINNETONKA, MN 55343

project no. 112020
 sheet 1 OF 2

PROFESSIONAL LAND SURVEYOR
 DAVID E. FORSYTHE
 25604
 IOWA

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

DATE: OCTOBER 10, 2022
 LICENSE NUMBER: 25604
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

PAGES OR SHEETS COVERED BY THIS SEAL:
 SHEET 1 OF 2 SHEET 2 OF 2

FOR REVIEW

ATTACHMENT B

RIVER ROAD SUBDIVISION, REPLAT 1

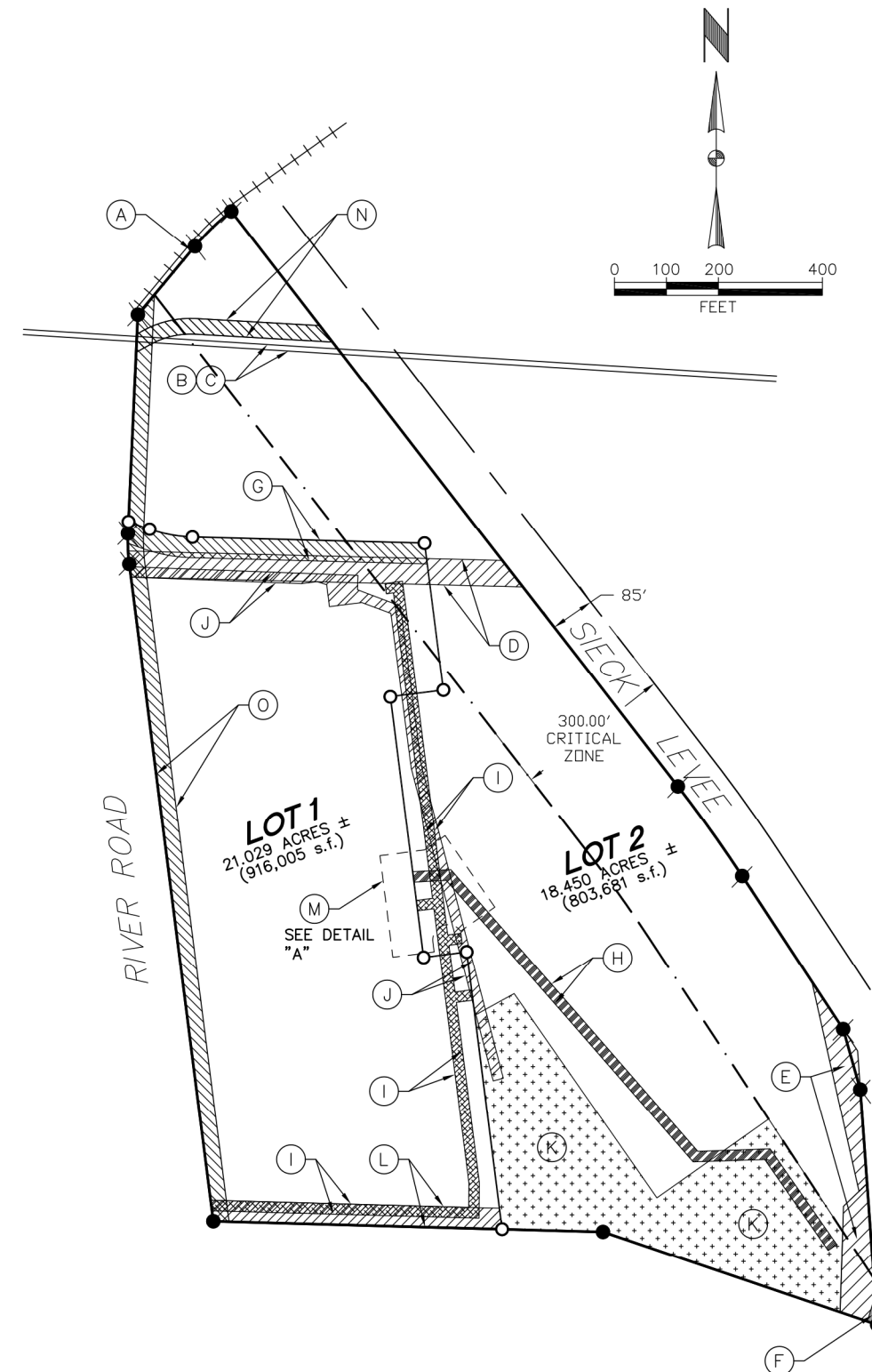
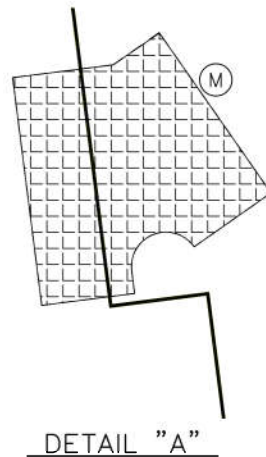
BEING A REPLAT OF LOT 1, RIVER ROAD SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

RIGHT-OF-WAY NOTE:

UNION PACIFIC RAILROAD RIGHT-OF-WAY IS 10.00 FEET EACH SIDE OF CENTERLINE FOR THEIR TRACK AS SHOWN ON THEIR STATION MAP OF THE IOWA NEBRASKA RIVER INDUSTRIAL PARK (I.N.R.I.P.). THE MAP IS FROM THE OFFICE OF CHIEF ENGINEER, UNION PACIFIC RAILROAD, OMAHA, NEBRASKA DATED JUNE 1, 1981 (C.E. DRAWING NO. 83014).

EASEMENT NOTES:

- (B) 10.00 FEET WIDE ELECTRICAL EASEMENT GRANTED TO IOWA POWER AND LIGHT COMPANY RECORDED IN BOOK 1226, PAGE 345 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (C) 10.00 FEET WIDE TELEPHONE LINE EASEMENT GRANTED TO NORTHWESTERN BELL TELEPHONE RECORDED IN BOOK 1228, PAGE 63 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (D) 50.00 FEET WIDE STORM WATER, STORM SEWER AND SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 102, PAGE 26672 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (E) SEWER LINE AND INGRESS/EGRESS EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 4003 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (F) EASEMENT FOR PUBLIC HIGHWAY GRANTED TO THE STATE OF IOWA RECORDED IN BOOK 2010, PAGE 4001 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (G) 40 FEET WIDE INGRESS/EGRESS EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (H) 20 FEET WIDE SANITARY SEWER EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (I) 20 FEET WIDE WATER MAIN EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (J) STORM SEWER EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (K) STORM WATER FACILITIES EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (L) 40 FEET WIDE INGRESS/EGRESS EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (M) TRUCK COURT EASEMENT DECLARATION RECORDED IN BOOK ???? , PAGE ???? IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (N) 30 FEET ACCESS EASEMENT CREATED IN RIVER ROAD SUBDIVISION RECORDED IN BOOK 2019, PAGE 13201 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
- (O) 30 FEET EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS FOR THE INSTALLATION OF UTILITIES AND OTHER MUNICIPAL PURPOSES CREATED IN RIVER ROAD SUBDIVISION RECORDED IN BOOK 2019, PAGE 13201 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.



This drawing is being made available by hgm associates inc. on the basis of the agreement with the project owner. hgm associates inc. assumes no liability for any errors or omissions in this drawing or any part thereof except in accordance with the terms of the above agreement.

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

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| JUN 22 | |
| date | |
| revision | |

project
RIVER ROAD SUBDIVISION, REPLAT 1
LOT 1, RIVER ROAD SUBDIVISION, COUNCIL BLUFFS, IA

client
OPUS DEVELOPMENT COMPANY, L.L.C.
10350 BREN ROAD WEST, MINNETONKA, MN 55343

sheet

project no.
112020

sheet
2 OF 2

hgm 112020 S:\Survey\Drawings\112020_OPUS-Lot 1-River Road-Sub-Engineering\Drawn\Survey\112020_Replat_Ground.dwg

RESOLUTION NO. 22-277

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR INDUSTRIAL SUBDIVISION TO BE KNOWN AS RIVER ROAD SUBDIVISION, REPLAT 1, LEGALLY DESCRIBED AS BEING A REPLAT OF LOT 1, RIVER ROAD SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA ALONG WITH A SUBDIVISION VARIANCE TO ALLOW PROPOSED LOT 2, RIVER ROAD SUBDIVISION, REPLAT 1 TO EXCEED THE MAXIMUM 3:1 LOT-DEPTH-TO-WIDTH RATIO.

WHEREAS, OPUS Development Company, LLC has requested final plat approval of a of a two-lot minor industrial subdivision to be known as River Road Subdivision, Replat 1, along with a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1; and

WHEREAS, The proposed subdivision is comprised of 39.47 acres (more/less) located on land lying north of 2849 River Road; and

WHEREAS, All City departments and local utility companies were provided a copy of the proposed final plat for review and the following comments were received:

- A. The minimum lot size in an I-2 District is 15,000 square feet, lot width is 75 feet, and lot depth is 150 feet, as per Section 15.21.050, Site development Regulations of the Municipal Code (Zoning Ordinance). Both lots exceed the minimum lot size and dimension requirements for the I-2 District; however, the lot dimensions of proposed Lot 2, River Road Subdivision, Replat 1 result in the parcel exceeding the maximum 3:1 lot depth to width ratio.

Section 14.14.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: “*where it can be shown that due to special conditions, a literal enforcement of this ordinance shall result in unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

1. *Not be in contrary to the public interest;*
2. *Be in the best interest of the City;*
3. *Be within the spirit and intent of this title;*
4. *Not be detrimental to the future residents in and near the proposed subdivision; and*
5. *Be consistent with the City’s comprehensive plan.”*

The Community Development Department has reviewed the applicant’s subdivision variance request and recommends approval on the basis the property experiences several unnecessary hardships relative to its existing irregular geometric shape, the presence of several existing and proposed access/utility easements, and is bounded by rights-of-way and/or a levee on

three of its four sides. The applicant is proposing to subdivide the property into two parcels in order to create new warehouses which increases the economic vitality of the City via tax base increase and job creation. In order to efficiently develop the property, the applicant is proposing to create a two lot subdivision and have vehicle access and utilities coordinated to run between the two parcels within designated easements. The location of said easements and the resulting limited area for placing a warehouse building on the property results in Lot 2, River Road Subdivision, Replat 1 having to be irregularly shaped and exceeding the maximum 3:1 lot depth to width ratio. The size and shape of the lot is generally consistent with the spirit and intent of the City's Subdivision Ordinance and will not be detrimental to development in and/or around the subdivision. Furthermore, the granting of the variance will allow the property to be developed with new industrial uses which is consistent with Light Industrial designation for the property, as per the Bluffs Tomorrow 2030 Plan.

- B. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.
- C. All construction within this subdivision shall comply with site development standards stated in Chapter 15.21, I-2/General Industrial District.
- D. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0560E, dated February 4, 2005, and is protected from Missouri River flooding by an industrial levee that is maintained by a collection of property owners in the general vicinity of this request. In 2016, D.E.B. Partnership conveyed ownership of the subject property to the City of Council Bluffs, which then made the City responsible for 16.1878% of the ongoing industrial levee maintenance costs. The City transferred 3.006% of the ongoing levee maintenance costs to Warren Distribution when they purchased Lot 2, River Road Subdivision from the City in 2019. Additionally, the City transferred the remaining 13.1819% of their ongoing levee maintenance responsibility to OPUS when they purchased Lot 1, River Road Subdivision from the City in 2021. The City's Legal Department stated the proposed final plat should include a note that identifies how the 13.1819% of the ongoing levee maintenance will be split between proposed Lots 1 and 2, River Road Subdivision, Replat 1.
- E. Both lots in this subdivision have direct access to River Road and Nebraska Avenue, which are public roadways. No street extensions are required to be completed for the proposed two-lot subdivision. The proposed final plat includes an access easement which allows vehicle traffic to cross between the two parcels.

- F. Utilities are available along River Road to service both parcels of land. The plat includes all previously recorded utility easements that were established when River Road Subdivision was recorded in 2019. Additionally, the proposed final plat includes easements for utilities to cross between both parcels. The Council Bluffs Public Works Department commented that Note ‘K’ on Page 2 of 2 of the final plat shall define who is responsible for perpetual maintenance and repair of the storm water management infrastructure on proposed Lot 2, River Road Subdivision, Replat 1.
- G. All electric, gas, water, cable and communication facilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property.
- H. Section 14.14.040, Sidewalks/pedestrian ways of the Municipal Code (Subdivision Ordinance) requires that sidewalks be installed in all new subdivisions. The City has discussed the possibility of extending River Road to the south to connect into Richard Downing Avenue. This connection will provide better vehicular circulation, as well as, improve upon the existing bike network along River Road. Since there are many unknowns associated with this proposed street extension (e.g., timing, design, rights-of-way needs, etc.) it is premature to require sidewalks be provided along this segment of River Road at this time. The City and OPUS previously agreed the best course of action is to allow OPUS to pay a fee in-lieu of installing the sidewalk along the frontage of River Road. The fee was supposed to have been paid as part of the land sale transaction between the City and OPUS; however, the City and OPUS have a verbal agreement in place that fee will be paid prior to OPUS being granted a final Certificate of Occupancy for any buildings within the subdivision. OPUS and the Council Bluffs Parks and Recreations Department shall continue working together on establishing the appropriate fee for installation of a sidewalk along the frontage of Lots 1 and 2, River Road Subdivision, Replat 1.
- I. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such is stated on the final plat.
- J. All City Departments, local utility providers, and the Iowa Department of Transportation (IDOT) were provided a copy of the proposed final plat to review. The following comments were received:
 - 1. Iowa Department of Transportation (IDOT) stated the subdivision is located within their Council Bluffs Interstate System Corridor Preservation Zone and they have no issues with the proposed final plat.
- K. The following technical corrections must be made to the final plat prior to being signed by the City:
 - 1. The standard dedication of public easements shall appear on the final plat as stated below:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

- a. *ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.*
 - b. *CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.*
 - c. *RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.*
 - d. *REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.*
 - e. *SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.*
 - f. *DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.*
 - g. *EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.*
2. State the width of storm sewer easement identified on Note J on Sheet 2 of 2 on the plat.
 3. State the width of the storm water easement identified on Note K on Sheet 2 of 2 on the plat.
 4. State all book and page numbers that are associated with the declarations identified on Sheet 2 of 2 on the plat. Said declarations should be recorded with the Pottawattamie County Recorder's Office prior to the final plat being executed.

5. Add the linear dimensions for the “Truck Court Easement” on Detail A on Sheet 2 of 2
6. Identify Nebraska Avenue as a right-of-way that abuts Lot 2, River Road Subdivision, Replat 1 on the final plat.
7. The Pottawattamie County Assessor’s Office identifies a separate PIN number (744404400901) on the proposed Lot 1, River Road Subdivision, Replat 1 that is associated with a billboard owned by Lamar Outdoor Advertising. If OPUS allows the billboard to remain on the subject property, an easement and/or outlot shall be shown on the final plat since this area is identified as a separate parcel identification number; and

WHEREAS, The Community Development Department recommends final plat approval of a two lot minor subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment ‘B’, along with approval for a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot-depth-to-width ratio, 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. OPUS shall pay the City of Council Bluffs a fee in lieu of installing a sidewalk along the frontages of Lots 1 and 2, River Road Subdivision, Replat 1 prior to issuance of any final Certificate of Occupancies for any structures on said lots; and
- F. All owners of Lots 1 and 2, River Road Subdivision, Replat 1 shall be responsible for their portion of the ongoing industrial levee maintenance costs.

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

That the request for final plat approval for a two lot minor subdivision to be known as River Road Subdivision, Replat 1, legally described as being a replat of Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment 'B', along with the request for a subdivision variance to allow proposed Lot 2, River Road Subdivision, Replat 1 to exceed the maximum 3:1 lot-depth-to-width ratio, are hereby approved subject to all comments and conditions listed above and 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

November 14 2022.

MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Council Communication

Department: Community Development
Case/Project No.:
Submitted by: Christopher N. Gibbons, AICP,
Planning & Code Compliance Manager

Resolution 22-278
ITEM 5.I.

Council Action: 11/14/2022

Description
Resolution to continue the November 14, 2022 Public Hearing to November 28, 2022 for selecting a firm(s) to purchase and develop city-owned properties in the Playland Park (River's Edge) Neighborhood, legally described as being Block 1, River's Edge Subdivision, Lot 2, Block 3, River's Edge Subdivision, Replat 2, Block 4, River's Edge Subdivision, and Lots 1 through 3, Block 5, River's Edge Subdivision, Replat 2.

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|--------------|-------------|
| Staff Report | Staff Report | 11/7/2022 |
| Resolution 22-278 | Resolution | 11/8/2022 |

Council Communication

| | | |
|---|----------------------|---------------------------------|
| Department: Community Development | Resolution No.: 22 - | City Council: November 14, 2022 |
| | | |
| Subject/Title | | |
| <p>Resolution to continue the October 24, 2022 public hearing to November 28, 2022 for selecting a firm(s) to purchase and develop City-owned properties in the Playland Park (River’s Edge) Neighborhood, legally described as being Block 1, River’s Edge Subdivision, Lot 2, Block 3, River’s Edge Subdivision, Replat 2, Block 4, River’s Edge Subdivision, and Lots 1 through 3, Block 5, River’s Edge Subdivision, Replat 2.</p> | | |
| | | |
| Background/ Discussion | | |
| <p>On August 23, 2022, the City of Council Bluffs released a Request for Proposals (RFP) to develop six of the seven remaining parcels in the Playland Park (River’s Edge) Neighborhood, as legally described below:</p> | | |
| <ul style="list-style-type: none">• Block 1, River’s Edge Subdivision (1.72 acres)• Lot 2, Block 3, River’s Edge Subdivision, Replat 2 (.81 acres)• Block 4, River’s Edge Subdivision (.86 acres)• Lots 1 through 3, Block 5, River’s Edge Subdivision | | |
| <p>On October 4, 2022, the City received two responses to the RFP. A public hearing is currently scheduled for October 24, 2022, in accordance with Iowa Urban Renewal laws, to select a firm(s) to develop said lots described above. Staff is evaluating the submitted proposals and requests a continuance of the October 24, 2022 public hearing to City Council’s next regular scheduled meeting on November 28, 2022. The additional time is needed so that staff and each interested developer can discuss their proposal as it relates to the adopted Playland Park (River’ Edge) Master Development Plan and associated covenants.</p> | | |
| | | |
| Recommendation | | |
| <p>The Community Development Department recommends approval to continue the October 24, 2022 public hearing to November 28, 2022 for selecting a firm(s) to purchase and develop City-owned properties in the Playland Park (River’s Edge) Neighborhood, legally described as being Block 1, River’s Edge Subdivision, Lot 2, Block 3, River’s Edge Subdivision, Replat 2, Block 4, River’s Edge Subdivision, and Lots 1 through 3, Block 5, River’s Edge Subdivision, Replat 2.</p> | | |
| <p>Prepared by: Christopher N. Gibbons, AICP, Planning and Code Compliance Manager Approved by: Courtney Harter, Director of Community Development</p> | | |

RESOLUTION NO. 22-278

RESOLUTION TO CONTINUE THE SCHEDULED NOVEMBER 14, 2022 PUBLIC HEARING TO NOVEMBER 28, 2022 FOR SELECTING A FIRM(S) TO PURCHASE AND DEVELOP CITY-OWNED PROPERTIES IN THE PLAYLAND PARK (RIVER'S EDGE) NEIGHBORHOOD, LEGALLY DESCRIBED AS BEING BLOCK 1, RIVER'S EDGE SUBDIVISION, LOT 2, BLOCK 3, RIVER'S EDGE SUBDIVISION, REPLAT 2, BLOCK 4, RIVER'S EDGE SUBDIVISION, AND LOTS 1 THROUGH 3, BLOCK 5, RIVER'S EDGE SUBDIVISION, REPLAT 2.

WHEREAS, this Council passed Resolution No. 22-211 on August 22, 2022, which authorized the release of a Request for Proposals (RFP) to solicit development proposals from interested firms for six-lots in the Playland Park (River's Edge) Neighborhood, being legally as: Block 1, River's Edge Subdivision, Lot 2, Block 3, River's Edge Subdivision, Replat 2, Block 4, River's Edge Subdivision, and Lots 1 through 3, Block 5, River's Edge Subdivision, Replat 2; and

WHEREAS, this Council passed Resolution No. 22-212 on August 22, 2022, which approved the minimum development requirements, competitive criteria, and procedures for disposition of six-lots in in the Playland Park (River's Edge) Urban Renewal Area, being legally as: Block 1, River's Edge Subdivision, Lot 2, Block 3, River's Edge Subdivision, Replat 2, Block 4, River's Edge Subdivision, and Lots 1 through 3, Block 5, River's Edge Subdivision, Replat 2, and scheduled a public hearing for October 24, 2022 to select a qualified firm(s) to dispose of said properties to; and

WHEREAS, on October 4, 2022, the City of Council Bluffs received two responses from interested development firms for said lots in the Playland Park (River's Edge) Neighborhood; and

WHEREAS, the City staff needs to hold discussions with each interested firm for developing said lots in accordance with the adopted Playland Park (River's Edge) Master Development Plan and covenants, prior to making a recommendation on a selected firm(s) to this Council; and

WHEREAS, this Council believes it's in the best interest of the City to continue the public hearing scheduled for November 14, 2022 to November 28, 2022, to allow City staff and interested firms additional time to discuss their development proposals as it relates to the adopted Playland Park (River's Edge) Master Development Plan and covenants; and

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

The public hearing scheduled for November 14, to select a qualified firm(s) to dispose of City-owned property in the Playland Park (River's Edge) Neighborhood, legally described as Block 1, River's Edge Subdivision, Lot 2, Block 3, River's Edge Subdivision, Replat 2, Block 4,

River's Edge Subdivision, and Lots 1 through 3, Block 5, River's Edge Subdivision, Replat 2, is hereby continued to City Council's next regular scheduled meeting on November 28, 2022.

PASSED AND APPROVED this 14th day of November, 2022.

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 22-269 (Continued from 10-24-22)
ITEM 6.A.

Council Action: 11/14/2022

Description

Resolution authorizing ongoing financial support to PACE (Pottawattamie Arts Culture Entertainment) from the Hotel/Motel Tax revenue received by the City of Council Bluffs.

Background/Discussion

Council has asked for this Resolution to be placed on the agenda. Please see the attached PACE information as council communication
NOTE: Resolution originally on agenda as 22-263 on October 24, 2022. 22-263 was split into two resolutions and this portion became Resolution number 22-269. Resolution 22-263 was approved on October 24, 2022 and Resolution 22-269 was continued to November 14, 2022.

Recommendation

Approval

ATTACHMENTS:

| Description | Type | Upload Date |
|--|------------|-------------|
| PACE Information - Communication | Resolution | 10/12/2022 |
| Pace Information | Other | 10/25/2022 |
| Resolution 22-269 | Resolution | 10/25/2022 |



Danna Kehm
PACE CEO

PACE & THE HOFF FAMILY ARTS & CULTURE CENTER



- Nearly 95,000 square feet
- Multiuse facility with a theater, gallery, classrooms, artist studios, teaching kitchen, bar, and more
- New home for PACE, American Midwest Ballet, Kitchen Council, Chanticleer Community Theater, and Kaneshville Symphony Orchestra
- Performing, Culinary and Visual Arts
- Managed by PACE



PACE OVERVIEW

500+ Students | 15,000+ Patrons | 60,000+ Visitors | 35,000+ Online Engagements

- **HOFF FAMILY ARTS & CULTURE CENTER** | PACE oversees and manages the building, ticketing, calendars, and customer service. Partners housed “rent-free” only paying their portion of CAMs.
- **CHANTICLEER COMMUNITY THEATER** | Chanticleer, managed by PACE, has five theater productions with over 32 performances annually.
- **KANESVILLE SYMPHONY ORCHESTRA** | KSO, managed by PACE, hosts a three concerts annually.
- **HOFF FOURTH FRIDAYS** | PACE hosts 10 Friday night events bringing together the best of Hoff Center including Kitchen Council food pop-ups, live music, and classes. It is THE place to be in Council Bluffs!
- **EDUCATIONAL PROGRAMS** | PACE has over 200 classes and programs annually for youth, adults, and families. Examples of classes include pottery, painting, photography, and culinary arts.
- **GALLERY EXHIBITIONS** | PACE curates the nearly 8,500 square-foot gallery, which includes our Grant Wood murals, traveling exhibits, and local artists.
- **RESIDENT ARTIST STUDIOS** | PACE subsidizes five artist studios where they interact with the community, create and participate in art exhibitions, and teach classes.
- **COMMUNITY PROGRAMS** | PACE continues to host popular programs to activate community spaces, including the Music in the Park series, and assists with Celebrate CB, Railroad Days and Winterfest.



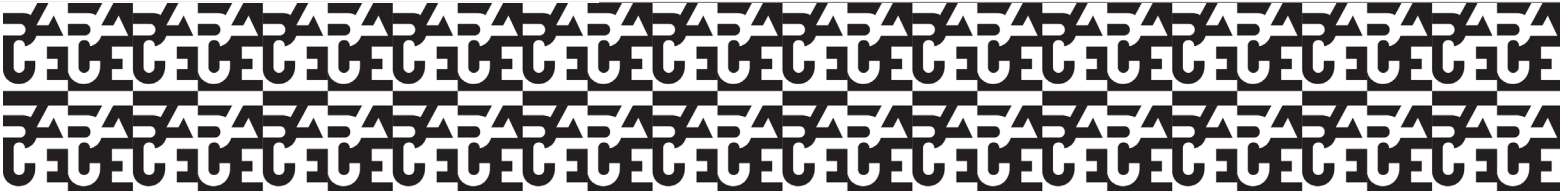
PACE 2021 PROGRAMMING

The Arts make our community a great place to live, work and play.

OVER 200 performances, exhibits, classes and events in 2021

*****2022 Projected to surpass 250*****

| 2021 Goal | 2021 Actual |
|--|-------------|
| Adult Programming Classes: 12 annually | 33 |
| Children's Programming Classes: 42 annually | 135 |
| Children's Summer Camps: 2 annually | 2 |
| Culinary Programming: 4 annually | 3 |
| Gallery Exhibitions: 4 annually | 4 |
| Subsidized Artist Studios: 5 annually | 5 |
| Chanticleer Theater Productions: 4 annually | 4 |
| Children's Theater Production: 1 annually | 1 |
| Children's Theater Camp: 1 annually | 2 |
| Kanesville Symphony Orchestra Concerts: 3 annually | 3 |
| Music in the Park Concerts: 6 annually | 5 |
| Community Activities: 2 annually | 3 |



PACE 2021 VISITORS

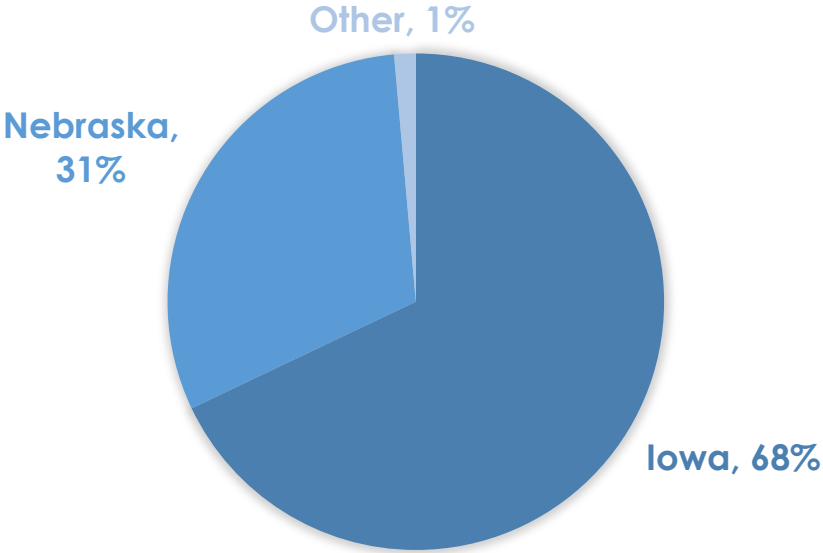
The Arts make our community a great place to visit.

OVER 20,000 visitors to the Hoff Family Arts & Culture Center in 2021

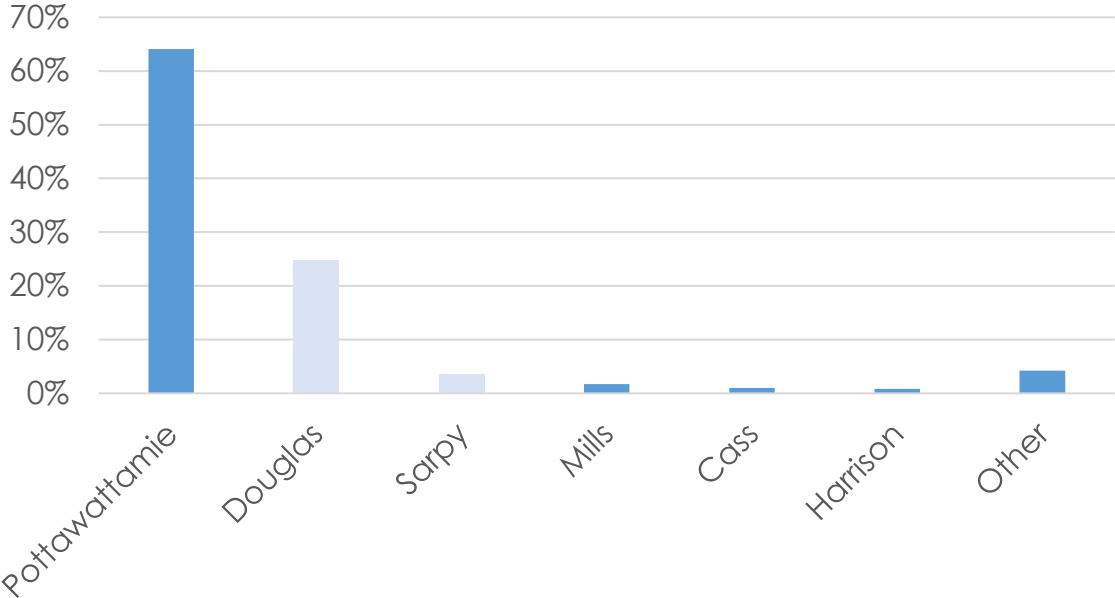
*****2022 projected to surpass 60,000 visitors*****

OVER 33,000 total impact with digital programming and public art

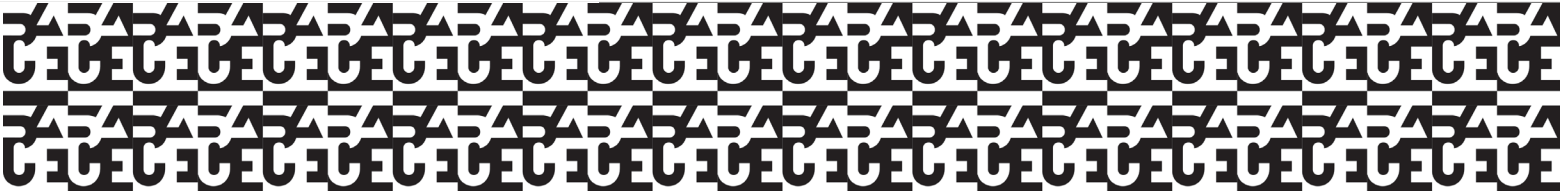
VISITORS BY STATE



VISITORS BY COUNTY



Other visitors include patrons from Colorado, Minnesota, Oregon, Missouri, California and others.



PACE 2021 ECONOMIC IMPACT

The Arts mean business and drive the economy.

In 2021 PACE + Audience Spending in CB was estimated at **\$1,860,642**

*****2022 Projected Spending to Surpass \$2M*****

\$68,888 Local Government Revenue

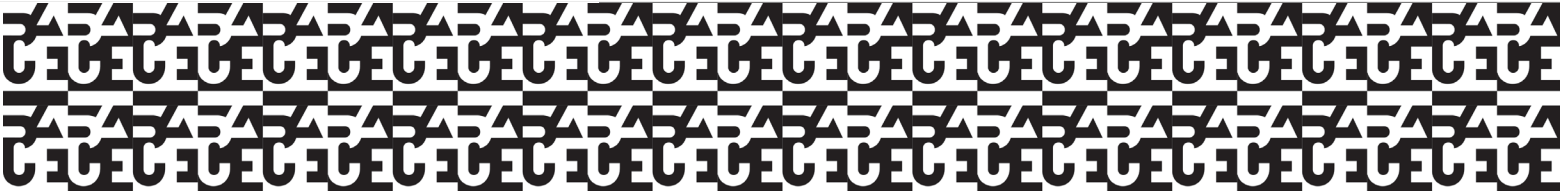
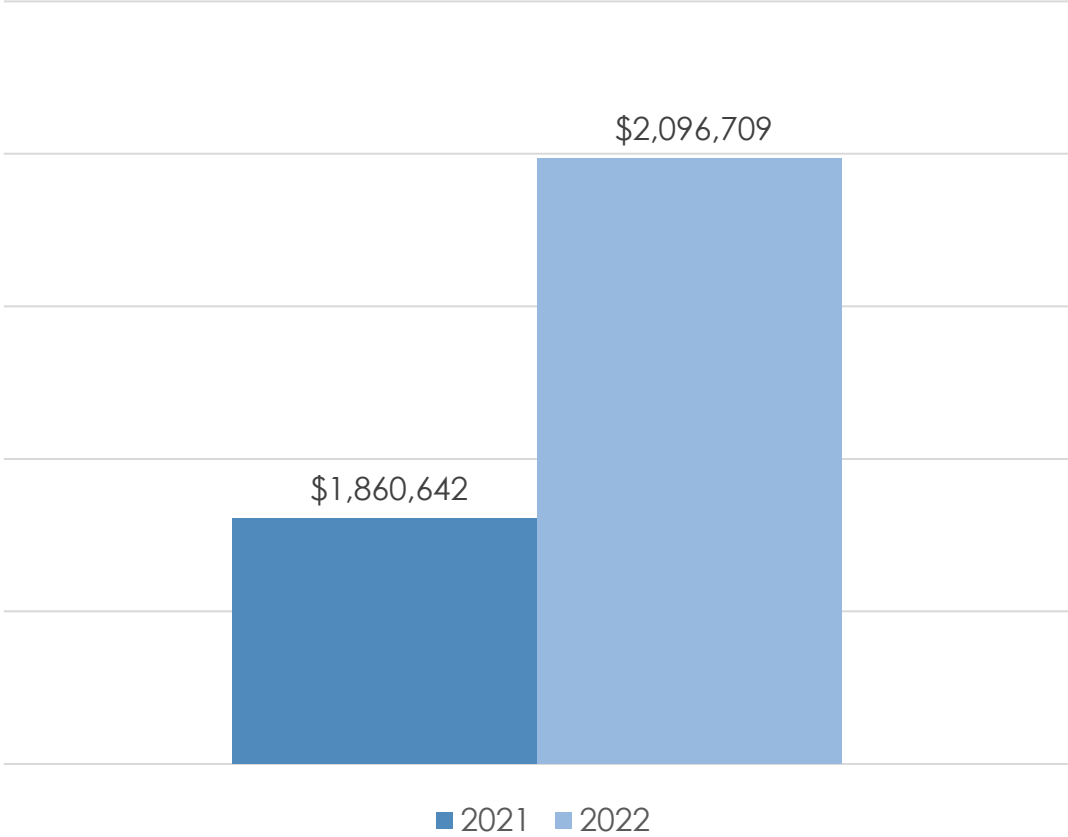
\$97,862 State Government Revenue

9 FTEs, 14 PTEs, 50+ Creative Contractors, 50+ Artists on Consignment

PACE is working with the State of Iowa and the Americans for the Arts to measure the economic and social impact of PACE in our region via in the 2022 *Arts & Economic Prosperity 6* study. Expect results in Q2 2023.

Arts & Economic Prosperity 5 Calculator, Americans for the Arts

PACE + Audience Spending



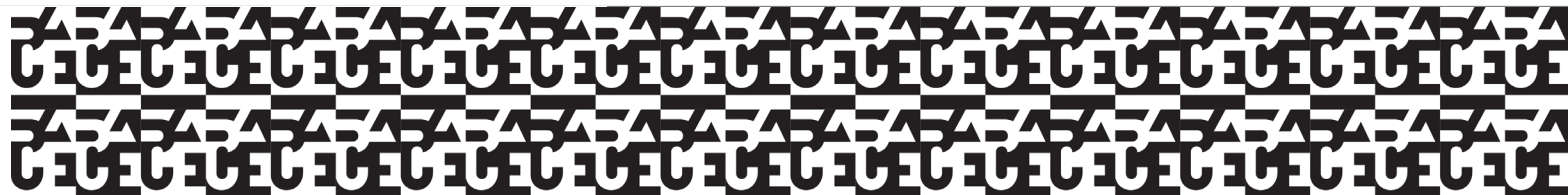




PACE ASK FOR SUPPORT

We truly believe that the PACE and the Hoff Center help to make our community a great place to live, work, and play.

- \$50K/yr for 3 years going forward
 - \$50K that was previously promised in 2020
- PACE drives tourism with an estimated 60,000 visitors annually, with 32% of the visitors from out-of-state
 - PACE supports the local economy with approx. \$2M in spending annually from PACE and our audiences
Provides approx. \$69K in local and \$97K state in governmental revenues
 - PACE and the Hoff Center are a cornerstone and gathering space for the community
 - Over 200 classes and events annually
 - In addition, we host approx. 75 community and nonprofit meetings annually
 - Important to demonstrate to donors financial support from the City
 - Matches the support provided by the Pottawattamie County Board of Supervisors (\$50k/yr for 3 years from gaming fund)
 - PACE and South Main designated an *Iowa Great Place*. PACE and the Hoff Center are a source of pride for our community and not found anywhere else.



PACE OCTOBER CALENDAR

OCT 01-29

FRI 6-9PM >> Studio Artists Hours

FRI 6-9PM & SAT 12-4PM >> Art Gallery Hours

SAT 1-2:30PM >> Youth Ceramics

SAT 2:30-4PM >> Youth Painting

SAT 4-5PM >> Youth Makers Lab

OCT 07

FRI 6-7PM >> Haunted History Trivia Night

FRI 7-8PM >> Speaker Series: Terror Management Theory
w/ Dr. Strawberry Olive

OCT 08

SAT 11AM-1PM >> Youth Culinary Class

OCT 14

FRI 5:30-8PM >> Art Exhibit Opening: Patty Talbert

OCT 15

SAT 11AM-1PM >> Teen Culinary Class

OCT 21

FRI 5:30-6:30PM >> Extreme Pumpkin Carving

FRI 7-8PM >> Speaker Series: Grant Wood w/ Dick Miller

FRI 8-8:45PM >> Drink & Draw

OCT 22

FRI 11AM-1PM >> Kids Make-up: Movie Magic & Monsters

FRI 5-6:30M >> Kids Costume Class: Make it at Home

OCT 28

FRI 4-10PM >> HOFF Fourth Friday

FRI 4:30-6PM >> Trick-or-Treat

FRI 5-9PM >> Pop-up Restaurant

FRI 5-6PM >> Chainsaw Pumpkin Carving

FRI 6-8PM >> LIVE! Music w/ Turning Gears

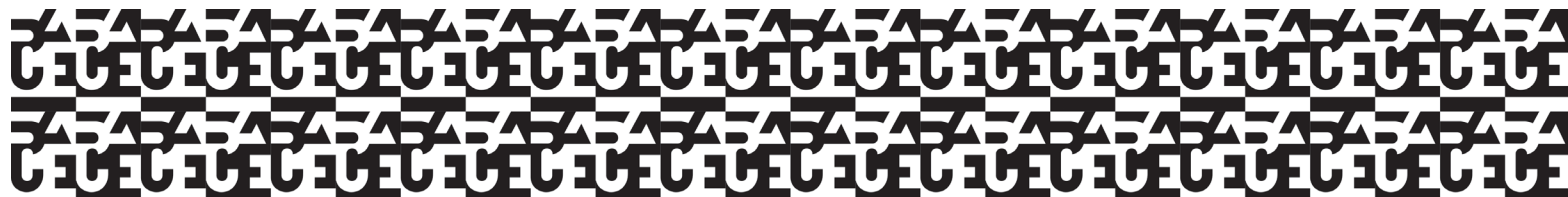
FRI 6:30-8:30PM >> Paint & Sip

FRI 7-9PM >> Mud & Merlot

FRI 7:30-9:30PM >> Costume Contest

FRI 8-9PM >> Gallery Flashlight Tours

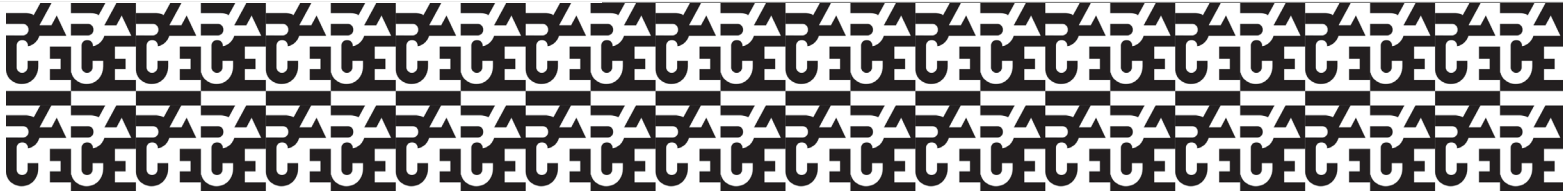
FRI 8-9PM >> Local Writer Script Reading



PACE & HOFF FAMILY ARTS & CULTURE CENTER

“I can't say enough good things about PACE. This is a tremendous asset to the community, in fact probably one of the most significant positive things to come along in some time. The variety of cultural offerings is exceptional and appeal to a wide demographic, all staff encountered have been very friendly and easy to relate to, and of course the facility is incredible. All who put their money into this ...are really getting a great return on their investment.”

– 2021 Community Impact Survey Response



Overall, PACE provides an estimated 200 classes, camps, productions, concerts and exhibits annually. This includes an estimated 350 hours of free programming available to the community, including exhibits, public art, live music including Music in the Park, educational speakers, and supporting the City in community festivals like Winterfest. The "free" services available to the community are estimated to cost PACE over \$200K annually.

A recent example of free programming provided to the community was gallery tours for Council Bluffs Schools students Oct 13 & 14. Over 400 students from Carter Lake, Crescent, Hoover, Roosevelt, Rue, Bloomer, Longfellow, College View, Edison, Franklin and Lewis and Clark were able to get a sneak peak of our newest exhibit, *The Ebb and Flow Between Us*, and view our Grant Wood collection.

| 2023 Goals |
|---|
| Adult Programming Classes and Speaker Series: 12 annually |
| Children's Programming Classes: 125 annually |
| Children's Summer Camps: 2 annually |
| Culinary Programming: 4 annually |
| Exhibitions: 6 annually (4 new) |
| Subsidized Artist Studios: 5 annually |
| Chanticleer Theater Productions: 4 annually (24 shows) |
| Children's Theater Production: 1 annually (6 shows) |
| Children's Theater Workshop: 1 annually |
| Kanesville Symphony Orchestra Concerts: 3 annually |
| Music in the Park Concerts: 6 annually |
| Hoff Fourth Fridays w/ Live Music: 6 annually |
| Community Activities: 2 annually |

| Gallery, Exhibits & Public Art | | | | | |
|---|---------------------|----------------------|---------------|---------------------------|-------------------------------|
| Annual Cost to PACE | Gallery Days | Gallery Hours | Impact | Number of Exhibits | Public Art² |
| \$165K | 90 | 315 | 10,000 | 6 | 10 |
| Music in the Park + Live Music | | | | | |
| Annual Cost to PACE | Performances | Hours | Impact | | |
| \$30K | 12 | 24 | 3,600 | | |
| Speaker Series | | | | | |
| Annual Cost to PACE | Events | Hours | Impact | | |
| \$3K | 10 | 10 | 200 | | |
| Winterfest | | | | | |
| Annual Cost to PACE | Event | Hours | Impact | | |
| \$4K | 1 | 2 | 5000 | | |
| \$202,000.00 | 113 | 351 | 18,800 | | |

Additionally, we regularly engage with local schools and nonprofits to inform them of opportunities for complimentary tickets and offer scholarships for classes for those in need. A recent example includes our Children's Theater production of 'Aladdin Jr.' in September where we provided 23 complimentary tickets to children and their guardians who could not afford or otherwise see the show without our support. Cost should never be a barrier to access the arts.

Also in November the Council will be voting on permanently loaning to PACE a Grant Wood painting called "Early Days of Kaneshville", currently valued at \$2M. Given its monetary, historic and artistically significant value to the City, it needs to be in a gallery to be appropriately conserved and protected. PACE is underwriting the safe transfer of the painting (\$13K) to the Hoff Family Arts & Culture Center's Grant Wood Gallery. In addition to having appropriate art insurance (+\$5K annually), fire suppression, temperature controls, security systems, and supervision, PACE will install a protective railing (\$3K) around the 9' x 16' painting. Having such an important City asset under the care of PACE will also allow for PACE to provide additional free education and programming to the City regarding the painting, Grant Wood, and early Council Bluffs.

Thanks!

Danna

RESOLUTION NO. 22-269

A RESOLUTION AUTHORIZING ONGOING FINANCIAL SUPPORT TO PACE (POTTAWATTAMIE ARTS CULTURE ENTERTAINMENT) FROM THE HOTEL/MOTEL TAX REVENUE RECEIVED BY THE CITY OF COUNCIL BLUFFS, IOWA.

WHEREAS, The City of Council Bluffs, Iowa, has committed to provide financial support to PACE from revenue generated by the City’s Hotel/Motel tax; and

WHEREAS, The financial commitment from the City of Council Bluffs, Iowa, will be a payment be three (3) payments, each in the amount of \$50,000.00 to be made over the next three (3) years and made payable no later than July 31, 2023; July 31, 2024; and July 31, 2025; and

WHEREAS, These payments and commitment are in consideration for the services to the community that are currently being offered; and

WHEREAS, Each year prior to payment, PACE will supply a list of all services being provided to the City including but not limited to classes, camps, productions, concerts and exhibits that are scheduled and being held.

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

That the Mayor is hereby authorized and directed to provide financial support to PACE through July 31, 2025 pursuant to the conditions above.

ADOPTED
AND
APPROVED

November 14, 2022.

Matthew J. Walsh, Mayor

Attest: _____
Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 22-279
ITEM 6.B.

Council Action: 11/14/2022

Description

Resolution authorizing the Mayor to execute a Fine Arts Loan Agreement with Pottawattamie Arts, Culture and Entertainment (PACE) specifically for a Grant Wood painting entitled "Early Days of Kanesville".

Background/Discussion

The subject painting was painted on canvas and glued to a wall of the old Chieften Hotel. The painting was gifted to the City of Council Bluffs in 1972 and stored by the City until 1986 when the Bluffs Art Council obtained a grant to assist with the restoration of the painting. Once restored the painting was loaned to Iowa Western Community College where it has been on display in Looft Hall Auditorium ever since. PACE has requested that the subject painting be placed on loan to it so that it may be displayed in their Grant Wood Gallery at the Hoff Family Art and Cultural Center. PACE has recently had the painting appraised at a value of \$2 million. During the duration of the Loan agreement they will maintain insurance coverage on the subject painting in this amount. Iowa Western Community College has agreed to relinquish any rights it has to display the painting back to the City so that the City is free to enter a FINE ARTS LOAN AGREEMENT with PACE. The PACE building is 100% sprinkled, with the gallery area on the 4th floor equipped with a dry pipe pre-action system interlocked with VESDA smoke detection system. The building has an electronic security alarm system, with magnetic contacts, passive infrared motion detectors, and 24 hour closed circuit television. When the gallery is open, a docent trained in security measures is physically present to oversee visitors.

Recommendation

Approval

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Agreement | Agreement | 11/1/2022 |
| Resolution 22-279 | Resolution | 11/9/2022 |

Pottawattamie Arts, Culture & Entertainment (PACE)

Hoff Family Arts & Culture Center
1001 S 6th Street
Council Bluffs, IA 51501



FINE ARTS LOAN AGREEMENT

Lender: City of Council Bluffs

Address: 209 Pearl Street, Council Bluffs, IA 51503

Contact: Matt Walsh, Mayor & Richard Wade, City Attorney

Telephone: 712-890-5100 Email: mwalsh@councilbluffs-ia.gov

Purpose of Loan: Display and Conservation

Commencement of Loan: October 31, 2022

Termination of Loan: TBD

Credit line for label and/or catalogue: City of Council Bluffs

Artist: Grant Wood

Title of Work: Early Days of Kaneshville

Date of Work: 1927

Medium: Oil paint on canvas

Dimensions H: 9' W: 14' D: 4"

Approximate Weight: 250 lbs.

Photographs provided: No

Permission to reproduce photos: Yes

Artwork to be insured by PACE:

Insured value: \$2,000,000

Lenders special instructions: PACE to insure transfer of painting from IWCC to the Hoff Family Arts & Culture Center.

I have read and agree to the Terms and Conditions Governing Fine Arts Loan Agreement and certify that I am the owner, or the agent of the owner authorized to agree thereto. I understand that by signing this Agreement, I agree to be bound by all the provisions set forth herein.

Signature: _____ Date: _____
Lender or authorized agent

Signature: _____ Date: _____
PACE Representative

TERMS AND CONDITIONS GOVERNING ARTWORK LOAN AGREEMENT

- 1) Unless permission is refused in writing, it is understood that the Lender authorizes the Institution (PACE), to photograph and reproduce in any media the loans for catalogue publications and for archival, educational, and publicity purposes. Unless otherwise instructed in writing, Institution will grant credit to the Lender as specified on the face of this agreement in any labels or publications. If there is more than one piece of Artwork subject to this Agreement, the information required on page one of this Agreement must be provided by Lender in writing attached hereto and incorporated herein for each piece of Artwork. Institution shall have no obligation or liability hereunder for any piece of Artwork that is not identified and described in writing as required herein.
- 2) Unless the Lender elects to maintain its own insurance coverage for the loan period, the Institution will insure this Artwork under an all risk property insurance policy, for the amount indicated on the face of this agreement, against all risks of physical loss or damage from any external cause while on location during the period of the loan. The policy referred to contains limitations for acts of God and the usual exclusions for loss or damage due to wear and tear, gradual deterioration, moths, vermin, inherent vice or damage sustained due to and resulting from any authorized repairing, restoration or retouching process, or due to such causes as hostile or warlike action in time of peace or war, atomic, nuclear or radioactive force, reaction or contamination, insurrection, rebellion, civil war, usurped power, action taken by governmental authority in hindering, combating or defending against such an occurrence, seizure or destruction under quarantine or customs regulation, confiscation by order of any governmental or public authority, or risks of contraband or illegal transportation or trade. The party that makes the transportation arrangements for the Artwork to or from the Exhibit must provide for appropriate insurance coverage as specified herein.
- 3) If the Lender elects to maintain its own insurance, the Lender's insurance shall be primary. Lender agrees to request a waiver of subrogation from its insurer in writing in favor of the Institution prior to the Exhibit. If the Lender fails to request the waiver of subrogation, the agreement shall constitute a release of the Institution from all liability in connection with the loan.
- 4) The work shall remain in the possession of the Institution in the Exhibition for which it has been borrowed, for the time specified in this agreement, but may be withdrawn from Exhibition at any time by the Institution. The work will be returned only to the Lender at the address shown in this agreement unless the Institution is notified in writing. If the legal ownership of the loan shall change during the period of the loan, the new owner may, prior to its return, be required to establish legal right to receive the loan by proof satisfactory to the Institution. Lender may choose to make arrangements for the return of the loan at Lender's expense, including insurance, at the loan termination date by notifying Institution in writing 90 calendar days prior to the termination of the Agreement.
- 5) Except in case of emergency to preserve the Artwork, the work of art will not be cleaned, restored, or otherwise altered without the written consent of the Lender except in an emergency, in which case the Lender will be notified by telephone and in writing.
- 6) Except as set forth by Lender above, Lender warrants that it has all right, title and ownership interest in the Artwork, and that the Artwork is not subject to any ownership, lien, encumbrance, copyright infringement or other claim by any other person or entity. Lender agrees that it shall not take any action to limit or affect this warranty during the term of this Agreement unless it obtains the advance written agreement of Institution.
- 7) This Agreement shall be governed by and construed under the laws of the State of Iowa, which shall also be the forum for any litigation arising from or incident to this Agreement. This Agreement may not be assigned by either party without the express written consent of the other, in advance.
- 8) This Agreement and attachments referenced herein, if any, constitute the entire understanding between the parties with respect to the subject matter hereof and may be amended at any time only upon mutual written agreement of the parties. Any notice to the either party shall be sent to the parties at the addresses set forth above by registered or certified mail, return receipt requested or overnight mail service, with proof of delivery.
- 9) Either party may terminate this Agreement by giving the other party 90 calendar days written notice.

RESOLUTION NO. 22-279

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FINE ARTS LOAN AGREEMENT WITH POTTAWATTAMIE ARTS, CULTURE AND ENTERTAINMENT (PACE) SPECIFICALLY FOR A GRANT WOOD PAINTING ENTITLED “EARLY DAYS OF KANESVILLE”.

WHEREAS, The subject painting was gifted to the City of Council Bluffs in 1972 and stored by the City until 1986 when the Bluffs Art Council obtained a grant to assist with restoration of the subject painting; and

WHEREAS, That since the restoration in 1986, subject painting has been on display at Loft Hall Auditorium at Iowa Western Community College; and

WHEREAS, Iowa Western Community College has agreed to relinquish all rights it has to displaying the subject painting back to the City of Council Bluffs so the City can enter in a Fine Arts Loan Agreement with PACE; and

WHEREAS, PACE has requested the subject painting be placed on loan to PACE so it can be displayed in the Grant Wood Gallery at the Hoff Family Art and Cultural Center; and

WHEREAS, PACE has had the subject painting appraised at a value of \$2 million dollars and has agreed to maintain insurance coverage on subject painting for the duration of the Agreement in the same amount; and

WHEREAS, The PACE building is 100% sprinkled and equipped with dry pipe pre-action system interlocked with VESDA smoke detection systems in the gallery area and an electronic security alarm system with magnetic contacts, passive infrared motion detectors, and 24 hour closed circuit television; and

WHEREAS, PACE agrees that during all times the gallery is open a docent trained in security measures is physically present to oversee all visitors.

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

That the City Council of the City of Council Bluffs, Iowa authorize the Mayor to execute the Fine Arts Loan Agreement with PACE.

ADOPTED
AND
APPROVED

November 14, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

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

Resolution 22-280
ITEM 6.C.

Council Action: 11/14/2022

Description

Resolution officially designating the City Council meeting dates for the City of Council Bluffs during the 2023 calendar year.

Background/Discussion

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Calendar | Other | 10/18/2022 |
| Resolution 22-280 | Resolution | 11/9/2022 |

2023 Calendar - City Council

JANUARY

| S | M | T | W | T | F | S |
|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

FEBRUARY

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| 26 | 27 | 28 | | | | |

MARCH

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| 26 | 27 | 28 | 29 | 30 | 31 | |

APRIL

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| 30 | | | | | | |

MAY

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| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

JUNE

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JULY

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AUGUST

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| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

SEPTEMBER

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| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
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OCTOBER

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NOVEMBER

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DECEMBER

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| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

Council Meeting Date
 Council Meeting Deadline
 Holiday

RESOLUTION NO. 22-280

A RESOLUTION OFFICIALLY DESIGNATING THE CITY COUNCIL MEETING DATES FOR THE CITY OF COUNCIL BLUFFS DURING THE 2023 CALENDAR YEAR.

WHEREAS, City Council meetings are held on the second and fourth Monday of each month; and

WHEREAS, 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 2023 City Council meeting dates.

January 9th & 23rd

May 8th & 22nd

September 11th & 25th

February 13th & 27th

June 12th & 26th

October 9th & 23rd

March 13th & 27th

July 10th & 24th

November 13th & 27th

April 10th & 24th

August 14th & 28th

December 18th

ADOPTED
AND
APPROVED:

November 14, 2022

Matthew J. Walsh,

Mayor

ATTEST:

Jodi Quakenbush,

City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW23-28
Submitted by: Matthew Cox, Public Works
Director

Resolution 22-281
ITEM 6.D.

Council Action: 11/14/2022

Description

Resolution accepting the bid of Hydro-Klean, LLC, in the amount of \$275,183.00 for the Inspection of Levee Drainage Structures project. Project # PW23-28

Background/Discussion

On October 19, 2022, bids were received through the City bidding software, Ion Wave, as follows:

| | <u>Base Bid</u> | <u>Additive 1</u> | <u>Additive 2</u> | <u>Additive 3</u> |
|--------------------------------------|-----------------|-------------------|-------------------|-------------------|
| Hydro-Klean, LLC, Des Moines, IA | \$258,706.00 | \$10,004.00 | \$95,497.00 | \$16,477.00 |
| TREKK Design Group, LLC, Omaha, NE | \$351,954.20 | \$7,252.90 | \$76,290.10 | \$18,078.00 |
| Engineer’s Estimate (PW Engineering) | \$273,340.00 | \$11,254.50 | \$96,725.50 | \$18,852.00 |

The City is the local sponsor of the Council Bluffs Levee System, and as such, it is responsible for operation and maintenance. Performing regular inspections of the drainage structure pipes within the levee system is one of the responsibilities.

The most recent inspections of the drainage structures occurred in two phases. Most were completed in 2017, with a few on hold due to excessive debris in the pipes. Flooding in 2018 and 2019 caused further delays. The remaining inspections were completed in 2021.

To comply with USACE requirements, this project will undertake a system-wide inspection program that will result in an inspection report and overall rating for each levee drainage structure within the levee system.

The scope of the project includes over 21,000 linear feet of inspection and associated cleaning for gravity storm sewer pipes and boxes, and force main storm sewer pipes, with various diameters and lengths.

Additive bid items were included to inspect other structures within the levee right-of-way, which have not been previously assessed. It is recommended that Additive 3 be included when awarding this project. This adds the inspection of the IDNR outfall pipe to Lake Manawa which also crosses through the East Manawa property that the City recently acquired for development.

These inspections, with subsequent ratings, allow the Council Bluffs Levee System to remain active in the USACE PL84-99 levee program. By participating in the program, USACE will assist with flood fight efforts during a high water event, and provide restoration to the levee system if damages occur during the flood.

The project was added to the FY23 CIP and will be paid from levee improvement program funding. It is scheduled to be complete by December 2023.

Recommendation

Approval of this resolution. This project is necessary to meet the 5-year inspection requirements of the USACE PL84-99 program and supports the City’s levee accreditation efforts.

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Resolution 22-281 | Resolution | 11/9/2022 |

RESOLUTION
NO 22-281

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH HYDRO-KLEAN, LLC
FOR THE
INSPECTION OF LEVEE DRAINAGE STRUCTURES
PROJECT #PW23-28**

- WHEREAS, the plans, specifications, and form of contract for the Inspection of Levee Drainage Structures project are on file in the office of the City Clerk; and
- WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on September 26, 2022, and the plans, specifications and form of contract were approved; and
- WHEREAS, Hydro-Klean, LLC, has submitted a low bid in the amount of \$275,183.00 for this contract.

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

That the bid of Hydro-Klean, LLC, in the amount of \$275,183.00 is hereby accepted as the lowest and best bid received for the Base Bid plus Additive 3; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Inspection of Levee Drainage Structures; and

AND BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Hydro-Klean, LLC, for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 22-282
ITEM 6.E.

Council Action: 11/14/2022

Description
Resolution authorizing and directing the Mayor to execute the Second Amendment To Declaration Of Restrictions and Grant Of Easements for Lots 1-8 of The Bluffs Vision Subdivision.

Background/Discussion
The final plat of Lots 1-8 of the Bluffs Vision Subdivision was recorded on February 19, 2002 imposing certain restrictions, easements and covenants by Southwest Iowa Foundation, Inc. and CMK Development, LLC, an Iowa limited liability company ("CMK"). The original Declaration of Restrictions and Grant of Easements between the parties was recorded on October 31, 2022 and an Amendment was recorded on August 16, 2005. This amendment is to incorporate and amend the prior agreement to be consistent with recent changes to that Council Bluffs Municipal Code Chapter that were previously approved by this Council.

Recommendation
Approval

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Agreement | Agreement | 11/3/2022 |
| Resolution 22-282 | Resolution | 11/9/2022 |

RECORDING COVER SHEET
TO
SECOND AMENDMENT
TO
DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS

**Prepared by and, after recording,
return to:**

David R. Madden
Richardson Madden, P.C., L.L.O
11819 Miracle Hills Drive, Suite 104
Omaha, Nebraska 68154

Taxpayer:

Frank R. Krejci Trust
1505 N. 203rd Street
Elkhorn, Nebraska 68022

Title of Document:

Second Amendment to Declaration of Restrictions and Grant
of Easements

Grantor:

Frank R. Krejci Trust
1505 N. 203rd Street
Elkhorn, Nebraska 68022

Grantee:

N/A

Legal Description:

See Exhibit A

**SECOND AMENDMENT
TO
DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS**

THIS SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS (“Amendment”) is made effective of the [●●] day of [●●●], 2022, by SOUTHWEST IOWA FOUNDATION, INC., an Iowa not-for-profit corporation (the “Declarant”), CITY OF COUNCIL BLUFFS, an Iowa Municipality (the “City”), FRANK R. KREJCI, Trustee of the FRANK R. KREJCI REVOCABLE TRUST UTA dated September 21, 2004 n/k/a FRANK R. KREJCI, Trustee of the FRANK R. KREJCI TRUST and WESTERN IOWA LAND DEVELOPMENT, LLC, an Iowa limited liability company (collectively, “WILD”), and [●●●] (“[Other Signatories]”).

PRELIMINARY STATEMENT

By that certain Declaration of Restrictions and Grant of Easements dated October 31, 2002, recorded at Book 103, Page 376005 of the Records of the Recorder’s Office of Pottawattamie County, Iowa (the “Official Records”), as amended by that certain Amendment to Declaration of Restrictions and Grant of Easements dated August 16, 2005, recorded at Book 106, Page 3484 of the Official Records (the “Declaration”), Declarant and CMK Development, LLC, an Iowa limited liability company (“CMK”) imposed certain restrictions, easements and covenants on Lots 1-8 of the Bluffs Vision Subdivision (the “Lots”), as that subdivision is recorded in the Official Records by final plat on February 19, 2002 at Book 102, Page 66081 (“Bluffs Vision”). Pursuant to Section 6.2 of the Declaration, the Declaration may be amended by the mutual agreement of Declarant and Bluffs Vision Owners owning Bluffs Vision Lots equal to at least seventy-five percent (75%) of the Lot Area of all Bluffs Vision Lots.

Lot 1 of Bluffs Vision was later replatted and subdivided into Lots 1 through 3 of Morris Subdivision and Morris Subdivision Replat 1, each of which is a subdivision as surveyed, platted, and recorded in Pottawattamie County, Iowa (the “County”). Lot 2 of Bluffs Vision is now owned by Council Bluffs Savings Bank. Lots 3 and 4 of Bluffs Vision were later replatted and subdivided into Bluffs Vision Subdivision Replat 1, a subdivision as surveyed, platted, and recorded in the County. Lot 5 of Bluffs Vision is now owned by the City. Lot 6 of Bluffs Vision was later replatted and subdivided primarily into Lots 1 and 2 of Bluffs Vision 4 and Lots 1 through 3 of Bluffs Vision 4 Replat 1, each of which is a subdivision as surveyed, platted, and recorded in the County. Lot 7 of Bluffs Vision was later replatted and subdivided primarily into Lots 1 and 2 of Hotel Plaza at the MAC, Lots 1 through 6 of Hotel Plaza at the MAC Replat 1, and Lots 1 and 2 together with Outlots 1 and 2 of Plaza at the MARCC, each of which is a subdivision as surveyed, platted, and recorded in the County. Lot 8 of Bluffs Vision was later replatted and subdivided primarily into Plaza at the MARCC, a subdivision as surveyed, platted, and recorded in the County. A portion of Lots 6, 7, and 8 of Bluffs Vision were later replatted and subdivided into a portion of Lot 1 of Bass Pro Subdivision, a subdivision as surveyed, platted, and recorded in the County.

In light of the foregoing replattings and subdivisions, set forth on Exhibit B attached hereto and incorporated herein by this reference are all of the current Bluffs Vision Owners (the “Owners”) and their proportionate percentage of the Lot Area of all Bluffs Vision Lots.

The undersigned, the Declarant and Owners owning Bluffs Vision Lots equal to at least seventy-five percent (75%) of the Lot Area of all Bluffs Vision Lots, believe it is in the best interests of themselves and the community of Southwest Iowa to further amend the Declarations.

NOW THEREFORE, the parties hereto agree as follows:

1. Definitions. Capitalized terms used but not otherwise defined herein have the meanings given to them in the Declaration.

2. Amendment. The parties hereto acknowledge and agree to substitute, amend and restate the Declaration in the following particulars only:

a. The first sentence of Section 2.1(a) is hereby amended by (i) replacing the words “solely for a” with the word “for”, and (ii) replacing the words “to the extent” with the words “, or any other use”.

b. Section 2.1(a) is hereby amended to add the following sentence immediately before the last sentence of such section:

Notwithstanding anything to the contrary in this Declaration, WILD and its successors in interest may pursue and make use of any and all zoning classification changes, variances, conditional use permits, development plans, site plans, or the like as they deem necessary or appropriate in connection with the commercial development, use, and operation of its portion of former Bluffs Vision Lot 6, now known as Lot 2 of Bluffs Vision 4 Subdivision, a subdivision as surveyed, platted, and recorded in Pottawattamie County, Iowa (the “WILD Lot”).

c. Section 2.2(h) is hereby amended and restated in its entirety to read as follows:

(h) Motor vehicle service and repair, provided that nothing in this Declaration shall prevent the owner of the WILD Lot from constructing, owning, operating, and maintaining on the WILD Lot an Automobile Service Establishment or an Automotive Sales and Rental, Indoor use, as such terms are defined in Sections 15.03.049 and 15.03.048b the Zoning Code of the City of Council Bluffs, Iowa.

d. The words “and the WILD Lot” are hereby added immediately after the words “Bluffs Vision 4 Subdivision” in Section 2.3(c).

e. The words “except with respect to the WILD Lot,” are hereby added at the beginning of Section 2.5(b), (d), and (e).

f. The words “, provided, however, that with respect to the WILD Lot, deviations from such external architectural materials and designs shall be permitted to the extent they are generally consistent with the Wild Lot’s owner’s national design standards” are hereby added at the end of Section 3.1(c)(ii).

g. The words “Lot 1 of the” in Section 3.5(d) are hereby deleted and replaced with the words “Lot 1 and Lot 2”.

h. The words “ninety (90) days” in Section 3.9(a) are hereby deleted and replaced with the words “one (1) year”.

i. The words “one hundred eighty (180) days” in Section 3.9(b) are hereby deleted and replaced with the words “one (1) year”.

j. Section 7.9 is hereby amended and restated in its entirety to read as follows:

Section 7.9. Intentionally Omitted.

k. Section 7.13 is hereby added, which reads in its entirety as follows:

Section 7.13 No Assessment Against WILD Lot. Notwithstanding anything to the contrary elsewhere herein, Section 7.10 cannot be waived, deleted, or amended without the prior written consent of all Owners of the WILD Lot.

l. The list of “Restrictions on Use” set forth on Exhibit C to the Declaration is hereby amended and restated in its entirety to read as follows:

- Adult Entertainment
- Billboards
- Cellular Towers
- Contractor Shop
- Kennel, commercial
- Local utility service
- Massage Parlor
- Pawn shops/check cashing
- No more than one drive-in or fast food restaurant on Lots 3 and 4
- Second hand store
- Tattoo parlor/body piercing, excepting ear piercing
- Tavern unless part of a restaurant

3. Ratification. Except as expressly amended hereby, the Declaration is unmodified and fully ratified and confirmed and continues in full force and effect.

4. Counterparts. This Second Amendment may be executed in any number of counterparts, which, when taken together, constitute a complete and original instrument.

[Remainder of Page Intentionally Left Blank; Signature Pages Follow]

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed pursuant to due and proper authority as of the date first set forth above:

DECLARANT:

SOUTHWEST IOWA FOUNDATION, INC., an
Iowa not-for-profit corporation

By: _____

Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022
by _____, _____ of _____, a
_____, _____, on behalf of said
_____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and
year last above written.

Notary Public
My Commission Expires:

.....

[SEAL]

OWNERS:

CITY OF COUNCIL BLUFFS, an Iowa
municipality

By: _____

Name: _____

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022
by _____, _____ of _____, a
_____, _____, on behalf of said
_____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and
year last above written.

Notary Public
My Commission Expires:

.....

[SEAL]

EXHIBIT A

Legal Description of Affected Real Property

[Not available at time of drafting]

EXHIBIT B

Current Bluffs Vision Owners and Lot Area Relative to Lot Area of All Bluffs Vision Lots

| Current Bluffs Vision Owner | Approx. Lot Area (Acres) | Lot Area Relative to Lot Area of All Bluffs Vision Lots (%) |
|--|-------------------------------------|--|
| City of Council Bluffs, Iowa | 42.63 | 44.309% |
| MAC Ventures LLC | 11.61 | 12.067% |
| CB Lodging LLC | 9.34 | 9.708% |
| Frank R. Krejci Trust and Western Iowa Land Development LLC | 7.14 | 7.421% |
| Edward L. Morris & Frances M. Morris JTWROS | 5.44 | 5.654% |
| La Posada Group | 3.67 | 3.815% |
| CMK Development LLC | 3.14 | 3.264% |
| Brent Associates CB LLC | 2.47 | 2.567% |
| IRH Council Bluffs LLC | 2.32 | 2.411% |
| QSL LLC | 2.29 | 2.380% |
| Council Bluffs Savings Bank | 2.00 | 2.079% |
| RPB Farms LLC | 1.64 | 1.705% |
| Tarr Farms Inc. | 1.50 | 1.559% |
| Cave Industries LLC | 1.02 | 1.060% |
| TOTAL | 96.21 | 100.000% |

RESOLUTION NO. 22-282

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS FOR LOTS 1-8 OF THE BLUFFS VISION SUBDIVISION.

WHEREAS, Southwest Iowa Foundation, Inc. and CMK Development, LLC, an Iowa limited liability company (“CMK”) imposed certain restrictions, easements and covenants on Lots 1-8 of the Bluffs Vision Subdivision and the final plat was recorded on February 19, 2002; and

WHEREAS, The original Declaration of Restrictions and Grant of Easements between the parties was recorded on October 31, 2002 and an Amendment to Declaration of Restrictions and Grant of Easements was recorded on August 16, 2005; and

WHEREAS, The parties would like to enter into this Second Amendment to make use restrictions consistent with those recently revised uses in P-C/Planned Commercial District set forth in CBMC 15.18; and

WHEREAS, Pursuant to Section 6.2 of the original Declaration, the Declaration may be amended by the mutual agreement of Southwest Iowa Foundation, Inc. and Bluffs Vision Owners that own Bluffs Vision Lots equal to at least seventy-five percent (75%) of the Lot Area of all Bluffs Vision Lots and they all believe it is in the best interest of themselves and the community of Southwest Iowa to further amend the Declarations.

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

That the City Council of the City of Council Bluffs, Iowa authorize and direct the Mayor to execute the Second Amendment for Bluffs Vision Subdivision.

ADOPTED
AND November 14, 2022.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

Council Communication

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

Resolutions 22-283, 22-284, 22-285 and 22-286
ITEM 6.F.

Council Action: 11/14/2022

Description
Resolutions 22-283, 22-284, 22-285 and 22-286 authorizing Interfund Loan approval for FY24 TIF Certifications.

Background/Discussion
Background
According to Iowa Code Section 403.19, a city shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Interfund Loan resolutions included:
Reimbursement from West Broadway TIF for First Ave projects and administrative costs estimated to be \$111,971.
Reimbursement from Original 1983 Mall TIF for development projects of \$71,517.
Reimbursement from Playland Park TIF for administrative costs, maintenance costs, and expenditures related to the River's Edge Development Project estimated to total \$871,396.
Reimbursement from Valley View North TIF for administrative costs of \$2,963.

Recommendation
Council to approve the resolution authorizing grant appropriation, certificate of indebtedness, and direct the filing of certifications to the County Auditor.

ATTACHMENTS:

| Description | Type | Upload Date |
|--|------------|-------------|
| Interfund Invoice List | Other | 11/3/2022 |
| Resolution 22-283 | Resolution | 11/9/2022 |
| Resolution 22-284 | Resolution | 11/9/2022 |
| Resolution 22-285 | Resolution | 11/9/2022 |
| Resolution 22-286 | Resolution | 11/9/2022 |

TIF Certification Invoice List FY2024 Certification

| URN Area | Vendor | Code | Check Date | Amount | Check # | Description | |
|--------------------------|-----------------------------|---------------------|------------|-----------------|-----------------------------|---------------------------------------|--|
| Playland | AHLERS & COONEY P.C | A15400-640700 | 09/10/21 | 124.00 | | 49153 Professional Services | |
| | HDR ENGINEERING INC | A15400-640700 | 11/19/21 | 930.98 | | 50011 Professional Services | |
| | MITCHELL AND ASSOCIATES INC | A15400-640700 | 12/03/21 | 1,550.00 | | 50178 Professional Services | |
| | MITCHELL AND ASSOCIATES INC | A15110-640700 | 01/14/22 | 1,550.00 | | 50643 Professional Services | |
| | | | | 4,154.98 | Playland | | |
| Valley View North | AHLERS & COONEY P.C | A15110-640700 | 02/11/22 | 88.00 | | 50916 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 02/11/22 | 260.00 | | 50916 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 03/11/22 | 198.00 | | 51222 Professional Services | |
| | HGM ASSOCIATES INC | A15110-640700 | 04/01/22 | 627.55 | | 51475 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 04/08/22 | 362.50 | | 51507 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 04/08/22 | 438.00 | | 51507 Jilla Development, LLC DA | |
| | AHLERS & COONEY P.C | A15110-640700 | 05/13/22 | 637.00 | | 51908 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 06/10/22 | 288.00 | | 52228 Professional Services | |
| AHLERS & COONEY P.C | A15110-640700 | 08/05/22 | 64.00 | | 52924 Professional Services | | |
| | | | | 2,963.05 | Valley View North | | |
| W. Broadway | AHLERS & COONEY P.C | S39030-641100-CD005 | 08/06/21 | 87.00 | | 48735 34TH & 1ST Holding DA | |
| | AHLERS & COONEY P.C | S39010-640700-CD006 | 08/06/21 | 125.00 | | 48735 CB-WLG Aff Lmted Partnership DA | |
| | AHLERS & COONEY P.C | S39010-640700-CD006 | 08/06/21 | 221.00 | | 48735 Professional Services | |
| | AHLERS & COONEY P.C | S39010-640700-CD006 | 09/10/21 | 24.00 | | 49153 Professional Services | |
| | AHLERS & COONEY P.C | S39030-641100-CD005 | 09/10/21 | 221.00 | | 49153 34TH & 1ST Holding DA | |
| | AHLERS & COONEY P.C | S39010-640700-CD006 | 09/10/21 | 1,009.00 | | 49153 CB-WLG Aff Lmted Partnership DA | |
| | IMPACT7G INC | S39030-640700-CD005 | 09/24/21 | 2,680.00 | | 49346 Professional Services | |
| | AHLERS & COONEY P.C | S39010-640700-CD006 | 10/15/21 | 102.00 | | 49557 Professional Services | |
| | AHLERS & COONEY P.C | S39010-640700-CD006 | 10/15/21 | 182.00 | | 49557 CB-WLG Aff Lmted Partnership DA | |
| | SNYDER & ASSOCIATES INC | S39030-640700-CD005 | 11/05/21 | 1,576.50 | | 49871 Professional Services | |
| | AHLERS & COONEY P.C | S39030-641100-CD005 | 11/12/21 | 138.00 | | 49886 34TH & 1ST Holding DA | |
| | AHLERS & COONEY P.C | A15110-640700 | 12/17/21 | 183.00 | | 50286 CB-WLG Aff Lmted Partnership DA | |
| | CLEAR TITLE & ABSTRACT LLC | A15110-640700 | 02/04/22 | 1,882.75 | | 235978 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 04/08/22 | 1,843.50 | | 51507 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 05/13/22 | 4,349.50 | | 51908 Professional Services | |
| | AHLERS & COONEY P.C | A15110-640700 | 06/10/22 | 22.00 | | 52228 CB-WLG Aff Lmted Partnership DA | |
| | SNYDER & ASSOCIATES INC | S39030-640700-CD005 | 07/22/22 | 1,524.56 | | 52817 Professional Services | |
| | | | | | 16,170.81 | W. Broadway | |

RESOLUTION NO. 22-283

RESOLUTION AUTHORIZING ADVANCEMENT OF COSTS FOR AN URBAN RENEWAL PROJECT AND CERTIFICATION OF EXPENSES INCURRED BY THE CITY FOR PAYMENT UNDER IOWA CODE SECTION 403.19

WHEREAS, the City of Council Bluffs, Iowa has adopted the West Broadway Urban Renewal Plan, as amended (the "Plan") for the West Broadway Urban Renewal Area (the "Urban Renewal Area") for the purpose of undertaking urban renewal projects, including the projects described as First Ave Multi-Modal Corridor and First Ave Acquisition/Disposition, (the "Fees and costs") within the Urban Renewal Area; and

WHEREAS, the fees and costs is related to the Urban Renewal Area; is described on 2015 Amendment to the West Broadway Urban Renewal Plan page 11 of the Plan; does not exceed the projected fees and cost estimate on 2015 Amendment to the West Broadway Urban Renewal Plan page 11 of the Plan; and, in the judgment of the Council will further one or more of the objectives of the Plan. Therefore, the costs constitute a public use and purpose as provided by Iowa Code Chapters 15A and 403; and

WHEREAS, the City intends to advance or has advanced costs from the General Fund and the First Avenue Capital Projects Fund to pay costs associated with the fees and costs, and thereafter reimburse said fund with tax increment; and

WHEREAS, before approving an urban renewal project for reimbursement with tax increment, it is necessary to make certain findings under Chapter 403; and

WHEREAS, it is the intention of the City to certify the amount of funds advanced for reimbursement under Iowa Code Section 403.19 before December 1, 2022; and

WHEREAS, the amount of funds advanced or to be advanced for the Project is currently estimated at \$111,970.81.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Ordinance No.87-570 and TIF Ordinance 6283, there has been established the West Broadway Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Urban Renewal Area, as amended, are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403, and further finds that said Project is included in the Plan for the Urban Renewal Area.

Section 2. It is hereby directed that the total costs for the Projects advanced from the General Fund and the First Avenue Capital Projects Fund in order to pay the costs of the Projects shall be treated as an internal loan (the "Loan") from the General Fund and the First Avenue Capital Projects Fund and shall be reimbursed the total actual cost from the Tax Increment Fund.

Section 3. All Project costs to be incurred for the Projects are approved, to be advanced as described in Section 2. The Project is currently estimated to cost approximately \$111,970.81.

Section 4. Certification for reimbursement under Iowa Code Section 403.19 shall be made by the Council on or before December 1, 2022.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA, this 14th day of November, 2022.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 22-284

RESOLUTION AUTHORIZING ADVANCEMENT OF COSTS FOR AN URBAN RENEWAL PROJECT AND CERTIFICATION OF EXPENSES INCURRED BY THE CITY FOR PAYMENT UNDER IOWA CODE SECTION 403.19

WHEREAS, the City of Council Bluffs, Iowa has adopted the Bluffs Center Urban Renewal Plan, as amended (the "Plan") for the Bluffs Center Urban Renewal Area (the "Urban Renewal Area") for the purpose of undertaking urban renewal projects (the "Fees and costs"), within the Urban Renewal Area; and

WHEREAS, the fees and costs is related to the Urban Renewal Area; is described on 2013 Amendment to the Bluffs Center Urban Renewal Plan page 3 of the Plan; does not exceed the projected fees and cost estimate on 2013 Amendment to the Bluffs Center Urban Renewal Plan page 3 of the Plan; and, in the judgment of the Council will further one or more of the objectives of the Plan. Therefore, the costs constitute a public use and purpose as provided by Iowa Code Chapters 15A and 403; and

WHEREAS, the City intends to advance or has advanced costs from the General Fund to pay costs associated with the fees and costs, and thereafter reimburse said fund with tax increment; and

WHEREAS, before approving an urban renewal project for reimbursement with tax increment, it is necessary to make certain findings under Chapter 403; and

WHEREAS, it is the intention of the City to certify the amount of funds advanced for reimbursement under Iowa Code Section 403.19 before December 1, 2022; and

WHEREAS, the amount of funds advanced or to be advanced for the Project is currently estimated at \$71,517.47.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to the Original 1983 Urban Renewal Area's establishment by Resolution on October 23, 1973 and TIF Ordinance 4056, there has been established the Bluffs Center Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Urban Renewal Area, as amended, are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403, and further finds that said Project is included in the Plan for the Urban Renewal Area.

Section 2. It is hereby directed that the total costs for the Projects advanced from the General Fund in order to pay the costs of the Projects shall be treated as an internal loan (the "Loan") from the General Fund and shall be reimbursed the total actual cost from the Tax Increment Fund.

Section 3. All Project costs to be incurred for the Projects are approved, to be advanced as described in Section 2. The Project is currently estimated to cost approximately \$71,517.47.

Section 4. Certification for reimbursement under Iowa Code Section 403.19 shall be made by the Council on or before December 1, 2022.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA, this 14th day of November, 2022.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 22-285

RESOLUTION AUTHORIZING ADVANCEMENT OF COSTS FOR AN URBAN RENEWAL PROJECT AND CERTIFICATION OF EXPENSES INCURRED BY THE CITY FOR PAYMENT UNDER IOWA CODE SECTION 403.19

WHEREAS, the City of Council Bluffs, Iowa has adopted the Playland Park Urban Renewal Plan, as amended (the "Plan") for the Playland Park Urban Renewal Area (the "Urban Renewal Area") for the purpose of undertaking urban renewal projects, including the project described as project cost- Playland Park, (the "Project") within the Urban Renewal Area; and

WHEREAS, the Project is located in the Urban Renewal Area; is described on page 7 of the Plan Amendment 4; does not exceed the projected Project cost estimate on page 7 of the Plan Amendment 4; and, in the judgment of the Council will further one or more of the objectives of the Plan. Therefore, the Project constitutes a public use and purpose as provided by Iowa Code Chapters 15A and 403; and

WHEREAS, the City intends to advance or has advanced costs from the General Fund and the Capital Projects Fund to pay costs associated with the River's Edge Development Project, and thereafter reimburse said fund with tax increment; and

WHEREAS, before approving an urban renewal project for reimbursement with tax increment, it is necessary to make certain findings under Chapter 403; and

WHEREAS, it is the intention of the City to certify the amount of funds advanced for reimbursement under Iowa Code Section 403.19 before December 1, 2022; and

WHEREAS, the amount of funds advanced or to be advanced for the Project is currently estimated at \$871,396.04.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Resolution No.16-147 and TIF Ordinance 5766, there has been established the Playland Park Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Urban Renewal Area, as amended, are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403, and further finds that said Project is included in the Plan for the Urban Renewal Area.

Section 2. It is hereby directed that the total costs for the Project advanced from the General Fund and the Capital Projects Fund in order to pay the costs of the River's Edge Development Project shall be treated as an internal loan (the "Loan") from the General Fund and

the Capital Projects Fund and shall be reimbursed the total actual Project cost from the Tax Increment Fund.

Section 3. All Project costs to be incurred for the Project are approved, to be advanced as described in Section 2. The Project is currently estimated to cost approximately \$871,396.04.

Section 4. Certification for reimbursement under Iowa Code Section 403.19 shall be made by the Council on or before December 1, 2022.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA, this 14th day of November, 2022.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 22-286

RESOLUTION AUTHORIZING ADVANCEMENT OF COSTS FOR AN
URBAN RENEWAL PROJECT AND CERTIFICATION OF EXPENSES
INCURRED BY THE CITY FOR PAYMENT UNDER IOWA CODE SECTION
403.19

WHEREAS, the City of Council Bluffs, Iowa has adopted the Valley View North Urban Renewal Plan, as amended (the "Plan") for Valley View North Urban Renewal Area (the "Urban Renewal Area") for the purpose of undertaking urban renewal projects, including the administrative cost described as Planning, Engineering Fees, Attorney Fees, Administrative and Other Related Costs, (the "Cost") within the Urban Renewal Area; and

WHEREAS, the administrative cost spend is related to the Urban Renewal Area; is described on page 8 of the Plan; does not exceed the projected cost estimate on page 8 of the Plan; and, in the judgment of the Council will further one or more of the objectives of the Plan. Therefore, the administrative cost constitute a public use and purpose as provided by Iowa Code Chapters 15A and 403; and

WHEREAS, the City intends to advance or has advanced costs from the General Fund to pay costs associated with the administrative cost, and thereafter reimburse said fund with tax increment; and

WHEREAS, before approving an urban renewal project for reimbursement with tax increment, it is necessary to make certain findings under Chapter 403; and

WHEREAS, it is the intention of the City to certify the amount of funds advanced for reimbursement under Iowa Code Section 403.19 before December 1, 2022; and

WHEREAS, the amount of funds advanced or to be advanced for the Project is currently estimated at \$2,963.05.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Adoption Ordinance No.22-125 and TIF Ordinance 6496, there has been established the Valley View North Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all incremental property tax revenues received from the Urban Renewal Area, as amended, are deposited. The Council finds the administrative cost spend to be part of an Urban Renewal Project as defined in Iowa Code Chapter 403, and further finds that said Project is included in the Plan for the Urban Renewal Area.

Section 2. It is hereby directed that the total costs for the administrative cost advanced from the General Fund in order to pay the administrative costs shall be treated as an internal loan (the "Loan") from the General Fund and shall be reimbursed the total actual cost from the Tax Increment Fund.

Section 3. All Project costs to be incurred for the Project are approved, to be advanced as described in Section 2. The Project is currently estimated to cost approximately \$2,963.05.

Section 4. Certification for reimbursement under Iowa Code Section 403.19 shall be made by the Council on or before December 1, 2022.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA, this 14th day of November, 2022.

Mayor

ATTEST:

City Clerk

Council Communication

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

Resolution 22-287
ITEM 6.G.

Council Action: 11/14/2022

Description
Resolution authorizing for annual certification for Tax Increment Financing Indebtedness.

Background/Discussion
Background
According to Iowa Code Section 403.19, a city shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

The following projects require debt certification on or before December 1, 2022 for the collection of TIF funds in Fiscal Year 2024.

West Broadway-2200 W. Broadway, 2012C Bonds, Urban Renewal (URN) Costs
Original 1983 Mall-149 W. Broadway, 125 W. Broadway, 103 W. Broadway, Urban Renewal (URN) Costs
Playland Park-Rivers Edge Development Project, 2010C Bonds, Rivers Edge Parking, Noddle Office Building, Rivers Edge Apartments, Parking Garage Maintenance Costs, Parking Garage CAM Agreement, Urban Renewal (URN) Costs
Marketplace-Legacy CB, Iowa Finance Authority Bonds
Bluffs Northway-Walmart
Franklin Ave-Kingsridge Dr.
Bluffs Vision-MAC Ventures
Valley View North-Urban Renewal (URN) Costs

Recommendation
Council to approve the resolution authorizing grant appropriation, certificate of indebtedness, and direct the filing of certifications to the County Auditor.

ATTACHMENTS:

| Description | Type | Upload Date |
|---|------------|-------------|
| TIF Certification Request Summary | Other | 11/3/2022 |
| TIF Certification Sheets | Resolution | 11/4/2022 |
| Resolution 22-287 | Resolution | 11/9/2022 |

FY24 TIF REQUESTS

| District | TIF Paid To | Final Pymt Year | Comments | FY22 TIF Request | FY23 TIF Request | FY24 TIF Request | | |
|-------------|--------------------|--|----------|--|------------------|------------------|------------------|---------------------------|
| Fund 127 | MACC | MACC Parking Lot Rehab #2 - B2001 | 2022 | Done - will decertify any debt remaining | 778,065 | - | - | |
| | | MACC Parking Lot Rehab #1 - B1901 | 2022 | Done - will decertify any debt remaining | 473,678 | - | - | |
| Fund 131 | W.Broadway | 2012C Bonds Bunge | 2025 | | 320,000 | 330,000 | 300,000 | |
| | | D&D 10 Yr 80% | 2027 | | 52,000 | 52,000 | 50,000 | |
| | | 2016B Bonds Echo | 2021 | Done | 360,000 | - | - | |
| | | Echo Building Demo | 2024 | Interfund loan | - | - | 95,800 | |
| | | Upcoming projects, developer agreements, urban renewal charges | 2024 | Interfund loan | 11,015 | 12,518 | 16,171 | |
| Fund 132 | 1983 Mall Downtown | Hughes Iron 15 Years 85% MAX \$625,000 | 2027 | Agreement reaches its MAX in FY24 | 64,000 | 62,000 | 25,000 | |
| | | Sawyer Bldg 15 Years 80% Max 900,000 | 2032 | Reduce request \$25k for projected fund balance | 105,000 | 112,000 | 59,000 | |
| | | The Rise 15 Years 80% MAX \$750,000 | 2034 | Reduce request \$15k for projected fund balance | 82,000 | 77,000 | 46,000 | |
| | | Additional Vine Street Parking | 2024 | Interfund Loan - Land purchase, will certify development project in FY25 | - | - | 71,517 | |
| Fund 135 | Metro Crossing | Promissory Note | 2022 | Done - Hit Sunset | 100,000 | - | - | |
| | | Upcoming projects, developer agreements, urban renewal charges | 2024 | Done - Hit Sunset | 2,898 | 5,849 | - | |
| Fund 136 | Playland Park | Riverpark Apt 10 Yr 100% | 2024 | Interfund loan - FY24 Certification | 215,000 | - | 494,409 | Ties to Playland Analysis |
| | | Rivers Edge Development Project | 2024 | Interfund loan | 188,000 | 200,000 | 200,000 | 200,000 |
| | | GO Bond 2010C | 2025 | | 133,000 | 132,000 | 130,000 | 129,481 |
| | | Parking Garage | 2038 | | 775,369 | 775,369 | 775,369 | 229,101 |
| | | Noddle Office Building 20 Yr 75% Max \$9,000,000 | 2040 | | 230,000 | 230,000 | 255,000 | 252,676 |
| | | Rivers Edge Apt 18 Yr 75% Max \$11,175,000-added 3rd building FY23 | 2038 | | 400,000 | 484,000 | 438,000 | 434,627 |
| | | FY22 Parking Garage Maintenance | 2024 | Interfund loan | - | 178,329 | 116,025 | 116,025 |
| | | FY22 CAM Expenses | 2024 | Interfund loan | - | 30,000 | 56,807 | 56,807 |
| | | Upcoming projects, developer agreements, urban renewal charges | 2024 | Interfund loan - Possible future purchase on wet side of the levy | - | 9,942 | 4,155 | 4,155 |
| | | | | | | | | 1,422,871 |
| Fund 138 | Market place | IFA & Legacy 90% Max \$8,750,000 | 2029 | MAX | 928,000 | 928,000 | 870,000 | |
| Fund 141 | Bluffs Northway | Wal Mart 12 Yr 100% Max \$5,000,000 | 2027 | MAX | 420,000 | 410,000 | 405,000 | |
| Fund 142 | Franklin Ave | McCarthy 12 Years 100% | 2027 | MAX | 166,000 | 145,000 | 150,000 | |
| Fund 143 | Bluffs Vision | MAC Ventures Field House 15 Yr 90% | 2034 | | - | - | - | |
| | | MAC Ventures Hotel 15 Yr 90% | 2034 | | 271,000 | 208,000 | 255,000 | |
| | | MAC Ventures Retail 15 Yr 90% | 2034 | | - | - | - | |
| Need to Add | Valley View North | Upcoming projects, developer agreements, urban renewal charges | 2024 | Interfund loan | - | - | 2,963 | |
| | | | | Totals | 6,075,026 | 4,382,007 | 4,816,216 | |

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: MARCC 2000

Urban Renewal Area Number: 78030 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 0

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022


Signature of Authorized Official Telephone 712-890-5305

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: West Broadway 1987

Urban Renewal Area Number: 78029 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 161,971

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: West Broadway 1987

Urban Renewal Area Number: 78029 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|-----------------|---------------|
| 1. D & D This grant requires an annual cerification of debt which is currently estimated to be \$50,000. Our intent is to collect 80% of the captured revenue as calculated with certified levy rates for FY24. Parcel # 754426359008 <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | 11/14/2022 | 50,000 |
| 2. Development Reimbursement Certifying \$111,971 for FY24 internal fund loan including demolition costs and URN Consulting. <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | 11/14/2022 | 111,971 |
| 3. <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 161,971

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX FOR NEXT FISCAL YEAR
CERTIFICATION TO COUNTY AUDITOR**

Due To County Auditor By December 1 Prior To The Fiscal Year
Where Less Than The Legally Available TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: West Broadway 1987


Urban Renewal Area Number: 78029 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum legally available TIF increment tax as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum tax for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment tax from the remainder of the taxing districts in the Area.

| Specific Instructions To County Auditor For Administering The Request That This Urban Renewal Area Generate Less Than The Maximum Available TIF Increment Tax: | Amount Requested: |
|---|-------------------|
| I would like to certify less than the maximum available TIF revenue for 2012C Bonds. The total amount being requested for FY24 is \$300,000. | 300,000 |
| I would like to certify less than the maximum available TIF revenue for the West Broadway Renewal Area. The grant for 2200 W. Broadway requires an annual cerification of debt which is currently estimated to be \$50,000. Our intent intent is to collect 80% of the captured incremental revenue as calculated with certified levy rates for FY24. | 50,000 |
| We are requesting the total certified amount of \$111,971 for internal fund loans related to demolition costs and URN Consulting. | 111,971 |
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| | |

Dated this 14th day of November, 2022


Signature of Authorized Official

712-890-5305
Telephone

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Original 1983 Mall

Urban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 201,517

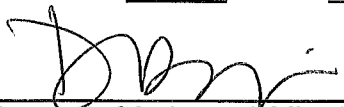
*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Original 1983 Mall

Urban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|-------------------|---------------|
| 1. <u>149 W. Broadway (Hughes-Iron Works)</u> This grant requires an annual appropriation of debt which is currently estimated to be \$25,000. Our intent is to collect 85% of the capture incremental revenue based on FY24 certified levy rates. <u>Parcel # 754425479002</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | <u>11/14/2022</u> | <u>25,000</u> |
| 2. <u>125 W. Broadway (Sawyer Building)</u> This grant requires an annual appropriation of debt which is currently estimated to be \$59,000. Our intent is to collect 80% of the capture incremental revenue based on FY24 certified levy rates. <u>Parcel # 754425479009</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | <u>11/14/2022</u> | <u>59,000</u> |
| 3. <u>103 W. Broadway (The Rise)</u> This grant requires an annual appropriation of debt which is currently estimated to be \$46,000. Our intent is to collect 80% of the capture incremental revenue based on FY24 certified levy rates. <u>Parcel # 754425479011</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | <u>11/14/2022</u> | <u>46,000</u> |
| 4. <u>Development Reimbursement</u> Certifying \$71,517 for FY24 internal fund loan including land purchased for future development. <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | <u>11/14/2022</u> | <u>71,517</u> |
| 5. _____ _____ _____ _____ <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 201,517

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX FOR NEXT FISCAL YEAR
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year
Where Less Than The Legally Available TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Original 1983 Mall

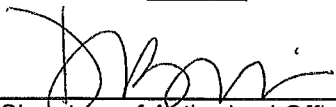
Urban Renewal Area Number: 78001 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum legally available TIF increment tax as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum tax for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment tax from the remainder of the taxing districts in the Area.

| Specific Instructions To County Auditor For Administering The Request That This Urban Renewal Area Generate Less Than The Maximum Available TIF Increment Tax: | Amount Requested: |
|--|-------------------|
| I would like to certify less than the maximum available TIF revenue for the Original 1983 Urban Renewal Area. The grant for 149 W. Broadway requires an annual certification of debt which is currently estimated to be \$25,000. Our intent is to collect 85% of the captured incremental revenue as calculated with certified levy rates for FY24. | 25,000 |
| I would like to certify less than the maximum available TIF revenue for the Original 1983 Urban Renewal Area. The grant for 125 W. Broadway requires an annual certification of debt which is currently estimated to be \$59,000. Our intent is to collect 80% of the captured incremental revenue as calculated with certified levy rates for FY24. | 59,000 |
| I would like to certify less than the maximum available TIF revenue for the Original 1983 Urban Renewal Area. The grant for 103 W. Broadway requires an annual certification of debt which is currently estimated to be \$46,000. Our intent is to collect 80% of the captured incremental revenue as calculated with certified levy rates for FY24. | 46,000 |
| We are requesting the total certified amount of \$71,517 for interfund loan related to land purchased for future development. | 71,517 |

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Playland Park Urban Renewal (Pott Co District 00015 & 00018)

Urban Renewal Area Number: 78046 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 2,334,068

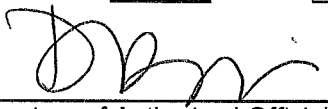
*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Playland Park Urban Renewal (Pott Co District 00015 & 00018)

Urban Renewal Area Number: 78046 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|--------------------------|-----------------------|
| <p>1. <u>Rivers Edge Parking</u> <u>This grant requires an annual appropriation of debt which is currently \$546,268. Our intent is to collect up to \$546,268.</u> <u>Parcel # 754428357005</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.</p> | <p><u>11/14/2022</u></p> | <p><u>546,268</u></p> |
| <p>2. <u>Noddle Office Building</u> <u>This grant requires an annual appropriation of debt which is currently estimated to be \$252,676. Our intent is to collect 75% of the capture incremental revenue based on FY24 certified levy rates.</u> <u>Parcel # 754428357001</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.</p> | <p><u>11/14/2022</u></p> | <p><u>252,676</u></p> |
| <p>3. <u>Rivers Edge Apartments</u> <u>This grant requires an annual appropriation of debt which is currently estimated to be \$434,627. Our intent is to collect 75% of the capture incremental revenue based on FY24 certified levy rates.</u> <u>Parcel # 754428358001 & 754428356006</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.</p> | <p><u>11/14/2022</u></p> | <p><u>434,627</u></p> |
| <p>4. <u>Rivers Edge Parking</u> <u>This grant requires an annual appropriation of debt which is currently estimated to be \$229,101. Our intent is to collect 25% of the capture incremental revenue based on FY24 certified levy rates.</u> <u>Parcel # 754428357001, 754428358001 & 754428356006</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.</p> | <p><u>11/14/2022</u></p> | <p><u>229,101</u></p> |
| <p>5. <u>Development Reimbursement</u> <u>Certifying \$871,396 for FY24 internal fund loan including CAM Agreement, URN Consulting, Riverpark Agreement, Parking Garage Maintenance Agreement, and River's Edge Development Project</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above.</p> | <p><u>11/14/2022</u></p> | <p><u>871,396</u></p> |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 2,334,068

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX FOR NEXT FISCAL YEAR
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year
Where Less Than The Legally Available TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Playland Park Urban Renewal (Pott Co District 00015 & 00018)

Urban Renewal Area Number: 78046 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum legally available TIF increment tax as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum tax for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment tax from the remainder of the taxing districts in the Area.

| Specific Instructions To County Auditor For Administering The Request That This Urban Renewal Area Generate Less Than The Maximum Available TIF Increment Tax: | Amount Requested: |
|---|-------------------|
| I would like to certify the maximum available TIF revenue for the Playland Area Urban Renewal Area. | |
| We are requesting the maximum captured amount. Our intent is to collect 100% of the captured incremental revenue as calculated with certified levy rate for FY24. | |
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| | |

Dated this 14th day of November, 2022



Signature of Authorized Official 712-890-5305
Telephone

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Marketplace

Urban Renewal Area Number: 78045 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 870,000

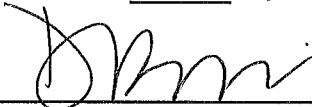
*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5303

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Marketplace

Urban Renewal Area Number: 78045 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|--|-------------------|----------------|
| 1. <u>This grant requires an annual appropriation of debt which is currently estimated to be \$870,000. We are requesting the maximum amount. Our intent is to collect 100% of the incremental revenue based on FY24 certified levy rates.</u> | <u>11/14/2022</u> | <u>870,000</u> |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 870,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Bluffs Northway Urban Renewal (Walmart)

Urban Renewal Area Number: 78990 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 405,000


*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305
Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Bluffs Northway Urban Renewal (Walmart)

Urban Renewal Area Number: 78990 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|-----------------|---------------|
| 1. A redevelopment agreement requires an annual appropriation of debt which is currently estimated to be \$405,000. Our intent is to collect 100% of the captured incremental revenue based on FY24 certified levy rates. | 11/14/2022 | 405,000 |
| Parcel # 754423405001, 754423405002, 754423405003 | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. _____ _____ _____ _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 405,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Franklin Avenue Urban Renewal

Urban Renewal Area Number: 78052 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 150,000

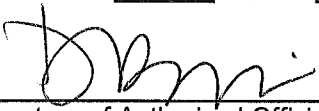
*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Franklin Avenue Urban Renewal

Urban Renewal Area Number: 78052 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|--|-----------------|---------------|
| 1. This grant requires an annual appropriation of debt which is currently estimated to be \$150,000. Our intent is to collect 100% of the captured incremental revenue based on FY24 certified levy rates. | 11/14/2022 | 150,000 |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 150,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR
Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Bluffs Vision

Urban Renewal Area Number: 78054 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 255,000

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Bluffs Vision

Urban Renewal Area Number: 78054 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|-------------------|----------------|
| 1. <u>2501 Bass Pro Drive (Hotel)</u> <u>This grant requires an annual appropriation of debt which is currently</u> <u>estimated to be \$255,000. Our intent is to collect 90% of the capture</u> <u>incremental revenue based on FY24 certified levy rates.</u> <u>Parcel # 744403327009</u> <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | <u>11/14/2022</u> | <u>255,000</u> |
| 2. _____ _____ _____ _____ <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. _____ _____ _____ _____ <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. _____ _____ _____ _____ <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. _____ _____ _____ _____ <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 255,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Valley View North

Urban Renewal Area Number: 78908 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 2,963

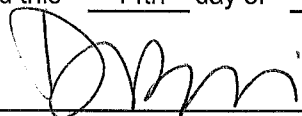
*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.)

Notes/Additional Information:

Dated this 14th day of November, 2022



Signature of Authorized Official

712-890-5305

Telephone

TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Valley View North

Urban Renewal Area Number: 78908 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|--|-------------------|---------------|
| 1. <u>URN Consulting</u> <u>Certifying \$2,963 for FY24 internal fund loan.</u> | <u>11/14/2022</u> | <u>2,963</u> |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. _____ | | |
| <input type="checkbox"/> 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

Total For City TIF Form 1.1 Page 1: 2,963

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

RESOLUTION NO. 22-287

A Resolution to authorize the Certification of Indebtedness, a reduction in Certification of Indebtedness, and direct the filing of the Tax Increment Financing (TIF) Indebtedness Certification report with the County for West Broadway, Original 1983 Downtown Mall, Playland Park, Marketplace, Bluffs Northway, Franklin Avenue, Bluffs Vision, and Valley View North Urban Renewal Areas.

WHEREAS, the City of Council Bluffs has entered into development agreements within West Broadway, Original 1983 Mall, Playland Park, Marketplace, Bluffs Northway, Franklin Avenue, Bluffs Vision, and Valley View North Urban Renewal Districts and;

WHEREAS, West Broadway (2200 W. Broadway-D & D, 2012C Bonds, URN Consulting and Development) Original 1983 Mall (149 W. Broadway-Hughes Iron, 125 W. Broadway-Sawyer Building, 103 W. Broadway-The Rise, URN Consulting and Development), Playland Park (2010C Bonds, 100 N. 42nd St-Rivers Edge Parking, 4200 Rivers Edge Pkwy-Noddle Office Building, 4104 Rivers Edge Pkwy-Rivers Edge Apartments, River's Edge Parking Maintenance, River's Edge Parking CAM Agreement, URN Consulting), Marketplace (Legacy CB LLC and BOKF), Bluffs Northway (Walmart), Franklin Avenue (McCarthy Construction), Bluffs Vision (MAC Ventures Field House, Hotel, and Retail), and Valley View North (URN Consulting) for Certification of Indebtedness, and;

WHEREAS, according to Iowa Code Section 403.19, a City shall certify new debt to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

WHEREAS, the certification of the aforementioned TIF rebates is in the best interest of the City:

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the Finance Director is hereby authorized to appropriate the grant, approve the Certification of Indebtedness, reduction of Certification of Indebtedness, and direct the filing of Certification to the County Auditor for West Broadway, Original 1983 Downtown Mall, Playland Park, Marketplace, Bluffs Northway, Franklin Avenue, Bluffs Vision, and Valley View North Urban Renewal Areas.

ADOPTED

AND

APPROVED:

November 14, 2022

Matthew J. Walsh,

Mayor

ATTEST:

Jodi Quakenbush,

City Clerk

Council Communication

Department: Human Resources
Case/Project No.:
Submitted by: Stacie Jensen; Director of Human Resources

Resolution 22-288
ITEM 6.H.

Council Action: 11/14/2022

Description

Resolution approving Policy 505-Vacation

Background/Discussion

The Human Resources Department prioritizes the policies and forms a review committee that depending on the policy, generally includes unions, Legal, Department Heads and other key employees.

Recommendation

Approval of this resolution.

ATTACHMENTS:

| Description | Type | Upload Date |
|---|------------|-------------|
| Policy 505 Vacation Redline | Other | 11/7/2022 |
| Resolution 22-288 | Resolution | 11/9/2022 |

City Personnel Policy

VACATIONS

POLICY: 505

Pages: 2

Council approval:

POLICY:

It is the policy of the City to provide each eligible full and part time employees with paid vacation time on an accrual basis. Paid vacation shall be paid at an employee's base hourly rate of pay, excluding overtime, bonuses, incentives, shift differential or any additional compensation.

APPLICABILITY:

All regular full-time and regular part-time employees.

PROCEDURE:

- 1. Unless provided otherwise, all full-time employees will accrue annual paid vacation according to the following schedule:

Vacation leave for employees shall be the ratio of regularly hours of the employee employees.

| Vacation | | |
|------------------|--------------------|----------------------|
| Service Period | Accrual/Pay Period | Accrual/Year (hours) |
| Upon Hire | 3.08 | 80 |
| Starting year 6 | 4.62 | 120 |
| Starting year 13 | 6.16 | 160 |
| Starting year 19 | 7.70 | 200 |

regular part-time prorated based on scheduled work to those of full-time

2. Assistant Fire Chiefs. benefits for Fire Assistant

Vacation leave Chiefs assigned to a

56-hour work shift shall accrue at the rate of 72 hours of leave for each 40 hours of vacation in the schedule provided in #1 above.

- A. An employee who is transferred from a 56-hour work schedule to a 40-hour work schedule shall have his/her vacation accumulation adjusted by dividing his/her 56-hour accumulation by 72 and multiplying the result of this calculation by 40.
- B. An employee transferred from a 40-hour work schedule to a 56-hour work schedule shall have his/her vacation accumulation adjusted by dividing the 40-hour accumulation by 40 and multiplying the result of this calculation by 72.
- A. Upon termination the vacation balance of the 40-hour employee will be converted to a 56-hour benefit and paid at the pay grade for Fire Assistant

Chiefs working a 56-hour schedule.

DRAFT

3. Salaried employees as designated by the Mayor shall be able to take vacation as it accrues. All hourly employees will accrue vacation time but will not be eligible to use until the initial probationary period has been completed.
2. The vacation limit shall be an employee's annual accumulation plus 80 hours. This provision shall not apply to Police and Fire Supervisory employees and employees who are "Grandfathered."
3. The limit for employees who were age 55 or older with at least 25 years' service with the City as of June 30, 2012, shall be twice their annual accumulation.
4. Upon separation from employment, compensation for unused vacation leave shall be paid.
5. Vacation shall not accrue for any hour during a pay period in which an employee is absent without leave, is on an unpaid leave of absence or, is on terminal leave.
6. Unless otherwise provided, vacation must be charged as used, in amounts not less than four hours for salaried employees, and 15 minutes for hourly employees. All vacation leave must be requested by the employee and approved by the Department Head or designee prior to the date(s) of vacation.
7. Vacation pay for all employees will consist of the employee's base hourly rate of pay for the vacation period.
8. Department Heads reserve the right to designate when some or all vacations can be taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts on a first-come first-served basis.

**RESOLUTION
NO 22-288**

**A RESOLUTION APPROVING REVISIONS OF THE CITY'S CURRENT PERSONNEL
POLICIES MANUAL: POLICY #505 VACATION**

WHEREAS, the last revisions of Policy #505 Vacation occurred in 2020;

WHEREAS, there are a number of areas where additional policy guidance is needed; and,

WHEREAS, a number of changes have been made that need reflected in the City's Personnel Policies manual; and,

WHEREAS, said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa;

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

That the proposed revisions of the City's current Personnel Policy:

Policy #505 Vacation

are hereby adopted and the Personnel Policy manual will be updated accordingly.

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

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

Resolution 22-289
ITEM 6.I.

Council Action: 11/14/2022

Description
Resolution authorizing the use of eminent domain for Steven Road West. Project #PW22-16

Background/Discussion
This project is the final segment associated with the East Beltway project.
The Steven Road West project will construct a new Steven Road segment from Norwood Drive to State Orchard Road. The continuity for the local transportation system will support future land development, increases the capacity of existing roads to accommodate traffic demands and improves emergency access.
Right-of-way authorization was approved December 13, 2021 with Resolution No. 21-353.
The following properties considered for eminent domain are:

- o Parcel No. 6: Forest Glen Condominiums
 - Land Acquisition: 0.00
 - Permanent Easement: 2,356 square feet (0.05 acres)
 - Temporary Easement: 2,503 square feet (0.06 acres)
- o Parcel No. 7: Epperson Trust
 - Land Acquisition: 0.00
 - Permanent Easement: 2,144 square feet (0.05 acres)
 - Temporary Easement: 9,098 square feet (0.21 acres)
- o Parcel No. 8: McFerrin Trust
 - Land Acquisition: 0.00
 - Permanent Easement: 1,796 square feet (0.04 acre)
 - Temporary Easement: 888 square feet (0.02 acres)

Appraisals, review appraisals, and compensation estimates were performed for the right of way takings. Negotiations were challenging due to the impacts to trees along the corridor and the extents of temporary easement needed for fill and cut slopes due to the changing topography of the area.
In order to complete the acquisition and avoid delays to the project, eminent domain proceedings may be necessary. Negotiations are currently ongoing and eminent domain will only be used if needed.

Recommendation
Approval of this resolution.

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Map | Map | 11/4/2022 |
| Resolution 22-289 | Resolution | 11/9/2022 |



RESOLUTION
NO 22-289

**RESOLUTION DECLARING THE CITY'S INTENT
TO ACQUIRE CERTAIN PROPERTIES LOCATED ALONG
STEVEN ROAD WEST AND GENERALLY IDENTIFIED HEREIN,
BY THE USE OF EMINENT DOMAIN
FOR THE STEVEN ROAD WEST PROJECT
PROJECT #PW22-16**

WHEREAS, it is in the best interest of the public for the City to acquire certain properties for the Steven Road West Project; and

WHEREAS, these properties are listed below:

Parcel No. 6

Address: Norwood Court

Owner: Forest Glen Condominiums Inc.

Land Acquisition: 0.00

Permanent Easement: 2,356 square feet (0.05 acres)

Temporary Easement: 3,524 square feet (0.08 acres)

Parcel No. 7

Address: 1378 Chestnut Drive

Owner: Epperson Trust

Land Acquisition: 0.00

Permanent Easement: 2,144 square feet (0.05 acres)

Temporary Easement: 9,098 square feet (0.21 acres)

Parcel No. 8

Address: 1375 Chestnut Drive

Owner: McFerrin Trust

Land Acquisition: 0.00

Permanent Easement: 1,796 square feet (0.04 acres)

Temporary Easement: 888 square feet (0.02 acres)

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

That the use of eminent domain is hereby approved for the acquisition of said properties hereinabove described for the East Beltway Project.

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

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

Resolution 22-290
ITEM 6.J.

Council Action: 11/14/2022

Description

Resolution authorizing a joint application to the Iowa Economic Development Authority by the City of Council Bluffs and IceCap Cold Storage for benefits under the Targeted Jobs Withholding Tax Credit Program.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Resolution 22-290 | Resolution | 11/9/2022 |

Council Communication
November 14, 2022

| | | |
|---|------------------------------------|---|
| <p><u>Department:</u> Community Development</p> | <p>Resolution No: 22-__</p> | <p>City Council: November 14, 2022</p> |
| <p><u>Subject/Title:</u> Application to the Iowa Economic Development Authority (IEDA) for financial assistance benefits under the Targeted Jobs Withholding Tax Credit Program (TJWTCP) by IceCap Cold Storage (formerly US Property Cold Storage).</p> | | |
| <p><u>Location:</u> Phase II: Cold Storage Facility – 1700 16th Avenue, Council Bluffs, IA</p> | | |
| <p><u>Company Background:</u> US Property has a tremendous history that stems back to 1970. Founded by Karl Witt in 1970 as K & C Management, this real estate management company was destined to diversify and grow. In 1999, Monte and Lisa Froehlich acquired K & C Management and quickly changed the name to US Property to eliminate the assumed relationship to Kansas City and expand their scope of services. In 2005, Monte and Lisa located US Property’s headquarters to downtown Lincoln, NE to further grow the company and establish a commercial presence in the region. Today, US Property is actively developing both industrial and mixed-use commercial properties across north America including Phase I of the IceCap Cold Storage project in Council Bluffs.</p> | | |
| <p><u>Scope of Project:</u> <u>Phase I:</u> IceCap Cold Storage is actively completing construction on Phase I of their Council Bluffs facility. Phase I includes a 160,000 SF warehouse/distribution facility that will also house offices and have 26 dock doors as well as rail access. The state-of-the-art facility will include racking, freezing and transportation components to serve the modern cold storage distribution industry. The facility will serve local and regional cold storage customers including protein manufacturers. Construction on Phase I is anticipated to be completed by April 2023.</p> <p><u>Phase II:</u> Phase II of IceCap’s cold storage project includes a 160,000 SF expansion of their warehouse/distribution facility. The Phase II expansion will also include additional dock doors and will be equipped with the same racking and freezing components as identified in the Phase I facility. Construction on the Phase II expansion project is anticipated to commence in late 2022 with completion expected in late 2023 or early 2024.</p> | | |
| <p><u>Project Budget:</u> Phase I = \$49,630 AND Phase II = \$69,675,937 for an overall project budget of \$139,401,504.</p> | | |
| <p><u>Project Workforce:</u> US Property employs 100 full-time employees at their locations throughout the United States.</p> <p><u>Employment by Phases:</u> Phase I of this project will result in 58 new full-time positions at an annual average rate of \$24.00 per hour.</p> <p>Phase II of this project will result in 146 new full-time positions at an annual average rate of \$24.00 per hour.</p> <p>These positions include warehouse and maintenance technicians, management and administration. IceCap also provides health insurance and other benefits to their full-time employees.</p> | | |

Historical Project Discussion:

US Property submitted a Targeted Jobs Withholding Tax Credit Application (TJWTC) application to Iowa Economic Development Authority (IEDA) in December 2021 for Phase I of the project of which the City of Council Bluffs supported and sponsored via Resolution 21-360. While working with IceCap (US Property) regarding Phase II, it was recommended by IEDA that US Property (IceCap) withdrawal their Phase I application and submit a new application for Phase II only. This recommendation was based on IEDA’s internal policy to no longer stack incentive applications meaning that Phase I would need to be complete before authorizing incentives for Phase II. IceCap agrees with IEDA’s recommendation and officially withdrew their Phase I application – a copy of IceCap’s withdrawal letter is on file with the Community Development Department.

Phase II Project Discussion:

IceCap Cold Storage desires to apply to the Iowa Economic Development Authority (IEDA) for benefits under the Targeted Jobs Withholding Tax Credit Program (TJWTC). The company has submitted a project questionnaire form to IEDA and has been invited by the State to submit a full application for the TJ incentive program. Per program guidelines, the City must sponsor the application by passing a resolution of support detailing local incentives. Incentives under the Targeted Jobs Withholding Tax Credit Program include a rebate of payroll withholding taxes for a period of 5-years. The following outlines what the State of Iowa estimates that IceCap qualifies for under the TJ program as well as the required local match which will be satisfied utilizing the Urban Revitalization designation currently on the site.

| | |
|---|--------------------|
| Targeted Jobs Withholding Tax Credit Program | |
| Targeted Jobs Withholding Tax Credit Assistance | \$770,000 |
| Proposed URV Tax Abatement Program | \$7,937,728 |
| Total: | \$8,707,728 |
| | |
| Total Estimated Incentive Amount: | \$8,707,728 |

Upon review of the investment levels and job numbers, staff is recommending that the City utilize the Urban Revitalization property tax abatement program in the amount of \$7,937,728 to satisfy the match requirement for the Targeted Jobs program. The property tax abatement is only applicable to the increase in valuation based on this project and will either be 100% for 3-years or on a sliding scale from 80% down to 20% over the course of 10-years – the program allows the company to choose which option.

Project Timeline:

IceCap expects to start site preparation in Q4 2022 with an anticipated completion of Q4 2023 or Q1 2024.

Staff Recommendation:

Advance Southwest Iowa Corporation recommends that the City Council adopt the resolution supporting the application submitted by IceCap for benefits under the Targeted Jobs Withholding Tax Credit Program.

Attachments:

IceCap’s Targeted Jobs Withholding Tax Credit application is available to review upon request by contacting Paula Hazlewood at (402) 960-8505 or phazlewood@selectgreateromaha.com.

Respectfully Submitted By: Paula Hazlewood, Chief Executive Officer, Advance Southwest Iowa Corporation
Approved By: Courtney Harter, Director, Community Development

RESOLUTION NO. 22-290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA AUTHORIZING A JOINT APPLICATION TO THE IOWA ECONOMIC DEVELOPMENT AUTHORITY BY THE CITY OF COUNCIL BLUFFS AND ICECAP COLD STORAGE FOR BENEFITS UNDER THE TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM.

WHEREAS, IceCap Cold Storage is a new venture for US Property, a Nebraska based development company that has been in business since 1970; and

WHEREAS, IceCap Cold Storage is finalizing construction on Phase I of their new cold storage facility located at 1700 16th Avenue, Council Bluffs for the purpose of expanding into Iowa with a Phase I project budget of \$49,630 and 58 new full-time employees; and

WHEREAS, based on market demand, IceCap is ready to start the Phase II expansion of their project; and

WHEREAS, the Phase II project budget is \$69,675,937 with \$48,675,937 for facility construction and \$8,000,000 for site preparation; and

WHEREAS, the Targeted Jobs program requires the Pilot City to sponsor and provide a local match; and

WHEREAS, it is in the opinion of the City Council that it would be in the best interest of the City of Council Bluffs to support the application of IceCap to the Iowa Economic Development Authority and to enter into agreements relating to this project; and

WHEREAS, this includes an estimated local funding commitment of property tax abatement in the amount of \$7,937,728 which is based solely on the increased valuation generated by this project.

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

Section 1.0 That the City declares IceCap Cold Storage is an eligible business for the Targeted Jobs Withholding Tax Credit Program.

Section 2.0 The City Council approves and supports IceCap Cold Storage's request for state assistance through the Targeted Jobs Withholding Tax Credit Program including the diversion of withholding taxes to be granted back to the company for qualifying project expenditures.

Section 3.0 That the City shall provide a copy of this resolution to the Iowa Economic Development Authority and shall file this resolution with the Pottawattamie County Recorder.

Section 4.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution including the signing of certain agreements relating to the project.

Section 5.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 6.0 That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.

Section 7.0 That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

Section 8.0 That the approval of the Targeted Jobs Withholding Tax Credit Program benefits are contingent upon the company meeting all applicable City codes and ordinances.

Section 9.0 That this resolution shall become effective immediately upon passage and approval.

ADOPTED
AND
APPROVED: November 14, 2022

Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW22-17
Submitted by: Matthew Cox, Public Works
Director

Resolution 22-291
ITEM 6.K.

Council Action: 11/14/2022

Description

Resolution authorizing the Mayor and City Clerk to execute Iowa Department of Transportation Agreement No. 2023-16-036 in connection with the South Expressway Reconstruction Phase 1. Project #PW22-17

Background/Discussion

The South Expressway is a major arterial roadway that serves as one of the main entrances to the downtown area of Council Bluffs from I-29/I-80. The South Expressway was previously a state highway (formerly Iowa 192). Traffic volumes are approaching 20,000 vehicles per day. The South Expressway is currently a rural four lane divided roadway with a depressed median.

The updated design for the reconstruction will utilize an urban typical section. The project will include new roadway pavement, drainage improvements, street lighting, and a concrete trail on the east side of the South Expressway from just north of the I-29/I-80 ramps to 23rd Avenue.

This is the first of at least two phases planned to reconstruct the South Expressway. Phase 1 includes the area immediately north of the I-29/I-80 interchange, and continues north to just south of 19th Avenue.

The project will require the relocation of approximately 1,800 lineal feet of fiber optic cable and conduit. The fiber is shared by the Iowa DOT, City of Council Bluffs, and Iowa Communications network. Costs for the relocation will be split with the Iowa DOT paying 50%, City of Council Bluffs 25% and Iowa Communications Network 25%. The cost of the relocation is estimated to be \$150,000.

The relocation will be completed as part of the South Expressway project. The City portion will be funded with Sales Tax Funds.

The project is scheduled for a December 2022 letting.

Recommendation

Approval of this resolution to enter into the DOT cost sharing agreement to relocate fiber optic cable and conduit.

ATTACHMENTS:

| Description | Type | Upload Date |
|-----------------------------------|------------|-------------|
| Agreement | Agreement | 11/4/2022 |
| Resolution 22-291 | Resolution | 11/9/2022 |

**IOWA DEPARTMENT OF TRANSPORTATION
Cooperative Agreement
For Primary Road Project**

| | |
|---------------------------|---|
| County | <u>Pottawattamie</u> |
| City | <u>Council Bluffs</u> |
| Project No. | <u>STBG-SWAP-1642(686)--SG-78</u> <u>ITS-1642(646)--25-78</u> <u>STP-A-1642(646)--86-78</u> <u>ITS-29-2(66)47--25-78</u> |
| Iowa DOT Agreement No. | <u>2023-16-036</u> |
| Staff Action No. | <u></u> |

This Agreement, is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and the city of Council Bluffs, Iowa, a Local Public Agency, hereafter designated the "LPA" in accordance with Iowa Code Chapters 28E, 306, 306A and 313.4 as applicable.

The LPA proposes to establish or make improvements to South Expressway within the city of Council Bluffs, Pottawattamie County, Iowa; and

The LPA and the DOT are willing to jointly participate in said project, in the manner hereinafter provided; and

The LPA and the DOT previously entered into the following agreement(s):

- Agreement No. 4-22-STBG-SWAP-008 for STBG Federal-aid Swap funds was executed by the DOT and LPA on October 18, 2022, and October 12, 2022, respectively; and
- Agreement No. 2006-16-058 for a fiber optic installation on I-29/80 and other local streets within the city of Council Bluffs was executed by the DOT and LPA on July 13, 2006, and June 12, 2006, respectively; and
- Addendum No. 2006-16-058A to amend the funding for a fiber optic installation on I-29/80 and other local streets within the city of Council Bluffs was executed by the DOT and LPA on April 17, 2007, and April 9, 2007, respectively; and
- Agreement No. 2009-16-024 for an Intelligent Transportation System (ITS) installation on I-29, I-80, I-480, I-680, U.S. 275, U.S. 6, Iowa 92 and Iowa 192 and in and around the city of Council Bluffs and fiber sharing was executed by the DOT and LPA on January 22, 2009, and January 12, 2009, respectively; and

This Agreement reflects the current concept of this project which is subject to modification by mutual agreement between the LPA and the DOT; and

Therefore, it is agreed as follows:

1. Project Information

- a. The LPA shall be the lead local governmental agency for carrying out the provisions of this agreement.
- b. All notices required under this agreement shall be made in writing to the DOT's and/or the LPA's contact person. The DOT's contact person shall be the ZACHARY A. GUNSOLLEY. The LPA's contact person shall be the DAVID VERMILLION.

- c. The LPA shall be responsible for the development and completion of the following described primary highway project:

Portland Cement Concrete (PCC) pavement replacement in the city of Council Bluffs on South Expressway from I-80 north approximately 0.7 mile to 21st Avenue.

- d. It is understood that fiber optic communication lines shared between the DOT, LPA and the Iowa Communications Network (ICN) are deemed to be in conflict with the proposed construction of the LPA project. As part of the LPA project, the DOT has requested that the LPA relocate or adjust said shared fiber optic communication lines. The shared fiber optic lines are utilized by the DOT (50%), LPA (25%) and ICN (25%) and the cost to relocate or adjust the shared fiber optic communication lines will be distributed in the same manner.

2. Project Costs

- a. The total cost of the relocation or adjustment of the shared fiber optic communication lines is estimated to be \$150,000 and will be represented as a non-participating division of the LPA project.
- b. The DOT shall reimburse the DOT LPA 50% of the cost to relocate or adjust the shared fiber optic communication lines. The amount paid by the DOT upon completion of construction and proper billing by the LPA will be determined by the actual quantities in place and the accepted bid at the contract letting.
- c. The LPA will bear all costs except those allocated to the DOT under other terms of this Agreement.
- d. The DOT shall invoice the ICN for its share of the project costs as a part of an existing fiber sharing agreement.

3. Project Design

- a. The LPA or its consultant shall be responsible for the design of the fiber optic communication line relocation or adjustment.

4. Bid Letting

- a. The LPA shall submit the plans, specifications, estimate, and all other contract documents for review by the DOT. The project may be submitted for letting in phases, in the order of preference as determined by the LPA. All plan submittals shall be in accordance with the Major Project schedule, as shown on the Instructional Memorandum to Local Public Agencies 3.010, Project Development Submittal Dates and Information, published by the DOT's Local Systems Bureau.
- b. The project will be let by the DOT in accordance with its normal letting procedures. As a condition for the DOT to let the project, the LPA agrees that the LPA has the financial resources to proceed with the project if bids submitted are 110% of the project cost estimate or less. If the LPA is a city, the LPA shall comply with the public hearing requirements of the Iowa Code section 26.12.
- c. When let by the DOT, the DOT will identify the lowest responsive bidder. When bids submitted are more than 110% of the project cost estimate, the DOT will provide an electronic tabulation of responsive bids to the LPA for concurrence. The LPA shall either take action to accept the award to the lowest responsive bidder or reject all bids. The LPA shall provide such confirmation by email. Following LPA concurrence in the award of contract, the DOT shall execute the contract.
- d. The LPA shall be the contracting authority for the project.

5. Construction & Maintenance

- a. The LPA shall be responsible for the daily inspection of the project, including the compilation of a daily log of materials, equipment, and labor used on the project.
- b. The LPA shall comply with the procedures and responsibilities for materials testing and construction inspection according to DOT's Materials Instructional Memorandums (I.M.'s) and the Construction Manual. If requested, the DOT may be able to perform some testing services. If performed, the DOT will bill the LPA for testing services according to its normal policy.
- c. The work on this project shall be in accordance with the approved plans and specifications. Any substantial modification of these plans and specifications must be approved by the DOT prior to the modification being put into effect.

6. 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.

7. 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.

February 2017

- 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 shall use positive efforts to solicit proposals or bids from and to utilize Targeted Small Business (TSB) enterprises as consultants or contractors and ensure that the consultants or contractors make positive efforts to utilize these enterprises as subconsultants, subcontractors, suppliers or participants in the work covered by this agreement. Efforts shall be made and documented in accordance with Exhibit A which is attached hereto and by this reference incorporated into this agreement.
- d. 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.
- e. If any part of this agreement is found to be void and unenforceable then the remaining provisions of this agreement shall remain in effect.
- f. This agreement is not assignable without the prior written consent of the DOT.
- g. It is the intent of both (all) parties that no third party beneficiaries be created by this Agreement.
- h. 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 or Federal courts absent exhaustion of the provisions of this paragraph for arbitration.
- i. This Agreement may be executed in (two) counterparts, each of which so executed will be deemed to be an original.
- j. 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.

February 2017

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2023-16-036 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____.
Zachary A. Gunsolley
Western Region Local Systems Field Engineer

EXHIBIT A

UTILIZATION OF TARGETED SMALL BUSINESS (TSB) ENTERPRISES ON NON-FEDERAL AID PROJECTS (THIRD-PARTY STATE-ASSISTED PROJECTS)

In accordance with Iowa Code Section 19B.7, it is the policy of the Iowa Department of Transportation (Iowa DOT) that Targeted Small Business (TSB) enterprises shall have the maximum practicable opportunity to participate in the performance of contracts financed in whole or part with State funds.

Under this policy the Recipient shall be responsible to make a positive effort to solicit bids or proposals from TSB firms and to utilize TSB firms as contractors or consultants. The Recipient shall also ensure that the contractors or consultants make positive efforts to utilize TSB firms as subcontractors, subconsultants, suppliers, or participants in the work covered by this agreement.

The Recipient's "positive efforts" shall include, but not be limited to:

1. Obtaining the names of qualified TSB firms from the Iowa Economic Development Authority (515-348-6159) or from its website at: <https://www.iowaeda.com/small-business/targeted-small-business/>
2. Notifying qualified TSB firms of proposed projects involving State funding. Notification should be made in sufficient time to allow the TSB firms to participate effectively in the bidding or request for proposal (RFP) process.
3. Soliciting bids or proposals from qualified TSB firms on each project, and identifying for TSB firms the availability of subcontract work.
4. Considering establishment of a percentage goal for TSB participation in each contract that is a part of this project and for which State funds will be used. Contract goals may vary depending on the type of project, the subcontracting opportunities available, the type of service or supplies needed for the project, and the availability of qualified TSB firms in the area.
5. For construction contracts:
 - a) Including in the bid proposals a contract provision titled "TSB Affirmative Action Responsibilities on Non-Federal Aid Projects (Third-Party State-Assisted Projects)" or a similar document developed by the Recipient. This contract provision is available from the Administering Bureau.
 - b) Ensuring that the awarded contractor has and shall follow the contract provisions.
6. For consultant contracts:
 - a) Identifying the TSB goal in the Request for Proposal (RFP), if one has been set.
 - b) Ensuring that the selected consultant made a positive effort to meet the established TSB goal, if any. This should include obtaining documentation from the consultant that includes a list of TSB firms contacted; a list of TSB firms that responded with a subcontract proposal; and, if the consultant does not propose to use a TSB firm that submitted a subcontract proposal, an explanation why such a TSB firm will not be used.

The Recipient shall provide the Iowa DOT the following documentation:

1. Copies of correspondence and replies, and written notes of personal and/or telephone contacts with any TSB firms. Such documentation can be used to demonstrate the Recipient's positive efforts and it should be placed in the general project file.
2. Bidding proposals or RFPs noting established TSB goals, if any.
3. Form 260017 "Checklist and Certification for the Utilization of TSBs" shall be filled out upon completion of each project, and sent to Iowa Department of Transportation, Civil Rights Bureau, 800 Lincoln Way, Ames, IA 50010: <https://iowadot.seamlessdocs.com/f/ChecklistandCertforUtilizationofTSBonNonFederalProjects>.

RESOLUTION
NO 22-291

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT NO. 2023-16-036
IN CONNECTION WITH THE SOUTH EXPRESSWAY
RECONSTRUCTION PHASE 1
PROJECT #PW22-17**

- WHEREAS, the City wishes to make improvements known as the South Expressway Reconstruction Phase 1 within the city, as therein described; and
- WHEREAS, fiber optic cable relocations are necessary and the Iowa Department of Transportation has submitted a cost sharing agreement for said improvements; and
- WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

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

That the Mayor and City Clerk are hereby authorized and directed to execute a cost sharing agreement with Iowa Department of Transportation in connection with the South Expressway Reconstruction Phase 1.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

November 14, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community Development
Case/Project No.: OTB-19-010
Submitted by: Moises Monrroy, Planner

Resolution 22-292
ITEM 6.L.

Council Action: 11/14/2022

Description

Resolution to extend the deadline for Yoder Construction, Inc. to complete the proposed home on property formerly owned by the City and legally described as Lot 5 and the West 1/2 of the vacated north/south alley adjacent, Wells Park Addition. Location: 441 Park Avenue. OTB-19-010

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Attachment A: Extension of Time Request Letter from Bryan Yoder | Letter | 11/4/2022 |
| Resolution 22-292 | Resolution | 11/9/2022 |

Council Communication

| | | |
|--|--|--------------------------|
| Department: Community Development CASE #OTB-19-010 Applicant: Yoder Construction, Inc. Attn: Bryan Yoder 101 McCandless Lane, Suite A Council Bluffs, IA 51503 | | City Council: 11/14/2022 |
|--|--|--------------------------|

Subject/Title

Request: Request of Yoder Construction, Inc., represented by Bryan Yoder, for an extension of time to complete the proposed home on property formerly owned by the City and legally described as follows: Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 441 Park Avenue.

Background/Discussion

The Community Development Department has received a request from Yoder Construction, Inc., represented by Bryan Yoder, for an extension of time to complete the proposed home on property formerly owned by the City and legally described above.

City Council approved the disposal of the subject property on July 22, 2019 via Resolution No. 19-144. As per Resolutions No. 19-139 through No. 19-144, the “deadline for the completion of the first home shall be one year from the date the properties are deeded to Yoder Construction, Inc., and one home shall be completed within a 12 month period after that.” Due to the COVID-19 pandemic, the applicant was not able to complete the first home by the deadline specified in the approved resolutions. The applicant requested an extension of time to set the deadline to complete the first home for October 2021, and a one-year extension of time for the completion of the remaining duplexes. As per Resolution 21-68, the proposed homes would have to be completed as follows:

1. The deadline for the completion of the first home: October 1, 2021.
2. The deadline for the completion of the second home: October 1, 2022.
3. The deadline for the completion of the third home: October 1, 2023.
4. The deadline for the completion of the fourth home: October 1, 2024.
5. The deadline for the completion of the fifth home: October 1, 2025.
6. The deadline for the completion of the sixth home: October 1, 2026.

Resolution No. 21-68 indicates that if the applicant is unable to complete the homes by the deadlines stated above, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. The Community Development Department has the administrative authority to approve an extension of time up to a three-month period. Any extension of time requests exceeding three months must be reviewed and approved by City Council.

The applicant recently informed the Community Development Department that they would not be able to complete the second home by October 1, 2022 due to delays in the delivery of construction materials, scheduling

conflicts with subcontractors, and additional tree removal. The applicant is requesting an extension of time to set the deadline to complete the second home for March 31, 2023. Since this extension of time request exceeds three months, it must be reviewed and approved by City Council.

Recommendation

The Community Development Department recommends approval of the request for an extension of time to complete the proposed home on property formerly owned by the City and legally described as Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The deadline for the completion of the proposed home shall be March 31, 2023; and
2. If the applicant is unable to complete the proposed home and/or any of the subsequent homes by the deadlines stated above, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A six-month extension of time may be approved administratively by the Community Development Department. Any extension of time requests exceeding a six-month period shall be reviewed and approved by City Council.

Attachments

Attachment A: Extension of Time Request Letter from Bryan Yoder

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment 'A'

Community Development Department
City of Council Bluffs
209 Pearl Street

Moises Monroy,

We're requesting an extension to build on 441 Park Ave. Below is a description of some of the issues we've come across in the past year.

Across all construction in the area, we're all experience long lead times and unavailability with many products. For example, we are waiting an additional 2 months for our cabinets to arrive and be installed.

Scheduling subcontractors has taken longer than usual as well. We've been waiting on sewer, water and concrete since early June. If we are unable to get concrete by winter, we will be waiting until early spring.

Before we built, we had to ask for an extension to bring the duplex forward because of the hillside. We are now waiting on additional trees to be removed and permission by neighbors before we can engineer and build retaining walls.

We are expecting to be finished building by March 31, hopefully sooner.

Sincerely,
Bryan Yoder
Yoder Construction Inc.



RESOLUTION NO. 22-292

A RESOLUTION TO EXTEND THE DEADLINE FOR YODER CONSTRUCTION, INC. TO COMPLETE THE PROPOSED HOME ON PROPERTY FORMERLY OWNED BY THE CITY AND LEGALLY DESCRIBED AS LOT 5 AND THE WEST ½ OF THE VACATED NORTH/SOUTH ALLEY ADJACENT, WELLS PARK ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, on July 22, 2019, City Council passed Resolutions No. 19-139 through No. 19-144 regarding the sale to Yoder Construction, Inc. for city-owned properties legally described as follows: Lot 1 and a 20' by 7' strip of vacated Pomona Street Adjacent, Auditor's Subdivision of Lot 1 Block 4 Glendale Addition and that part of Lot 95, Original Plat of Council Bluffs, Iowa West of Huntington Avenue, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 4 and the West ½ of the vacated north/south alley adjacent, Judd's Park Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 2 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 3 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 4 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa; and Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, to Yoder Construction, Inc.; and

WHEREAS, on February 22, 2021, City Council passed Resolution No. 21-68, which granted an extension of time for the completion of the proposed homes on the properties legally described above and set the following deadlines:

- A. The deadline for the completion of the first home shall be October 1, 2021.
- B. The deadline for the completion of the second home shall be October 1, 2022.
- C. The deadline for the completion of the third home shall be October 1, 2023.
- D. The deadline for the completion of the fourth home shall be October 1, 2024.
- E. The deadline for the completion of the fifth home shall be October 1, 2025.
- F. The deadline for the completion of the sixth home shall be October 1, 2026; and

WHEREAS, the construction of the second home was not completed by October 1, 2022 due to delays in the delivery of construction materials, scheduling conflicts with subcontractors, and additional tree removal; and

WHEREAS, an extension of time has been requested by the applicant allowing the completion of the second home to occur on or before March 31, 2023.

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

That the completion of the proposed home on Lot 5 and the West 1/2 of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa shall occur on or before March 31, 2023.

BE IT FURTHER RESOLVED

That if the applicant is unable to complete the proposed home and/or any of the subsequent homes by the deadlines stated above, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A six-month extension of time may be approved administratively by the Community Development Department. Any extension of time requests exceeding a six-month period shall be reviewed and approved by City Council.

ADOPTED
AND
APPROVED:

November 14, 2022.

MATTHEW J. WALSH Mayor

ATTEST:

JODI QUAKENBUSH City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, 2022, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

Department: Community Development
Case/Project No.:
Submitted by: Community Development and
Finance Departments

Resolution 22-293
ITEM 6.M.

Council Action: 11/14/2022

Description

Resolution approving the Annual Urban Renewal Report for Fiscal Year 2021-2022.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|--------------|-------------|
| Staff Report | Staff Report | 11/4/2022 |
| Annual Urban Renewal Report 2021-2022 | Other | 11/4/2022 |
| Resolution 22-293 | Resolution | 11/9/2022 |

Council Communication

| | | |
|---|---------------------|---------------------------------|
| Departments: Community Development and Finance | Resolution No.: 22- | City Council: November 14, 2022 |
| Subject/Title Annual Urban Renewal Report for Fiscal Year 2021-2022 | | |
| <p style="text-align: center;">Background/Discussion</p> <p>Since 2012, the City has been reporting on its urban renewal areas and providing information concerning active urban renewal areas and any associated tax increment financing (TIF) districts. The primary emphasis of this report is to provide more information about past use of TIF revenue and projected future use.</p> <p>Copies of plans, amendments, resolutions and ordinances have to be loaded into the state website for the urban renewal areas currently in effect. This year’s report covers the period of July 1, 2021 to June 30, 2022.</p> <p>In addition, the report asks for the following information:</p> <ul style="list-style-type: none">• All projects in progress and those that were completed in the prior fiscal year;• All expenditures paid from TIF in the prior fiscal year;• The amount of outstanding debt payable from TIF;• The amount of new TIF debt incurred in the prior fiscal year;• Details of each TIF rebate agreement, including the names of recipients, amount of rebate paid in the prior fiscal year, the number of new jobs created and the amount of private investment;• The total taxable valuation in the TIF area and the amount of that valuation claimed for TIF purposes;• A Public Building Analysis of any new projects using TIF revenue to fund the improvement of public (tax exempt) property; and• The amounts spent for improvements related to housing for low and moderate-income families and the amounts spent for direct assistance to housing for such families. <p>The report must be approved by the City Council before being considered complete. The report is due December 1, 2022. If the December 1st deadline is missed, the State will not certify the City budget.</p> <p>The Community Development and Finance Departments collaborated on the completion of this report and have provided it for your review.</p> | | |
| Staff Recommendation The Community Development and Finance Departments recommend approval of the Annual Urban Renewal Report for Fiscal Year 2021-2022. | | |
| Attachments Annual Urban Renewal Report 2021-2022 | | |

Prepared by: Marianne Collins, Housing & Economic Planner, Community Development Department
Submitted by: Courtney Harter, Director Planning & Community Development, Community Development Department

Levy Authority Summary

Local Government Name: COUNCIL BLUFFS
 Local Government Number: 78G732

| Active Urban Renewal Areas | U.R. # | # of Tif Taxing Districts |
|---|-------------------|--|
| COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL | 78001 | 2 |
| COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL | 78029 | 3 |
| COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL | 78030 | 3 |
| COUNCIL BLUFFS MADISON-LINDBERG AVE URBAN RENEWAL | 78043 | 1 |
| COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL | 78045 | 1 |
| COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL | 78046 | 3 |
| COUNCIL BLUFFS HAWKEYE HEIGHTS URBAN RENEWAL | 78047 | 1 |
| COUNCIL BLUFFS SOUTH MAIN URBAN RENEWAL | 78048 | 1 |
| COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL | 78049 | 2 |
| COUNCIL BLUFFS FRANKLIN AVE URBAN RENEWAL | 78052 | 1 |
| COUNCIL BLUFFS 2013 BLUFFS NORTHWAY URBAN RENEWAL | 78053 | 1 |
| COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL | 78054 | 1 |
| COUNCIL BLUFFS ARBOR CREEK URBAN RENEWAL | 78904 | 0 |
| COUNCIL BLUFFS NEW HORIZON URBAN RENEWAL | 78905 | 0 |
| COUNCIL BLUFFS SOUTH AVENUE URBAN RENEWAL | 78906 | 0 |
| COUNCIL BLUFFS VALLEY VIEW NORTH URBAN RENEWAL | 78908 | 0 |

TIF Debt Outstanding: 36,174,520

| TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: | 208,156 | 0 | Amount of 07-01-2021 Cash Balance Restricted for LMI |
|---|------------------|----------|---|
| TIF Revenue: | 5,165,995 | | |
| TIF Sp. Revenue Fund Interest: | 0 | | |
| Property Tax Replacement Claims | 0 | | |
| Asset Sales & Loan Repayments: | 0 | | |
| Total Revenue: | 5,165,995 | | |
| Rebate Expenditures: | 2,083,910 | | |
| Non-Rebate Expenditures: | 3,186,219 | | |
| Returned to County Treasurer: | 0 | | |
| Total Expenditures: | 5,270,129 | | |

| TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: | 104,022 | 0 | Amount of 06-30-2022 Cash Balance Restricted for LMI |
|---|----------------|----------|---|
|---|----------------|----------|---|

**Year-End Outstanding TIF
 Obligations, Net of TIF Special
 Revenue Fund Balance: 30,800,369**

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL
 UR Area Number: 78001

UR Area Creation Date: 03/1969

UR Area Purpose: Removal of slum and blight

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/1983 ORIG COUNCIL BLUFFS UR TIF INCREM | 780144 | 780145 | 0 |
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/1983 COUNCIL BLUFFS UR TIF INCREM | 780147 | 780148 | 6,701,382 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 4,847,115 | 37,079,936 | 0 | 0 | -7,408 | 54,620,587 | 0 | 54,620,587 |
| Taxable | 0 | 2,734,228 | 33,371,949 | 0 | 0 | -7,408 | 44,671,915 | 0 | 44,671,915 |
| Homestead Credits | | | | | | | | | 15 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: **32,541** **0** **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 245,032
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 245,032

Rebate Expenditures: 235,502
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 235,502

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: **42,071** **0** **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL

Hughes-Irons Work

| | |
|----------------------|---|
| Description: | 149 & 153 West Broadway |
| Classification: | Mixed use property (ie: a significant portion is residential and significant portion is commercial) |
| Physically Complete: | Yes |
| Payments Complete: | No |

Sawyer Building

| | |
|----------------------|---|
| Description: | 125 West Broadway |
| Classification: | Mixed use property (ie: a significant portion is residential and significant portion is commercial) |
| Physically Complete: | Yes |
| Payments Complete: | No |

The Rise on Broadway

| | |
|----------------------|---|
| Description: | 103-115 West Broadway |
| Classification: | Mixed use property (ie: a significant portion is residential and significant portion is commercial) |
| Physically Complete: | Yes |
| Payments Complete: | No |

Additional Parking Lot

| | |
|----------------------|--|
| Description: | Additional Vine Street Parking Lot |
| Classification: | Municipal and other publicly-owned or leased buildings |
| Physically Complete: | No |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL

15 Yr - 85% Rebate - MAX \$625,000- Hughes Iron Bldg

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 147,290 |
| Interest: | 0 |
| Total: | 147,290 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 11/26/2011 |
| FY of Last Payment: | 2027 |

15 yr 90% rebate, Max \$900,000 Sawyer Bldg

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 729,576 |
| Interest: | 0 |
| Total: | 729,576 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 08/24/2013 |
| FY of Last Payment: | 2032 |

15 year, 80% rebate, max of \$750,000 The Rise

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 644,096 |
| Interest: | 0 |
| Total: | 644,096 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2016 |
| FY of Last Payment: | 2034 |

Additional Parking Lot

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/22/2021 |
| FY of Last Payment: | 2024 |

Non-Rebates For COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL

| | |
|-------------------------|------------------------|
| TIF Expenditure Amount: | 0 |
| Tied To Debt: | Additional Parking Lot |
| Tied To Project: | Additional Parking Lot |

Rebates For COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL

Hughes-Irons Work

| | |
|-------------------------------|--|
| TIF Expenditure Amount: | 60,431 |
| Rebate Paid To: | Pottawattamie County Development |
| Tied To Debt: | 15 yr 90% rebate, Max \$900,000 Sawyer Bldg |
| Tied To Project: | Hughes-Irons Work |
| Projected Final FY of Rebate: | 2027 |

Sawyer Building

| | |
|-------------------------------|--|
| TIF Expenditure Amount: | 98,990 |
| Rebate Paid To: | American National Bank |
| Tied To Debt: | 15 yr 90% rebate, Max \$900,000 Sawyer Bldg |
| Tied To Project: | Sawyer Building |
| Projected Final FY of Rebate: | 2032 |

The Rise

| | |
|-------------------------------|---|
| TIF Expenditure Amount: | 76,081 |
| Rebate Paid To: | Pottawattamie County Development |
| Tied To Debt: | 15 year, 80% rebate, max of \$750,000 The Rise |
| Tied To Project: | The Rise on Broadway |
| Projected Final FY of Rebate: | 2034 |

103-115 West Broadway (the RISE project) is new to the report this year as FY 20 will be the first year it is certified.

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2022

TIF Taxing District Data Collection

| | |
|----------------------------------|---|
| Local Government Name: | COUNCIL BLUFFS (78G732) |
| Urban Renewal Area: | COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL (78001) |
| TIF Taxing District Name: | COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/1983 ORIG COUNCIL BLUFFS |
| UR TIF INCREM | |
| TIF Taxing District Inc. Number: | 780145 |
| TIF Taxing District Base Year: | 1983 |
| FY TIF Revenue First Received: | |
| Subject to a Statutory end date? | No |

| UR Designation | |
|----------------------|---------|
| Slum | 03/1969 |
| Blighted | 03/1969 |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 1,688,134 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

TIF Taxing District Data Collection

| | |
|----------------------------------|---|
| Local Government Name: | COUNCIL BLUFFS (78G732) |
| Urban Renewal Area: | COUNCIL BLUFFS ORIGINAL 1983 MALL URBAN RENEWAL (78001) |
| TIF Taxing District Name: | COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/1983 COUNCIL BLUFFS UR TIF |
| INCREM | |
| TIF Taxing District Inc. Number: | 780148 |
| TIF Taxing District Base Year: | 1983 |
| FY TIF Revenue First Received: | 1985 |
| Subject to a Statutory end date? | No |

| UR Designation | |
|----------------------|---------|
| Slum | 03/1969 |
| Blighted | 03/1969 |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 4,847,115 | 37,079,936 | 0 | 0 | -7,408 | 54,620,587 | 0 | 54,620,587 |
| Taxable | 0 | 2,734,228 | 33,371,949 | 0 | 0 | -7,408 | 44,671,915 | 0 | 44,671,915 |
| Homestead Credits | | | | | | | | | 15 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 20,116,497 | 34,511,498 | 6,701,382 | 27,810,116 | 1,024,510 |

FY 2022 TIF Revenue Received: 245,032

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL
 UR Area Number: 78029

UR Area Creation Date: 10/1987

UR Area Purpose: Removal of slum and blight

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|--|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/1987 COUNCIL BLUFFS WEST BROADWAY UR TIF INCREM | 780149 | 780150 | 19,837,560 |
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2015 COUNCIL BLUFFS WEST BROADWAY AMEND UR TIF INCREM | 780351 | 780352 | 0 |
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2017 WEST BROADWAY AMEND 2 UR TIF INCREM | 780357 | 780358 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 3,499,500 | 87,572,414 | 384,700 | 0 | -5,556 | 92,124,644 | 0 | 92,124,644 |
| Taxable | 0 | 1,974,058 | 78,815,172 | 346,230 | 0 | -5,556 | 81,584,575 | 0 | 81,584,575 |
| Homestead Credits | | | | | | | | | 15 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021:

5,214

0

Amount of 07-01-2021 Cash Balance Restricted for LMI

| | |
|---------------------------------|----------------|
| TIF Revenue: | 730,371 |
| TIF Sp. Revenue Fund Interest: | 0 |
| Property Tax Replacement Claims | 0 |
| Asset Sales & Loan Repayments: | 0 |
| Total Revenue: | 730,371 |

| | |
|-------------------------------|----------------|
| Rebate Expenditures: | 49,709 |
| Non-Rebate Expenditures: | 681,803 |
| Returned to County Treasurer: | 0 |
| Total Expenditures: | 731,512 |

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022:

4,073

0

Amount of 06-30-2022 Cash Balance Restricted for LMI

Projects For COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL

West Broadway/Bunge Property

| | |
|----------------------|---|
| Description: | Site acquisition & demolition of Bunge Properties |
| Classification: | Acquisition of property |
| Physically Complete: | No |
| Payments Complete: | No |

DD West Broadway LLC (22nd & Broadway)

| | |
|----------------------|---------------------|
| Description: | Rebate TIF |
| Classification: | Commercial - retail |
| Physically Complete: | Yes |
| Payments Complete: | No |

West Broadway/Echo Property

| | |
|----------------------|--|
| Description: | Site acquisition & demolition of Echo Property |
| Classification: | Acquisition of property |
| Physically Complete: | No |
| Payments Complete: | No |

34th and 1st Holdings, LLC

| | |
|----------------------|---|
| Description: | Rebate TIF |
| Classification: | Mixed use property (ie: a significant portion is residential and significant portion is commercial) |
| Physically Complete: | No |
| Payments Complete: | No |

CB-WLG Affordable Limited Partnership

| | |
|----------------------|---|
| Description: | Rebate TIF |
| Classification: | Residential property (classified residential) |
| Physically Complete: | No |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL

DD West Broadway LLC (22nd & Broadway)

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 245,277 |
| Interest: | 0 |
| Total: | 245,277 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 04/07/2014 |
| FY of Last Payment: | 2026 |

West Broadway/Bunge property

| | |
|------------------------|-----------------------------|
| Debt/Obligation Type: | Gen. Obligation Bonds/Notes |
| Principal: | 1,413,160 |
| Interest: | 26,459 |
| Total: | 1,439,619 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 01/01/2012 |
| FY of Last Payment: | 2026 |

West Broadway/Echo Property

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 06/01/2022 |
| FY of Last Payment: | 2024 |

Professional Fees

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 23,533 |
| Interest: | 0 |
| Total: | 23,533 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2024 |

34th & 1st Holdings

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2023 |
| FY of Last Payment: | 2042 |

CB-WLG Affordable Limited Partnership

| | | |
|-----------------------|---------|-----|
| Debt/Obligation Type: | Rebates | 273 |
| Principal: | 0 | |

| | |
|------------------------|------------|
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2024 |
| FY of Last Payment: | 2042 |

Non-Rebates For COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL

| | |
|-------------------------|------------------------------|
| TIF Expenditure Amount: | 670,788 |
| Tied To Debt: | West Broadway/Bunge property |
| Tied To Project: | West Broadway/Bunge Property |

| | |
|-------------------------|-----------------------------|
| TIF Expenditure Amount: | 0 |
| Tied To Debt: | West Broadway/Echo Property |
| Tied To Project: | West Broadway/Echo Property |

| | |
|-------------------------|---------------------------------------|
| TIF Expenditure Amount: | 11,015 |
| Tied To Debt: | Professional Fees |
| Tied To Project: | CB-WLG Affordable Limited Partnership |

Rebates For COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL

DD West Broadway

| | |
|-------------------------------|--|
| TIF Expenditure Amount: | 49,709 |
| Rebate Paid To: | DD West Broadway LLC |
| Tied To Debt: | DD West Broadway LLC (22nd & Broadway) |
| Tied To Project: | DD West Broadway LLC (22nd & Broadway) |
| Projected Final FY of Rebate: | 2026 |

34th & 1st Holdings

| | |
|-------------------------------|----------------------------|
| TIF Expenditure Amount: | 0 |
| Rebate Paid To: | 34th & 1st Holdings LLC |
| Tied To Debt: | 34th & 1st Holdings |
| Tied To Project: | 34th and 1st Holdings, LLC |
| Projected Final FY of Rebate: | 2042 |

Cb-WLG Affordable Limited Partnership

| | |
|-------------------------------|---------------------------------------|
| TIF Expenditure Amount: | 0 |
| Rebate Paid To: | CB-WLG Affordable Limited Partnership |
| Tied To Debt: | CB-WLG Affordable Limited Partnership |
| Tied To Project: | CB-WLG Affordable Limited Partnership |
| Projected Final FY of Rebate: | 2042 |

TIF Taxing District Data Collection

| | | |
|----------------------------------|--|-------------------------|
| Local Government Name: | COUNCIL BLUFFS (78G732) | |
| Urban Renewal Area: | COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL (78029) | |
| TIF Taxing District Name: | COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/1987 COUNCIL BLUFFS WEST BROADWAY UR TIF INCREM | |
| TIF Taxing District Inc. Number: | 780150 | |
| TIF Taxing District Base Year: | 1987 | UR Designation |
| FY TIF Revenue First Received: | 2005 | Slum 10/1987 |
| Subject to a Statutory end date? | No | Blighted 10/1987 |
| | | Economic Development No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 3,499,500 | 87,572,414 | 384,700 | 0 | -5,556 | 92,124,644 | 0 | 92,124,644 |
| Taxable | 0 | 1,974,058 | 78,815,172 | 346,230 | 0 | -5,556 | 81,584,575 | 0 | 81,584,575 |
| Homestead Credits | | | | | | | | | 15 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 35,494,586 | 56,635,614 | 19,837,560 | 36,798,054 | 1,355,621 |

FY 2022 TIF Revenue Received: 730,371

TIF Taxing District Data Collection

| | | |
|----------------------------------|--|-------------------------|
| Local Government Name: | COUNCIL BLUFFS (78G732) | |
| Urban Renewal Area: | COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL (78029) | |
| TIF Taxing District Name: | COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2015 COUNCIL BLUFFS WEST BROADWAY AMEND UR TIF INCREM | |
| TIF Taxing District Inc. Number: | 780352 | |
| TIF Taxing District Base Year: | 2014 | UR Designation |
| FY TIF Revenue First Received: | | Slum No |
| Subject to a Statutory end date? | No | Blighted No |
| | | Economic Development No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 23,686,242 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS WEST BROADWAY 1987 URBAN RENEWAL (78029)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2017 WEST BROADWAY
 AMEND 2 UR TIF INCREM
 TIF Taxing District Inc. Number: 780358
 TIF Taxing District Base Year: 2016
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

| UR Designation | |
|----------------------|----|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 343,806 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL
 UR Area Number: 78030

UR Area Creation Date: 05/2001

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|--|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2000 COUNCIL BLUFFS MARCC UR TIF INCREM | 780252 | 780253 | 33,419,980 |
| COUNCIL BLUFFS CITY AG/COUNCIL BLUFFS SCH/2000 COUNCIL BLUFFS MARCC UR TIF INCREM | 780254 | 780255 | 0 |
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2000 COUNCIL BLUFFS MARCC AMENDED UR TIF INCREM | 780305 | 780306 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 43,197,500 | 0 | 0 | 0 | 43,197,500 | 0 | 43,197,500 |
| Taxable | 0 | 0 | 38,877,750 | 0 | 0 | 0 | 38,877,750 | 0 | 38,877,750 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: **6,602** **0** **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 1,231,089
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 1,231,089

Rebate Expenditures: 0
 Non-Rebate Expenditures: 1,237,691
 Returned to County Treasurer: 0
Total Expenditures: 1,237,691

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: **0** **0** **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL

BASS PRO DEVELOPMENT

| | |
|----------------------|------------------------|
| Description: | BASS PRO RETAIL CENTER |
| Classification: | Commercial - retail |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

Debts/Obligations For COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL

MACC Parking Lot Rehab I

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 473,679 |
| Interest: | 0 |
| Total: | 473,679 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2022 |

MACC Parking Lot Rehab II

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 764,012 |
| Interest: | 0 |
| Total: | 764,012 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2022 |

Non-Rebates For COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL

| | |
|-------------------------|--------------------------|
| TIF Expenditure Amount: | 473,679 |
| Tied To Debt: | MACC Parking Lot Rehab I |
| Tied To Project: | BASS PRO DEVELOPMENT |

| | |
|-------------------------|---------------------------|
| TIF Expenditure Amount: | 764,012 |
| Tied To Debt: | MACC Parking Lot Rehab II |
| Tied To Project: | BASS PRO DEVELOPMENT |

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL (78030)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2000 COUNCIL BLUFFS
 MARCC UR TIF INCREM
 TIF Taxing District Inc. Number: 780253
 TIF Taxing District Base Year: 2000
 FY TIF Revenue First Received: 2005
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2022

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 05/2001 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 43,197,500 | 0 | 0 | 0 | 43,197,500 | 0 | 43,197,500 |
| Taxable | 0 | 0 | 38,877,750 | 0 | 0 | 0 | 38,877,750 | 0 | 38,877,750 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 1,614,045 | 38,877,750 | 33,419,980 | 5,457,770 | 201,061 |

FY 2022 TIF Revenue Received: 1,231,089

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL (78030)
 TIF Taxing District Name: COUNCIL BLUFFS CITY AG/COUNCIL BLUFFS SCH/2000 COUNCIL BLUFFS
 MARCC UR TIF INCREM
 TIF Taxing District Inc. Number: 780255
 TIF Taxing District Base Year: 2000
 FY TIF Revenue First Received: 2005
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2022

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 05/2001 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 1,313 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MARCC 2000 URBAN RENEWAL (78030)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2000 COUNCIL BLUFFS MARCC AMENDED UR TIF INCREM
 TIF Taxing District Inc. Number: 780306
 TIF Taxing District Base Year: 2005
 FY TIF Revenue First Received: 2006
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2022

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 05/2001 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 26,000,000 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MADISON-LINDBERG AVE URBAN RENEWAL
 UR Area Number: 78043

UR Area Creation Date: 01/2005

UR Area Purpose: Removal of slum and blight

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2005 COUNCIL BLUFFS MADISON LINDBERG AVE UR TIF INCREM | 780297 | 780298 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 0 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 0
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 0

Rebate Expenditures: 0
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 0

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Urban renewal area and TIF district were repealed effective June 30, 2013.

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2022

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MADISON-LINDBERG AVE URBAN RENEWAL (78043)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2005 COUNCIL BLUFFS
 MADISON LINDBERG AVE UR TIF INCREM
 TIF Taxing District Inc. Number: 780298
 TIF Taxing District Base Year: 2005
 FY TIF Revenue First Received: 2009
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2015

| | UR Designation |
|----------------------|----------------|
| Slum | 01/2005 |
| Blighted | 01/2005 |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 34,067 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL
 UR Area Number: 78045

UR Area Creation Date: 04/2007

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|--|----------|---------------|----------------------|
| CO BLUFFS CITY/LEWIS CENTRAL SCH/2007 COUNCIL BLUFFS MARKETPLACE UR TIF INCREM | 780319 | 780320 | 26,911,620 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 29,901,800 | 0 | 0 | 0 | 29,901,800 | 0 | 29,901,800 |
| Taxable | 0 | 0 | 26,911,620 | 0 | 0 | 0 | 26,911,620 | 0 | 26,911,620 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 0 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 946,361
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 946,361

Rebate Expenditures: 0
 Non-Rebate Expenditures: 946,361
 Returned to County Treasurer: 0
Total Expenditures: 946,361

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL

Marketplace, LLC

| | |
|----------------------|---------------------|
| Description: | Rebate TIF |
| Classification: | Commercial - retail |
| Physically Complete: | Yes |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL

60% rebate for FY13-14, 90% rebate thereafter, maximum \$8.75 million

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 720,000 |
| Interest: | 0 |
| Total: | 720,000 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 08/24/2013 |
| FY of Last Payment: | 2029 |

Iowa Finance Authority Economic Dev Bonds

| | |
|------------------------|-------------------------|
| Debt/Obligation Type: | TIF Revenue Bonds/Notes |
| Principal: | 3,330,000 |
| Interest: | 1,288,888 |
| Total: | 4,618,888 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 05/20/2015 |
| FY of Last Payment: | 2029 |

Non-Rebates For COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL

| | |
|-------------------------|--|
| TIF Expenditure Amount: | 946,361 |
| Tied To Debt: | Iowa Finance Authority Economic Dev Bonds |
| Tied To Project: | Marketplace, LLC |

Rebates For COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL

3271 MARKETPLACE DRIVE

| | |
|-------------------------------|---|
| TIF Expenditure Amount: | 0 |
| Rebate Paid To: | LEGACY COUNCIL BLUFFS MARKET PLACE llc |
| Tied To Debt: | 60% rebate for FY13-14, 90% rebate thereafter, maximum \$8.75 million |
| Tied To Project: | Marketplace, LLC |
| Projected Final FY of Rebate: | 2029 |

A NEW REDEVELOPMENT AGREEMENT WAS SIGNED IN AUGUST 2013 WITH LEGACY COUNCIL BLUFFS MARKETPLACE LLC. FOR TAX INCREMENT FISCAL YEARS 2015 THROUGH 2029, THE TAX INCREMENT RATE IS 90% NOT TO EXCEED \$8,750,000.

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2022

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS MARKET PLACE URBAN RENEWAL (78045)
 TIF Taxing District Name: CO BLUFFS CITY/LEWIS CENTRAL SCH/2007 COUNCIL BLUFFS MARKETPLACE UR TIF INCREM
 TIF Taxing District Inc. Number: 780320
 TIF Taxing District Base Year: 2007
 FY TIF Revenue First Received: 2010
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2029

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 04/2007 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 29,901,800 | 0 | 0 | 0 | 29,901,800 | 0 | 29,901,800 |
| Taxable | 0 | 0 | 26,911,620 | 0 | 0 | 0 | 26,911,620 | 0 | 26,911,620 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 37,940 | 26,911,620 | 26,911,620 | 0 | 0 |

FY 2022 TIF Revenue Received: 946,361

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL
 UR Area Number: 78046

UR Area Creation Date: 06/2003

UR Area Purpose: Removal of slum and blight

| Tax Districts within this Urban Renewal Area | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2006 COUNCIL BLUFFS PLAYLAND PARK UR TIF INCREM | 780315 | 780316 | 31,444,486 |
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2010 COUNCIL BLUFFS PLAYLAND PARK AMEND UR TIF INCREM | 780331 | 780332 | 11,505 |
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2013 COUNCIL BLUFFS PLAYLAND PARK AMEND #3 UR TIF INCREM | 780347 | 780348 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 9,305,437 | 0 | 0 | 0 | 43,499,944 | 0 | 43,499,944 |
| Taxable | 0 | 0 | 8,374,893 | 0 | 0 | 0 | 31,456,186 | 0 | 31,456,186 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: **0** **0** **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 1,186,239
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims 0
 Asset Sales & Loan Repayments: 0
Total Revenue: **1,186,239**

Rebate Expenditures: 968,773
 Non-Rebate Expenditures: 217,466
 Returned to County Treasurer: 0
Total Expenditures: **1,186,239**

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: **0** **0** **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL

Riverfront Apartments

| | |
|----------------------|--|
| Description: | Rebate TIF |
| Classification: | Commercial - apartment/condos (residential use, classified commercial) |
| Physically Complete: | Yes |
| Payments Complete: | No |

Office Building

| | |
|----------------------|--------------------------------|
| Description: | Rebate TIF |
| Classification: | Commercial - office properties |
| Physically Complete: | Yes |
| Payments Complete: | No |

Parking garage

| | |
|----------------------|--------------------------------|
| Description: | Rebate TIF |
| Classification: | Commercial - office properties |
| Physically Complete: | Yes |
| Payments Complete: | No |

BDC Apartments (Lot 1, Block 2)

| | |
|----------------------|--|
| Description: | Rebate TIF |
| Classification: | Commercial - apartment/condos (residential use, classified commercial) |
| Physically Complete: | No |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL

10 year, 60% rebate River Park Apartments

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 207,022 |
| Interest: | 0 |
| Total: | 207,022 |
| Annual Appropriation?: | No |
| Date Incurred: | 06/29/2007 |
| FY of Last Payment: | 2022 |

GO BONDS 2010C

| | |
|------------------------|-----------------------------|
| Debt/Obligation Type: | Gen. Obligation Bonds/Notes |
| Principal: | 449,075 |
| Interest: | 0 |
| Total: | 449,075 |
| Annual Appropriation?: | No |
| Date Incurred: | 07/30/2010 |
| FY of Last Payment: | 2025 |

40 semi annual payments, 75%, Noddle Office Building

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 4,274,233 |
| Interest: | 0 |
| Total: | 4,274,233 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/11/2016 |
| FY of Last Payment: | 2039 |

40 semi annual payments, 75% Parking garage

| | |
|------------------------|------------|
| Debt/Obligation Type: | Other Debt |
| Principal: | 5,045,603 |
| Interest: | 0 |
| Total: | 5,045,603 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 10/24/2017 |
| FY of Last Payment: | 2039 |

18 year, 75% rebate (Lot 1, Blk 2)

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 8,024,464 |
| Interest: | 0 |
| Total: | 8,024,464 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 12/20/2016 |
| FY of Last Payment: | 2038 |

Professional Fees

| | | |
|-----------------------|----------------|-----|
| Debt/Obligation Type: | Internal Loans | 297 |
| Principal: | 9,942 | |

| | |
|------------------------|------------|
| Interest: | 0 |
| Total: | 9,942 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2024 |

River Park Development Project

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 1,267,160 |
| Interest: | 0 |
| Total: | 1,267,160 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2029 |

Parking Garage Maintenance

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 178,329 |
| Interest: | 0 |
| Total: | 178,329 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2024 |

Central Area Maintenance Expenses

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 30,000 |
| Interest: | 0 |
| Total: | 30,000 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2024 |

Non-Rebates For COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL

TIF Expenditure Amount: 135,728
 Tied To Debt: GO BONDS 2010C
 Tied To Project: Riverfront Apartments

TIF Expenditure Amount: 0
 Tied To Debt: Professional Fees
 Tied To Project: BDC Apartments (Lot 1, Block 2)

TIF Expenditure Amount: 81,738
 Tied To Debt: River Park Development Project
 Tied To Project: Parking garage

TIF Expenditure Amount: 0
 Tied To Debt: Parking Garage Maintenance
 Tied To Project: Parking garage

TIF Expenditure Amount: 0
 Tied To Debt: Central Area Maintenance
 Expenses
 Tied To Project: Parking garage

Rebates For COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL

113 S. 38TH STREET

| | |
|-------------------------------|--|
| TIF Expenditure Amount: | 207,022 |
| Rebate Paid To: | RIVER PARK APARTMENTS |
| Tied To Debt: | 10 year, 60% rebate River Park Apartments |
| Tied To Project: | Riverfront Apartments |
| Projected Final FY of Rebate: | 2022 |

4201 River's Edge Parkway

| | |
|-------------------------------|---|
| TIF Expenditure Amount: | 228,517 |
| Rebate Paid To: | River's Edge One, LLC |
| Tied To Debt: | 40 semi annual payments, 75%, Noddle Office Building |
| Tied To Project: | Office Building |
| Projected Final FY of Rebate: | 2039 |

Parking garage

| | |
|-------------------------------|--|
| TIF Expenditure Amount: | 142,722 |
| Rebate Paid To: | River's Edge Parking, LLC |
| Tied To Debt: | 40 semi annual payments, 75% Parking garage |
| Tied To Project: | Parking garage |
| Projected Final FY of Rebate: | 2039 |

Lot 1, Block 2, Broadmoor Apartments

| | |
|-------------------------------|------------------------------------|
| TIF Expenditure Amount: | 390,512 |
| Rebate Paid To: | River's Edge Apartments, LLC |
| Tied To Debt: | 18 year, 75% rebate (Lot 1, Blk 2) |
| Tied To Project: | BDC Apartments (Lot 1, Block 2) |
| Projected Final FY of Rebate: | 2038 |

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL (78046)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2006 COUNCIL BLUFFS PLAYLAND PARK UR TIF INCREM
 TIF Taxing District Inc. Number: 780316
 TIF Taxing District Base Year: 2006
 FY TIF Revenue First Received: 2009
 Subject to a Statutory end date? No

| UR Designation | |
|----------------------|---------|
| Slum | 06/2003 |
| Blighted | 06/2003 |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 9,292,437 | 0 | 0 | 0 | 43,486,944 | 0 | 43,486,944 |
| Taxable | 0 | 0 | 8,363,193 | 0 | 0 | 0 | 31,444,486 | 0 | 31,444,486 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 808,462 | 31,444,486 | 31,444,486 | 0 | 0 |

FY 2022 TIF Revenue Received: 1,186,239

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL (78046)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2010 COUNCIL BLUFFS PLAYLAND PARK AMEND UR TIF INCREM
 TIF Taxing District Inc. Number: 780332
 TIF Taxing District Base Year: 2010
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

| UR Designation | |
|----------------------|----|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|--------|----------------------|--------|
| Assessed | 0 | 0 | 13,000 | 0 | 0 | 0 | 13,000 | 0 | 13,000 |
| Taxable | 0 | 0 | 11,700 | 0 | 0 | 0 | 11,700 | 0 | 11,700 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 1,495 | 11,505 | 11,505 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS PLAYLAND PARK URBAN RENEWAL (78046)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2013 COUNCIL BLUFFS
 PLAYLAND PARK AMEND #3 UR TIF INCREM
 TIF Taxing District Inc. Number: 780348
 TIF Taxing District Base Year: 2013
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 91,831 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS HAWKEYE HEIGHTS URBAN RENEWAL
 UR Area Number: 78047

UR Area Creation Date: 02/2007

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|--|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2007 COUNCIL BLUFFS HAWKEYE HEIGHTS UR TIF INCREM | 780317 | 780318 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI** 0

TIF Revenue: 0
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 0

Rebate Expenditures: 0
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 0

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI** 0

Projects For COUNCIL BLUFFS HAWKEYE HEIGHTS URBAN RENEWAL

Council Bluffs Retirement

| | |
|----------------------|--|
| Description: | Rebate TIF |
| Classification: | Commercial - apartment/condos (residential use, classified commercial) |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS HAWKEYE HEIGHTS URBAN RENEWAL (78047)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2007 COUNCIL BLUFFS HAWKEYE HEIGHTS UR TIF INCREM
 TIF Taxing District Inc. Number: 780318
 TIF Taxing District Base Year: 2007
 FY TIF Revenue First Received: 2010
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2027

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 02/2007 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 156,234 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS SOUTH MAIN URBAN RENEWAL
 UR Area Number: 78048

UR Area Creation Date: 06/1998

UR Area Purpose: Slum and blight

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2007 COUNCIL BLUFFS SOUTH MAIN UR TIF INCREM | 780321 | 780322 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI** 0

TIF Revenue: 0
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 0

Rebate Expenditures: 0
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 0

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI** 0

Projects For COUNCIL BLUFFS SOUTH MAIN URBAN RENEWAL

Prime Square

| | |
|----------------------|---------------------------------|
| Description: | Rebate TIF |
| Classification: | Low and Moderate Income Housing |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

The beginning fund balance was changed to reflect the conversion to accrual accounting.

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2022

TIF Taxing District Data Collection

| | |
|----------------------------------|---|
| Local Government Name: | COUNCIL BLUFFS (78G732) |
| Urban Renewal Area: | COUNCIL BLUFFS SOUTH MAIN URBAN RENEWAL (78048) |
| TIF Taxing District Name: | COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2007 COUNCIL BLUFFS SOUTH MAIN UR TIF INCREM |
| TIF Taxing District Inc. Number: | 780322 |
| TIF Taxing District Base Year: | 2007 |
| FY TIF Revenue First Received: | 2010 |
| Subject to a Statutory end date? | No |

| UR Designation | |
|----------------------|---------|
| Slum | 06/1998 |
| Blighted | 06/1998 |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 30,295,901 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL
 UR Area Number: 78049

UR Area Creation Date: 02/2006

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|----------|---------------|----------------------|
| CO BLUFFS CITY/LEWIS CENTRAL SCH/2007 COUNCIL BLUFFS OLD AIRPORT UR TIF INCREM | 780323 | 780324 | 0 |
| CO BLUFFS CITY AG/LEWIS CENTRAL SCH/2007 COUNCIL BLUFFS OLD AIRPORT UR TIF INCREM | 780329 | 780330 | 0 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 102,898 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 0
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 0

Rebate Expenditures: 0
 Non-Rebate Expenditures: 102,898
 Returned to County Treasurer: 0
Total Expenditures: 102,898

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL

Metro Crossing, LLC

| | |
|----------------------|---------------------|
| Description: | Rebate TIF |
| Classification: | Commercial - retail |
| Physically Complete: | Yes |
| Payments Complete: | Yes |

Debts/Obligations For COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL

Promissory Note

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 100,000 |
| Interest: | 0 |
| Total: | 100,000 |
| Annual Appropriation?: | No |
| Date Incurred: | 06/30/2020 |
| FY of Last Payment: | 2022 |

Professional Fees

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 8,747 |
| Interest: | 0 |
| Total: | 8,747 |
| Annual Appropriation?: | No |
| Date Incurred: | 06/30/2020 |
| FY of Last Payment: | 2022 |

Non-Rebates For COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL

| | |
|-------------------------|---------------------|
| TIF Expenditure Amount: | 2,898 |
| Tied To Debt: | Professional Fees |
| Tied To Project: | Metro Crossing, LLC |

| | |
|-------------------------|---------------------|
| TIF Expenditure Amount: | 100,000 |
| Tied To Debt: | Promissory Note |
| Tied To Project: | Metro Crossing, LLC |

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL (78049)
 TIF Taxing District Name: CO BLUFFS CITY/LEWIS CENTRAL SCH/2007 COUNCIL BLUFFS OLD AIRPORT
 UR TIF INCREM
 TIF Taxing District Inc. Number: 780324
 TIF Taxing District Base Year: 2007
 FY TIF Revenue First Received: 2010
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2026

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 02/2006 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 3,498,026 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS OLD AIRPORT URBAN RENEWAL (78049)
 TIF Taxing District Name: CO BLUFFS CITY AG/LEWIS CENTRAL SCH/2007 COUNCIL BLUFFS OLD
 AIRPORT UR TIF INCREM
 TIF Taxing District Inc. Number: 780330
 TIF Taxing District Base Year: 2007
 FY TIF Revenue First Received: 2010
 Subject to a Statutory end date? Yes
 Fiscal year this TIF Taxing District statutorily ends: 2026

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | 02/2006 |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 819 | 0 | 0 | 0 | 0 |

FY 2022 TIF Revenue Received: 0

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS FRANKLIN AVE URBAN RENEWAL
 UR Area Number: 78052

UR Area Creation Date:

UR Area Purpose:

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|--|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/LEWIS CENTRAL SCH/2013 COUNCIL BLUFFS FRANKLIN AVE UR TIF INCREM | 780339 | 780340 | 4,798,636 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-----------|----------------------|-----------|
| Assessed | 0 | 8,526,500 | 0 | 0 | 0 | -11,112 | 8,515,388 | 0 | 8,515,388 |
| Taxable | 0 | 4,809,748 | 0 | 0 | 0 | -11,112 | 4,798,636 | 0 | 4,798,636 |
| Homestead Credits | | | | | | | | | 24 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 2,857 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI**

| | |
|---------------------------------|----------------|
| TIF Revenue: | 155,127 |
| TIF Sp. Revenue Fund Interest: | 0 |
| Property Tax Replacement Claims | 0 |
| Asset Sales & Loan Repayments: | 0 |
| Total Revenue: | 155,127 |

| | |
|-------------------------------|----------------|
| Rebate Expenditures: | 157,984 |
| Non-Rebate Expenditures: | 0 |
| Returned to County Treasurer: | 0 |
| Total Expenditures: | 157,984 |

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS FRANKLIN AVE URBAN RENEWAL

FRANKLIN AVE

| | |
|----------------------|---|
| Description: | REBATE TIF |
| Classification: | Residential property (classified residential) |
| Physically Complete: | Yes |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS FRANKLIN AVE URBAN RENEWAL

100% TIF, 24 SEMI ANNUAL PMT

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 921,280 |
| Interest: | 0 |
| Total: | 921,280 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 09/26/2011 |
| FY of Last Payment: | 2027 |

Rebates For COUNCIL BLUFFS FRANKLIN AVE URBAN RENEWAL

FRANKLIN AVE

| | |
|-------------------------------|---------------------------------|
| TIF Expenditure Amount: | 157,984 |
| Rebate Paid To: | MCCARTHY CONSTRUCITON INC |
| Tied To Debt: | 100% TIF, 24 SEMI ANNUAL PMT |
| Tied To Project: | FRANKLIN AVE |
| Projected Final FY of Rebate: | 2027 |

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS FRANKLIN AVE URBAN RENEWAL (78052)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/LEWIS CENTRAL SCH/2013 COUNCIL BLUFFS FRANKLIN AVE UR TIF INCREM
 TIF Taxing District Inc. Number: 780340
 TIF Taxing District Base Year: 2013
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-----------|----------------------|-----------|
| Assessed | 0 | 8,526,500 | 0 | 0 | 0 | -11,112 | 8,515,388 | 0 | 8,515,388 |
| Taxable | 0 | 4,809,748 | 0 | 0 | 0 | -11,112 | 4,798,636 | 0 | 4,798,636 |
| Homestead Credits | | | | | | | | | 24 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 180,245 | 4,798,636 | 4,798,636 | 0 | 0 |

FY 2022 TIF Revenue Received: 155,127

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS 2013 BLUFFS NORTHWAY URBAN RENEWAL
 UR Area Number: 78053

UR Area Creation Date:

UR Area Purpose:

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|--|----------|---------------|----------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2013 COUNCIL BLUFFS BLUFFS NORTHWAY UR TIF INCREM | 780341 | 780342 | 11,000,888 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 13,284,100 | 0 | 0 | 0 | 13,284,100 | 0 | 13,284,100 |
| Taxable | 0 | 0 | 11,955,690 | 0 | 0 | 0 | 11,955,690 | 0 | 11,955,690 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 0 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 405,256
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 405,256

Rebate Expenditures: 405,256
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 405,256

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS 2013 BLUFFS NORTHWAY URBAN RENEWAL

BLUFFS NORTHWAY URBAN REVEWAL

| | |
|----------------------|---------------------|
| Description: | REBATE TIF |
| Classification: | Commercial - retail |
| Physically Complete: | Yes |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS 2013 BLUFFS NORTHWAY URBAN RENEWAL

12 YR 100% REBATE

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 2,438,373 |
| Interest: | 0 |
| Total: | 2,438,373 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 01/17/2013 |
| FY of Last Payment: | 2027 |

Rebates For COUNCIL BLUFFS 2013 BLUFFS NORTHWAY URBAN RENEWAL

WALMART N. 16TH ST

| | |
|-------------------------------|-------------------------------|
| TIF Expenditure Amount: | 405,256 |
| Rebate Paid To: | WALMART REALESTATE TRUST |
| Tied To Debt: | 12 YR 100% REBATE |
| Tied To Project: | BLUFFS NORTHWAY URBAN REVEWAL |
| Projected Final FY of Rebate: | 2027 |

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS 2013 BLUFFS NORTHWAY URBAN RENEWAL (78053)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2013 COUNCIL BLUFFS
 BLUFFS NORTHWAY UR TIF INCREM
 TIF Taxing District Inc. Number: 780342
 TIF Taxing District Base Year: 2013
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

| | UR Designation |
|----------------------|----------------|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 13,284,100 | 0 | 0 | 0 | 13,284,100 | 0 | 13,284,100 |
| Taxable | 0 | 0 | 11,955,690 | 0 | 0 | 0 | 11,955,690 | 0 | 11,955,690 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 2,283,212 | 11,000,888 | 11,000,888 | 0 | 0 |

FY 2022 TIF Revenue Received: 405,256

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL
 UR Area Number: 78054

UR Area Creation Date: 12/2015

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

| | Base No. | Increment No. | Increment Value Used |
|---|-------------|------------------|----------------------------|
| COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2018 BLUFFS VISION UR TIF INCREM | 780353 | 780354 | 7,235,357 |

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 14,923,500 | 0 | 0 | 0 | 14,923,500 | 0 | 14,923,500 |
| Taxable | 0 | 0 | 13,431,150 | 0 | 0 | 0 | 13,431,150 | 0 | 13,431,150 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: **58,044** **0** **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 266,520
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims 0
 Asset Sales & Loan Repayments: 0
Total Revenue: **266,520**

Rebate Expenditures: 266,686
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: **266,686**

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: **57,878** **0** **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL

MAC Ventures LLC

| | |
|----------------------|--|
| Description: | Fieldhouse and hotel development |
| Classification: | Recreational facilities (lake development, parks, ball fields, trails) |
| Physically Complete: | Yes |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL

15 year, 90% rebate

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 3,414,322 |
| Interest: | 0 |
| Total: | 3,414,322 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 04/25/2016 |
| FY of Last Payment: | 2034 |

Non-Rebates For COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL

| | |
|-------------------------|------------------|
| TIF Expenditure Amount: | 0 |
| Tied To Project: | MAC Ventures LLC |

Rebates For COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL

MAC Ventures

| | |
|-------------------------------|---------------------|
| TIF Expenditure Amount: | 266,686 |
| Rebate Paid To: | MAC Ventures, LLC |
| Tied To Debt: | 15 year, 90% rebate |
| Tied To Project: | MAC Ventures LLC |
| Projected Final FY of Rebate: | 2034 |

Project includes construction of 98,050 sq. ft. fieldhouse, a 132 room hotel & 70,000 sq. ft. of retail. TPC is approx. \$40,225,000. City also agrees to return to MAC Ventures 100% of hotel tax generated by the hotel for 15 years, max of \$4,500,000.

256 Characters Left

Sum of Private Investment Made Within This Urban Renewal Area
during FY 2022

TIF Taxing District Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS 2018 BLUFFS VISION URBAN RENEWAL (78054)
 TIF Taxing District Name: COUNCIL BLUFFS CITY/COUNCIL BLUFFS SCH/2018 BLUFFS VISION UR TIF INCREM
 TIF Taxing District Inc. Number: 780354
 TIF Taxing District Base Year: 2017
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

| UR Designation | |
|----------------------|----|
| Slum | No |
| Blighted | No |
| Economic Development | No |

TIF Taxing District Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|------------|----------------------|------------|
| Assessed | 0 | 0 | 14,923,500 | 0 | 0 | 0 | 14,923,500 | 0 | 14,923,500 |
| Taxable | 0 | 0 | 13,431,150 | 0 | 0 | 0 | 13,431,150 | 0 | 13,431,150 |
| Homestead Credits | | | | | | | | | 0 |

| | Frozen Base Value | Max Increment Value | Increment Used | Increment Not Used | Increment Revenue Not Used |
|------------------|-------------------|---------------------|----------------|--------------------|----------------------------|
| Fiscal Year 2022 | 7,012,200 | 7,911,300 | 7,235,357 | 675,943 | 24,901 |

FY 2022 TIF Revenue Received: 266,520

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS ARBOR CREEK URBAN RENEWAL
 UR Area Number: 78904

UR Area Creation Date: 08/2021

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

**Base Increment Increment
 No. No. Value
 Used**

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: 0 0 **Amount of 07-01-2021 Cash Balance Restricted for LMI**

| | |
|---------------------------------|----------|
| TIF Revenue: | 0 |
| TIF Sp. Revenue Fund Interest: | 0 |
| Property Tax Replacement Claims | 0 |
| Asset Sales & Loan Repayments: | 0 |
| Total Revenue: | 0 |

| | |
|-------------------------------|----------|
| Rebate Expenditures: | 0 |
| Non-Rebate Expenditures: | 0 |
| Returned to County Treasurer: | 0 |
| Total Expenditures: | 0 |

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: 0 0 **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS ARBOR CREEK URBAN RENEWAL

Drickey

| | |
|----------------------|---|
| Description: | Rebate TIF |
| Classification: | Residential property (classified residential) |
| Physically Complete: | No |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS ARBOR CREEK URBAN RENEWAL

Professional Fees

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2021 |
| FY of Last Payment: | 2024 |

10 year Drickey

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2024 |
| FY of Last Payment: | 2037 |

Non-Rebates For COUNCIL BLUFFS ARBOR CREEK URBAN RENEWAL

| | |
|-------------------------|-------------------|
| TIF Expenditure Amount: | 0 |
| Tied To Debt: | Professional Fees |
| Tied To Project: | Drickey |

Rebates For COUNCIL BLUFFS ARBOR CREEK URBAN RENEWAL

Drickey

| | |
|-------------------------------|-----------------|
| TIF Expenditure Amount: | 0 |
| Rebate Paid To: | Drickey |
| Tied To Debt: | 10 year Drickey |
| Tied To Project: | Drickey |
| Projected Final FY of Rebate: | 2037 |

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS NEW HORIZON URBAN RENEWAL
 UR Area Number: 78905

UR Area Creation Date: 06/2021

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

**Base Increment Increment
 No. No. Value
 Used**

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: **0** **0** **Amount of 07-01-2021 Cash Balance Restricted for LMI**

TIF Revenue: 0
 TIF Sp. Revenue Fund Interest: 0
 Property Tax Replacement Claims: 0
 Asset Sales & Loan Repayments: 0
Total Revenue: 0

Rebate Expenditures: 0
 Non-Rebate Expenditures: 0
 Returned to County Treasurer: 0
Total Expenditures: 0

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: **0** **0** **Amount of 06-30-2022 Cash Balance Restricted for LMI**

Projects For COUNCIL BLUFFS NEW HORIZON URBAN RENEWAL

McCarthy

| | |
|----------------------|---|
| Description: | Rebate TIF |
| Classification: | Residential property (classified residential) |
| Physically Complete: | No |
| Payments Complete: | No |

Debts/Obligations For COUNCIL BLUFFS NEW HORIZON URBAN RENEWAL

Professional Fees

| | |
|------------------------|----------------|
| Debt/Obligation Type: | Internal Loans |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2020 |
| FY of Last Payment: | 2024 |

McCarthy

| | |
|------------------------|------------|
| Debt/Obligation Type: | Rebates |
| Principal: | 0 |
| Interest: | 0 |
| Total: | 0 |
| Annual Appropriation?: | Yes |
| Date Incurred: | 07/01/2025 |
| FY of Last Payment: | 2038 |

Non-Rebates For COUNCIL BLUFFS NEW HORIZON URBAN RENEWAL

| | |
|-------------------------|-------------------|
| TIF Expenditure Amount: | 0 |
| Tied To Debt: | Professional Fees |
| Tied To Project: | McCarthy |

Rebates For COUNCIL BLUFFS NEW HORIZON URBAN RENEWAL

McCarthy

| | |
|-------------------------------|----------|
| TIF Expenditure Amount: | 0 |
| Rebate Paid To: | McCarthy |
| Tied To Debt: | McCarthy |
| Tied To Project: | McCarthy |
| Projected Final FY of Rebate: | 2038 |

Urban Renewal Area Data Collection

Local Government Name: COUNCIL BLUFFS (78G732)
 Urban Renewal Area: COUNCIL BLUFFS SOUTH AVENUE URBAN RENEWAL
 UR Area Number: 78906

UR Area Creation Date: 07/2021

UR Area Purpose: Economic development

Tax Districts within this Urban Renewal Area

**Base Increment Increment
 No. No. Value
 Used**

Urban Renewal Area Value by Class - 1/1/2020 for FY 2022

| | Agricultural | Residential | Commercial | Industrial | Other | Military | Total | Gas/Electric Utility | Total |
|-------------------|--------------|-------------|------------|------------|-------|----------|-------|----------------------|-------|
| Assessed | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taxable | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homestead Credits | | | | | | | | | 0 |

TIF Sp. Rev. Fund Cash Balance as of 07-01-2021: **0** **0** **Amount of 07-01-2021 Cash Balance Restricted for LMI**

| | |
|---------------------------------|----------|
| TIF Revenue: | 0 |
| TIF Sp. Revenue Fund Interest: | 0 |
| Property Tax Replacement Claims | 0 |
| Asset Sales & Loan Repayments: | 0 |
| Total Revenue: | 0 |

| | |
|-------------------------------|----------|
| Rebate Expenditures: | 0 |
| Non-Rebate Expenditures: | 0 |
| Returned to County Treasurer: | 0 |
| Total Expenditures: | 0 |

TIF Sp. Rev. Fund Cash Balance as of 06-30-2022: **0** **0** **Amount of 06-30-2022 Cash Balance Restricted for LMI**

RESOLUTION NO. 22-293

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS APPROVING THE ANNUAL URBAN RENEWAL REPORT FOR FISCAL YEAR 2021-2022.

WHEREAS, the Urban Renewal Reporting Act of 2012 (HF 2460) requires the preparation of an annual report on active urban renewal areas and associated tax increment financing districts; and

WHEREAS, this report must be approved by the City Council before being considered complete; and

WHEREAS, the Community Development and Finance Departments worked together to complete and prepare this report in accordance with the requirements of state law; and

WHEREAS, this report is due to the Department of Management by December 1st of each year; and

WHEREAS, after review and consideration of the report, the City Council approves and hereby authorizes the submission of this report.

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

The Annual Urban Renewal report for Fiscal Year 2021-2022 is hereby approved and City staff is authorized to submit this report to the Department of Management.

ADOPTED

AND

APPROVED:

November 14, 2022

Matthew J. Walsh

Mayor

ATTEST:

Jodi Quakenbush

City Clerk

Council Communication

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

Resolution 22-294
ITEM 6.N.

Council Action: 11/14/2022

Description

Resolution authorizing and directing the Mayor to execute a Purchase Agreement between Council Bluffs Industrial Foundation, Inc. ("Seller") and City of Council Bluffs, Iowa ("Buyer") for property located on Gifford Road immediately adjacent to the Council Bluffs Recycling Center.

Background/Discussion

Council Bluffs Industrial Foundation, Inc. has agreed to sell to the City of Council Bluffs, IA real property located immediately adjacent to the Council Bluffs Recycling Center located on Gifford Rd and the purchase of the land is necessary to accommodate the future expansion of the recycling center. All rights and duties of the parties are outlined in "Addendum A" to the agreement.

Recommendation

Approval

ATTACHMENTS:

| Description | Type | Upload Date |
|------------------------------------|------------|-------------|
| Purchase Agreement | Agreement | 11/4/2022 |
| Resolution 22-294 | Resolution | 11/9/2022 |



COMMERCIAL/NON-RESIDENTIAL OFFER FOR REAL ESTATE (Including Acceptance, Counter, or Rejection)



TIME [] a.m. [] p.m. DATE OF OFFER

OFFICE USE ONLY: OFFER ACCEPTED

Check all boxes that apply.

I. DISCLOSURE CONFIRMATIONS. A. AGENCY. B. SELLER PROPERTY DISCLOSURE. C. LEAD-BASED PAINT. D. REQUEST TO COMPLETE FORM DOCUMENTS AND REALTOR® PERMISSION TO CALL.

II. OFFER TO: Council Bluffs Industrial Foundation Inc (herein designated as Seller). The undersigned City of Council Bluffs (herein designated as Buyer) hereby offer to buy the real property situated in Pottawattamie County, Iowa.

hereinafter designated as "Property," together with any easements and servient estates appurtenant thereto and subject to zoning restrictions, restrictive covenants, easements, and mineral reservation, if any, and agrees to pay you for such property the sum of \$ 322,000.00 AS FOLLOWS: \$ 5,000.00 earnest money to be held in trust by Clear Title & Abstract, LLC

- Check the appropriate boxes. (A) or (B) or (C) or (D) and if applicable (E)
[] (A) CASH to be paid on settlement date. This offer is not contingent upon Buyer obtaining financing.
[] (B) NEW MORTGAGE: This contract is contingent upon the Buyer obtaining a bona fide commitment for a(n):
[] Conventional
[] ARM
[] FHA
[] RECD
[] VA (In the event of FHA or VA financing, see Addendum - Offer for Real Estate attached hereto and by this reference made apart of this contract.)
[] Other

Buyers _____, _____ and Sellers _____, _____ acknowledge that they have read this page. (Initials) (Initials)

All usual costs incurred in securing such mortgage shall be paid by the _____. Seller Buyer agrees to pay the loan placement or origination fee, or loan closing costs if required, not to exceed _____% of the mortgage. (Closing costs may include: loan origination fee, discount points, pre-paid, attorney fees, recording fees, etc.) The balance of the purchase price less the proceeds of such mortgage shall be paid by Buyer in cash.

FINANCING COMMITMENT. Buyer agrees to make loan application (if applicable) immediately, or within _____ days, and use Buyer’s best good faith effort to obtain a financing commitment. If Buyer has timely made the application as set out herein and a loan commitment (with all lender contingencies met) cannot be obtained by Buyer, this agreement shall be null and void and all earnest money shall be returned to Buyer. Buyer shall immediately confirm insurability of Property.

Financing Commitments:

- Buyer’s delivery of a copy of a written loan commitment to the Seller (even if the commitment is subject to conditions specified by the lender, such as appraisal) shall satisfy the Buyer’s financing contingency, and the financing contingency shall be considered removed from this Purchase Contract as of the date of delivery. If Buyer does not make timely delivery of said commitment, as stated, then Seller may terminate this Offer by written notice of termination to Buyer.
- Both parties await appraisal. Appraisal must be completed by: _____
- Awaiting other mutually agreed financing terms which shall be in writing.

(C) **ASSUMPTION OF MORTGAGE OR CONTRACT:** see Addendum – Offer for Real Estate attached and made a part of this contract.

(D) **INSTALLMENT CONTRACT:** see Addendum – Offer for Real Estate attached and made a part of this contract.

(E) **OTHER TERMS/CONTINGENCIES/SPECIAL PROVISIONS (i.e., any subject to sale, including zoning permits, utilities, environmental assessments, etc.):** See Addendum A.

This agreement is also subject to the following terms and conditions:

1. **TRUST PAYMENTS.** All funds deposited as part payments shall be held by Broker in trust pending acceptance of this offer, and examination of the abstract and delivery of deed or formal contract. Buyer authorizes the company financing this purchase to pay all funds to Broker for the benefit of Seller and Seller authorizes Agent to accept and manage payments and disbursements. At time of settlement, funds of the purchase price may be used to pay taxes, other liens, and closing costs to comply with the above requirements, to be handled under supervision of Broker, and subject to approval of Buyer on title questions which may be needed to produce marketable title. If Buyer is refunded any Earnest Money, any expenses incurred on Buyer’s behalf shall be deducted and paid to the creditors entitled.

Interest on Trust Account: If indicated by "yes" in the following space _____, the trust funds paid by the Buyers to Broker shall be deposited by the Broker in an interest bearing trust account and the interest earned thereon shall accrue for the benefit of the _____, with interest credited to Social Security# _____ otherwise, the interest shall be forwarded to the Iowa Association of REALTORS® Foundation.

2. **REAL ESTATE TAXES, SPECIAL ASSESSMENTS, AND CHARGES.**

- a. All regular taxes due and payable in the fiscal year in which possession is given are to be paid by Seller as well as all unpaid taxes that are liens for prior years.
- b. All regular taxes for the fiscal year in which possession is given (due and payable in the following fiscal year) are to be pro-rated between Buyer and Seller as of the date of possession. The basis of such proration shall be the taxes that were certified and payable in the prior fiscal year. Buyer should verify any potential future tax liabilities. If Buyer is purchasing under an installment contract see the Commercial/Non-Residential "Addendum – Offer for Real Estate" attached and made a part of this contract.
 - Caution: If property has not been fully assessed for tax purposes, or reassessment is completed or pending, tax proration shall be on the basis of \$ _____ estimated annual tax.
- c. All special assessments spread on the Treasurer’s Books at the time of the acceptance of this offer are to be paid by Seller. All charges for solid waste removal, utilities, and assessments for maintenance attributable to Seller’s possession are to be paid by Seller. All liens caused by resolution of necessity, such as mowing, snow removal, etc. are to be paid by Seller.
- d. All subsequent taxes and special assessments are to be paid by Buyer.

Buyers _____, _____ and Sellers _____, _____ acknowledge that they have read this page.
(Initials) (Initials)

- 3. **CLOSING AND POSSESSION.** Closing shall be on or before _____ a.m. or p.m. December 30, 2022 _____, and be made upon delivery of an instrument of title, but not later than date of possession, unless an interim occupancy agreement is entered into between the parties. Closing to be under the supervision of Seller’s Agent, John H. Jerkovich _____ Possession to be given _____ a.m. or p.m. December 30, 2022 _____, and adjustment of interest, taxes, insurance and rents to be made on this date. This transaction shall be considered closed upon filing of documents and receipt of all funds by the broker. All property, including keys, alarms, and garage door openers shall be delivered to Buyer at possession. Buyer’s Agent is N/A - Buyer is self represented.
- 4. **INSURANCE.** Seller shall bear the risk of loss or damage to property prior to settlement or possession, whichever first occurs. Seller agrees to maintain existing insurance, and Buyer shall immediately confirm insurability of Property and may also purchase insurance. In the event of substantial damage or destruction prior to closing, this Agreement may be null and void if Buyer desires. Buyer, however, shall have the right to complete the closing and receive insurance proceeds regardless of the extent of the damage plus a credit towards the purchase price equal to the amount of the Seller’s deductible on such policy. The property shall be deemed substantially damaged or destroyed if it cannot be restored to its present condition on or before closing date.
- 5. **FLOOD HAZARD ZONE.** Buyer has been advised that the property (is) (is not) (may be) in an area found to have special flood hazards. If the property is in a flood hazard area it may be necessary to purchase Flood Insurance in order to obtain financing. **For further information, Buyer should consult a lender and insurance carrier.**
- 6. **INCLUDED PROPERTY** (if any). All property that integrally belongs to, are specifically adapted to, or is part of the real estate (except rental items), whether attached or detached, such as wall to wall carpeting and vinyl, light fixtures and bulbs, ceiling fan(s), mirrors, shelving, shades, rods, blinds, awnings, shutters, storm windows, storm doors, screens, plumbing fixtures, sump pump, water heater, water softener, automatic heating equipment, fuel tank, air conditioning equipment (except window), door chimes, alarm devices, built-in items and electrical service cable/fencing, garage door opener and control(s), other attached fixtures, radio and/or attached TV receiving equipment, fencing, trees, bushes, shrubs, plants, garden bulbs, water heaters and softeners, sump pumps, attached or fitted floor coverings, installed security systems, central vacuum systems and accessories, in-ground lawn sprinkler systems and component parts, built in appliances, fences, fireplace screen, fire grate and attached equipment, appurtenant structures or equipment, storage buildings, and rural water membership shall be considered a part of real estate and included in this sale .

OTHER INCLUDED ITEMS, INCLUDING TRADE FIXTURES, MACHINERY AND EQUIPMENT:

None

EXCLUDED PROPERTY, TRADE FIXTURES, MACHINERY AND EQUIPMENT:

None

- 7. **PERSONAL PROPERTY AND DEBRIS.** Seller agrees to remove all debris and all personal property not included herein from the property by possession date unless there is a prior written agreement by the parties.
- 8. **DUTIES OF PARTIES:**
 - a. Seller and Buyer acknowledge and agree that REALTOR® /Broker(s), its affiliated licensees and employees: (1) must respond to all questions of the parties, however they are not required to discover hidden defects or give advice on matters outside the scope of their real estate license; (2) make no, and Seller and Buyer are not relying upon, representations or warranties as to the physical or mechanical condition of the property, its size, value, future value, income potential, whether the basement is waterproof, etc.; (3) are not qualified to advise on questions concerning the condition of the property, the legal sufficiency, legal effect or tax consequences of this document or transaction . **For such matters, Seller and Buyer are advised to consult the appropriate professional(s) .**
 - b. Seller and Buyer acknowledge that the Seller of real property has a legal duty to disclose MATERIAL ADVERSE FACTS and MATERIAL DEFECTS of which Seller has actual knowledge and which a reasonable inspection by Buyer would not reveal. **Buyer has the right to obtain inspections, survey and measurements at Buyer’s expense.** Buyer shall immediately confirm insurability of Property. Buyer is hereby advised to request that special provisions be written into this contract prior to signing same, to cover any and all conditions which Buyer might consider to be questionable or problematical (whether such be inspection for termites, drainage, water and soil conditions, adequacy of structure or any components, zoning, boundaries, utility connections, or any other matters).

Buyers _____, _____ and Sellers _____, _____ acknowledge that they have read this page.
(Initials) (Initials)

c. By acceptance of the Offer, the Seller warrants and represents: That Seller has no notice or knowledge of any planned public improvement which may result in special assessments or other liens, that no government agency has served any notice requiring repair, alterations or corrections of any existing conditions. This representation of Seller shall survive the closing of this transaction.

9. **JOINT TENANCY IN PROCEEDS AND IN SECURITY RIGHTS IN REAL ESTATE.** If Seller, immediately preceding this offer, holds title to the property in joint tenancy, and such joint tenancy is not later destroyed by operation of law or by acts of Seller, then (1) the proceeds of this sale, and any continuing and/or recaptured rights of Seller in real estate shall be and continue in Seller as joint tenants with rights of survivorship and not as tenants in common; and (2) Buyer in the event of the death of either Seller agree to pay any balance of the proceeds of this sale to the surviving Seller and to accept deed from such surviving Seller.

10. **CONDITION OF PROPERTY.**

a. The property as of the date of this agreement including buildings, grounds, and all improvements will be preserved by Seller in its present condition until possession or closing, whichever takes place first, ordinary wear and tear excepted. Buyer shall be permitted to make a walk through inspection of the property prior to possession or closing, whichever is sooner, in order to determine that there has been no material change in the condition of property.

b. **Buyer is advised to have property inspected by professional inspector(s).** If improvements on the property have been previously occupied, Buyer may choose one of the following alternatives relative to the condition and quality of the property:

i. Within _____ days after the final acceptance date Buyer may, at Buyer's sole expense, have the property inspected by a qualified person or persons of Buyer's choice to determine if there are any structural, mechanical, plumbing, electrical, or environmental deficiencies including hazardous materials, substances, conditions, or waste. Buyer to indemnify Seller for any damage resulting from the environmental investigation. Within this same period, Buyer may notify Seller in writing of any such deficiency. Failure to do so shall be deemed a waiver of Buyer's inspection and repair rights and Buyer agrees to accept the property in its present condition. In the event of any claim or demand by Buyer as a result of inspections, Seller shall within 72 hours of notification declare and commence one of the following options: (1) making said items operational or functional or otherwise curing the deficiency, or (2) amending this agreement by giving Buyer a credit for the cost of curing the deficiency, or (3) canceling this agreement and refunding Buyer's earnest money deposit or any sums paid directly to Seller. If Seller does not promptly cure all such deficiencies in a manner mutually agreeable and confirmed by written addendum, signed by the parties (either pursuant to parenthetical 1 or 2 above), then buyer may declare this offer null and void and shall have the right to all payments returned.

ii. Buyer has verified any information that is important to Buyer by an independent investigation and/or independent inspector. Further, Buyer acknowledges that Buyer has made a careful and satisfactory inspection of the property and is purchasing the property in its existing condition.

iii. Seller has offered Property in its "As-is" condition and Buyer accepts Property in its "As-is" condition. Even if an inspection is conducted, Seller shall not be obligated to replace/repair any item(s) and is not bound to release any Earnest Money or void contract.

c. If acceptance is made by Buyer after inspection, under b(i) above, or if no inspection is made, or if offered and sold "As-is", Buyer hereby agrees that by delivery of deed, Buyer accepts property in its "As Is" condition at time of settlement, without warranties or guarantees of any kind by Seller or Broker(s) or employees of either concerning the working condition of systems or appliances, or condition or value of the property and waives Buyer's right to object to its condition or assert any claim related to the property at any time in the future. This provision shall survive delivery of deed to Buyer.

d. **New Construction :** If the improvements on the subject property are under construction or are to be constructed, this Agreement shall be subject to approval of plans and specifications by the parties within ___ days of final acceptance of this Agreement. This offer to buy is not a construction contract. The contract for construction will be a separate agreement between the Contractor and Buyer which will set forth all of the terms, conditions and specifications of the property to be constructed. **Broker(s) and employees make no warranties as to the quality of construction or materials or any warranty of habitability.**

11. **WOOD PEST INSPECTION.** Buyer may request a pest control inspection by a licensed pest inspector within N/A days after acceptance of this Offer, which shall be done at ___ Seller's or ___ Buyer's expense except as otherwise agreed in writing (if not marked Buyer assumes expense). Should evidence of termites or wood destroying insects be found, the property and structure(s) may be treated by a licensed pest exterminator in an appropriate manner at Seller's option, and shall include all treatment and repair reasonably required by Buyer. Buyer agrees to accept treated and repaired property; or prior to the commencement of

Buyers _____, _____ and Sellers _____, _____ acknowledge that they have read this page.
(Initials) (Initials)

treatment and repairs, shall have the option of declaring this agreement null and void and be entitled to full return of the earnest money. If Property is sold in its "As-is" condition, this wood pest inspection paragraph is not applicable to this Offer for Real Estate. This provision does not apply to fences, trees, shrubs, or outbuildings other than garages.

- 12. **SEPTIC TEST, WELL TEST.** If the property has a well or wells or is served by a septic system, the Buyers may, at their expense, within N/A days after acceptance of the offer, have the well or wells and the septic system inspected by a qualified inspector, to determine if the wells and septic system are working properly. If Buyers receive an unsatisfactory report, which cannot be resolved between the parties within days after receipt thereof, then upon written notice from Buyers to Sellers, this Agreement shall be null and void and all earnest money paid hereunder shall be returned to Buyers. If Property is sold in its "As-is" condition, this septic test, well test paragraph is not applicable to this Offer for Real Estate.
- 13. **SURVEY.** Buyer may, prior to closing, have the property surveyed at Buyer's expense. If Buyers elects to have the survey made, Buyer will have the survey completed at least three (3) business days prior to the scheduled closing. If the survey, certified by a Registered Land Surveyor, shows any encroachment on property, or if any improvements located on the subject property encroach on lands of others, such encroachments shall be treated as a title defect.
- 14. **LEASE TERMINATION.** If indicated by "Yes" in the following space Yes , it shall be the responsibility of Sellers at Seller's expense to terminate all rights of existing tenants so Buyers shall have sole possession and at closing Sellers shall exhibit evidence satisfactory to Buyers of such termination. Seller shall furnish copies of all leases and agreements between Tenants and Seller and this offer (is) (is not) subject to Buyer approving said leases and agreements by ~~(date)~~ within 10 (ten) days of acceptance .
- 15. **REMEDIES OF THE PARTIES - FORFEITURE - FORECLOSURE - REAL ESTATE COMMISSIONS.**
 - a. If Seller fails to fulfill this agreement, Seller will pay to REALTOR® /Broker the professional service fee (if any) in full as stated in the Exclusive Listing Agreement or other written commission agreement corresponding to the property, and Buyer shall have the right to have all payments returned or to proceed by an action or actions at law or in equity.
 - b. If Buyer fails to fulfill this agreement, Buyer will pay to REALTOR® /Broker the professional service fee (if any) in full as stated within the Buyer Agency Agreement or other written commission agreement, and all payments by Buyer may be forfeited and retained by Seller as provided in the Code of Iowa.
 - c. In addition to the foregoing remedies, Buyer and Seller each shall be entitled to any and all other remedies, or action at law or in equity, including foreclosure, and the party at fault shall pay costs and attorney fees, and a receiver may be appointed.
- 16. **COURT APPROVAL.** If the property is an asset of any estate, trust, conservatorship, or receivership, this contract shall be subject to Court approval, unless declared unnecessary by Buyer. If necessary, the appropriate fiduciary shall proceed promptly and diligently to bring the matter on for hearing for Court approval. In this event a Court Officer's Deed shall be used.
- 17. **ABSTRACT AND TITLE.** Seller shall promptly provide, at Seller's expense, an abstract of title, continued to and including date of acceptance of this Agreement. Such abstract shall be delivered to an attorney selected by the Buyers or Buyer's lender for a title opinion. Seller shall, in the alternative if requested by Buyer or Buyer's lender, provide at Seller's expense a written lien search continued to and including the date of acceptance of this Agreement. Such lien search shall be delivered to a title insurer. Seller agrees to make every reasonable effort to promptly perfect title in accordance with such opinion or title policy so that upon conveyance, title shall be deemed marketable in compliance with this Agreement and the laws of the State of Iowa and, if applicable, the title policy. Seller may await reasonable assurance that Buyer is fully approved by lender or that Buyer will in Seller's judgment proceed with the transaction before updating abstract.
- 18. **DEED.** Upon payment of purchase price, Seller shall convey title by general warranty deed, if not general then deed, free and clear of liens and encumbrances, reservations, exceptions or modifications except as the instrument otherwise expressly provides. All warranties shall extend to time of acceptance of this offer, with special warranties as to acts of Seller up to time of delivery of deed.
- 19. **GENERAL PROVISIONS.** In the performance of each part of this agreement, time shall be of the essence. This agreement shall be binding on and inure to the benefit of the heirs, executors, administrators, assigns and successors in interest of the respective parties. This agreement shall survive the closing. Paragraph headings are for the convenience of reference and shall not limit nor affect the meaning of this agreement. Words and phrases herein, including any acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.
- 20. **NOTICE.** Any notice required under this Agreement shall be deemed delivered when it is received either by hand delivery, facsimile, electronic communication or certified mail. Persons designated for receipt of any notice shall be Seller(s) and Buyer(s) at the addresses

SEE ADDENDUM A

Buyers , and Sellers , acknowledge that they have read this page.
(Initials) (Initials)

Offer for Real Estate – Commercial/Non-Residential

set forth below or their Broker or Agent. Electronic or facsimile transmission sent to the other party or to the appropriate Broker, followed by electronic or faxed acknowledgement of receipt, shall constitute delivery of signed document.

- 21. ENTIRE AGREEMENT. This document contains the entire agreement of the parties and supersedes all prior Offers with respect to the property. This Offer may be modified only by a written agreement signed and dated by both parties. This Offer for Real Estate shall not be assigned by Buyer without the written consent of Seller.
22. MEDIATION . In the event of a dispute, Buyer and Seller agree to consider mediation as an alternative to initiating legal action. The mediation will be conducted in accordance with the rules and procedures of a mutually agreed mediation service. Even when utilizing mediation, parties may still seek legal remedies.
23. OTHER PROVISIONS. All other provisions, if any, shall be by addendum or amendment to this Agreement.
24. INDEMNITY: If a mutual mistake regarding the rights and obligations of the parties is discovered after closing, that mistake shall be corrected by a mutual agreement. If the error is a monetary mistake, it is to be assessed and immediately collected from the party originally legally liable.
25. ACCEPTANCE. When accepted, this offer shall become a binding contract for the sale and purchase of the above described property and the professional service fee(s) shall be due to the Agent(s) in accordance with the Exclusive Listing Agreement, Buyer Agency Agreement or other written commission agreement, between either party and their Agent(s). This Offer shall not negate or change any of the conditions or terms of said Agreement(s), which, by this reference shall remain in full force and effect through the closing. If this offer is not accepted by Seller on or before [] a.m. or [] p.m. [], it shall become null and void and the initial payment shall be repaid to Buyer without liability on the part of said Agent(s) to either party.

THIS IS A LEGALLY BINDING CONTRACT.
If not understood, consult with the lawyer of your choice.

Receipt of a copy of this agreement is acknowledged by the parties hereto.

Table with 2 columns and 6 rows for Buyer and Seller information including name, address, city/state/zip, phone, and taxpayer ID number.

Seller hereby ([] accepts) ([] counters) the above offer at [] a.m. or [] p.m. []. ([] See attached counter offer) or ([] Seller has made a counter offer by changing and initialing terms herein. This counter offer shall become null and void unless accepted by Buyer initialing said terms on or before [] a.m. or [] p.m. []). Seller reserves the right to withdraw this counteroffer by notifying Buyer of withdrawal prior to Buyer acceptance of this counteroffer. Seller may accept other offers only after withdrawing this counteroffer, without liability on the part of the Agent’s involved. Seller’s Broker shall take backup offers up to the time of closing after this offer has been accepted by Seller; and ([] shall) ([] shall not) continue to show this property for sale.

Buyers [], [] and Sellers [], [] acknowledge that they have read this page. (Initials) (Initials)



| | |
|--------------------------|------------------|
| 1. | 2. |
| SELLER | SELLER |
| 149 W. Broadway, Suite 1 | |
| ADDRESS | ADDRESS |
| Council Bluffs, IA 51503 | |
| CITY, STATE, ZIP | CITY, STATE, ZIP |
| 402.670.2045 | |
| PHONE | PHONE |

| | |
|---|---------------------|
| Buyer's Attorney | <u>Richard Wade</u> |
| Seller's Attorney | <u>Scott Rogers</u> |
| Abstract location | <u>N/A</u> |
| Mortgage with | <u>None</u> |
| OPTIONAL: | |
| 1. _____ | 2. _____ |
| Seller's Taxpayer Identification Number | |

| |
|--|
| <input type="checkbox"/> This offer rejected (Seller signature required): _____ Time _____ <input type="checkbox"/> a.m. or <input type="checkbox"/> p.m. Date _____ |
|--|

Buyers _____, _____ and Sellers _____, _____ acknowledge that they have read this page.
(Initials) (Initials)

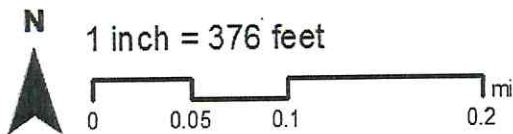
EXHIBIT A



Public Works



City of Council Bluffs GIS Department, City of Council Bluffs Public Works Department, City of Council Bluffs GIS Department, Polk/Jefferson County GIS Department, Source: Esri/Maxar/Earthstar/Geographics, and the GIS User Community



Disclaimer

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

ADDENDUM A
2.96 Acres m/l Council Bluffs, Iowa 51501

1. Buyer will pay a \$5,000.00 earnest deposit which shall be applied to the purchase price at closing. If due diligence is deemed unsatisfactory, the earnest deposit shall be fully refundable to Buyer during Buyer's due diligence period. All monies shall be refundable if the transaction otherwise fails to close for any reason not attributable to the Buyer. Buyer shall give notice to Seller if their due diligence is deemed unsatisfactory.
2. **INSPECTION/DUE DILIGENCE:** Buyer shall have until said closing date to perform all environmental testing, verification of location and capacity of utilities, surveying and other tests and studies and inspections deemed appropriate by Buyer and which Buyer believes are prudent and necessary for Buyer to make a determination, in Buyer's sole discretion, as to whether the subject property is suitable and appropriate for Buyer's intended purposes. During said period, Buyer and its agents, employees and consultants shall have access to the property at reasonable times under reasonable circumstances. All the foregoing shall be at Buyer's sole expense.

The Seller shall, at the time of execution, provide the Buyer with any documentation from third party consultants relating to inspections, correspondence, environmental reports/audits, surveys, feasibility studies, copies of all leases in force, copies of any existing title insurance policies, engineering data, or other similar documentation in its possession; and letters of non-compliance, or any violation or delinquency relating to the subject property (if any) from the City of Council Bluffs no later than ten (10) days from contract execution. However, Seller shall not be required to obtain any of the above referenced documentation that is not in Seller's possession.

3. Subject to Buyers obtaining a new survey and legal description, within the due diligence period. All surveying costs shall be at the expense of the Buyer.
4. Purchase price is \$2.50 per square foot. Amount may be adjusted with the final survey and legal description.
5. Seller will cooperate and assist Buyer on the parcel split necessary for the sale.
6. Subject to City Council approval.
7. In lieu of abstracting, Buyer elects title insurance coverage. Buyers choose to use Clear Title & Abstract, LLC. The costs of any title insurance policies or endorsements shall be split equally between Buyer and Seller.

BUYER:
City of Council Bluffs;

SELLER:
Council Bluffs Industrial Foundation Inc;

By: Matthew J. Walsh

Its: Mayor

Date: _____

By: Ron Tekippe

Its: Board President

Date: _____



**AFFILIATED BUSINESS ARRANGEMENT
DISCLOSURE STATEMENT**

(This is a legally binding contract. If you do not understand it, seek legal advice.)

Buyer: City of Council Bluffs

Seller: Council Bluffs Industrial Foundation Inc

From: Heartland Properties, Inc. Date: _____

Property Located at: 2.96 Acres +/-, Gifford Road, Council Bluffs, IA 51501

This is to give you notice that the owners of Heartland Properties, Inc. own an interest in Clear Title and Abstract LLC and are recommending that I employ this company for title services and/or abstracting. Set forth below are the estimated charge or range of charges for the following services:

| <u>Service Provider</u> | <u>Settlement Service</u> | <u>Charge or Range of Charges</u> |
|--|----------------------------|---|
| Clear Title and Abstract, LLC | Title Services | \$100 to \$2000 or more based on property price |
| | Escrow Settlement Services | \$250 |
| Abstract Guaranty Company & Security Title Company | Abstract Services | \$100 to \$2000 or more based on property price |
| | Title Services | \$100 to \$2000 or more based on property price |
| | Escrow Settlement Services | \$250 |

I understand that the owners of Heartland Properties, Inc. may earn financial benefits from my use of this company. Neither the owners of Heartland Properties, Inc. nor any of its sales associates or employees receives any direct compensation for simply referring closing or title services business to Clear Title and Abstract, LLC.

You are NOT required to use this service provider as a condition for purchase or sale of the subject property. THERE ARE FREQUENTLY OTHER SETTLEMENT SERVICE PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.

A lender is allowed to require the use of an attorney, credit reporting agency or real estate appraiser chosen to represent the lender's interest.

The rates, costs and fees on this form are estimates. Actual costs may vary based on the loan size and type and the state in which the property is located. Please review the Good Faith Estimate of settlement charges for the specific charges that will apply to your transaction.

I/We have read this disclosure form, and understand it.

Buyer Date

Seller Date

Buyer Date

Seller Date

Witness Date

Witness Date



SELF REPRESENTATION
AGENCY CONFIRMATION AND ACKNOWLEDGEMENTS
 (When Consumer wants to represent themselves and to confirm Brokerage Representatives)

In reference to the Offer for Real Estate dated: _____
 Between Seller/Owner Council Bluffs Industrial Foundation Inc and Buyer City of Council Bluffs
 Property Address: 2.96 Acres +/-, Gifford Road, Council Bluffs, IA 51501

A. Heartland Properties, Inc is the exclusive Agent/Brokerage of their "client" Council Bluffs Industrial Foundation Inc and has no fiduciary obligations or duties to any other party/ "customer". All necessary agency disclosures and acknowledgements have been provided to client.

If more than one "client":

B. _____ is the exclusive Agent/Brokerage of their "client" _____ and has no fiduciary obligations or duties to any other party/ "customer". All necessary agency disclosures and acknowledgements have been provided to client.

A "Client" is a party to a transaction who has an agency agreement with a broker for brokerage services. A "Customer" means a consumer who is not being represented by a licensee but for whom the licensee may perform ministerial acts. An Exclusive Agent/Brokerage means that the client has contracted with brokerage to be the sole brokerage they will utilize to represent their interests.

Check if applicable.

Customer elects to represent themselves. Customer understands that no Brokerage or Licensee will be providing any assistance/advice or representation to consumer. Licensees may provide ministerial acts to facilitate the transaction, but it is acknowledged that Brokerage/Licensees not responsible for any non-client decisions or actions.

The agents are hereby given authority to divide real estate commissions among themselves without creating any agency or fiduciary obligations to any person other than the "clients" for whom they have designated above as the exclusive agent. Duties to a "client" include (543B.56) –

A. DUTIES OF A REAL ESTATE LICENSEE TO ALL PARTIES TO THE TRANSACTION.

In providing brokerage services to all parties to a transaction, "Client" and "Customer" alike, a licensee (the Broker and its broker associates and salespersons), regardless of the type of agency representation agreed to, shall do all of the following:

1. Provide brokerage services to all parties to the transaction honestly and in good faith.
2. Diligently exercise reasonable skill and care in providing brokerage services to all parties.
3. Disclose to each party all **material adverse facts (i.e. significant defects or negative circumstances)** that the licensee knows except:
 - a. Material adverse facts known by the party.
 - b. Material adverse facts the party could discover through a reasonably diligent inspection and which would be discovered by a reasonably prudent person under like or similar circumstances.
 - c. Material adverse facts the disclosure of which is prohibited by law.
 - d. Material adverse facts that are known to a person who conducts an inspection on behalf of the party.
4. Account for all property coming into the possession of a licensee that belongs to any party within a reasonable time of receiving the property.

B. DUTIES OF A REAL ESTATE LICENSEE TO A CLIENT.

A licensee providing brokerage services to a client, regardless of the type of agency representation agreed to, shall do all of the following:

1. Place the client's interests ahead of the interests of any other party, unless loyalty to a client violates the licensee's duties under provisions of the Iowa Code (such as with Appointed Agency or Consensual Dual Agency) or any other applicable law.
2. Disclose to the client all information known by the licensee that is material to the transaction and that is not known by the client or could not be discovered by the client through a reasonably diligent inspection.
3. Fulfill any obligation that is within the scope of this Agency Disclosure, except those obligations that are inconsistent with other duties that the licensee has under the Real Estate Brokers and Salespersons provisions of the Iowa Code or any other law.
4. Disclose to a client any financial interests the licensee or the brokerage has in any company or business entity to which the licensee or brokerage refers a client for any service or product related to the transaction. The client is not obligated to use any such recommended company, and may select a different company. **NOTE: Broker/ Licensee (check applicable) has a financial interest in or an affiliate relationship with the following companies or business entities:**

C. THE FOLLOWING MINIMUM SERVICE SHALL BE PROVIDED TO THE CLIENT.

1. Accept delivery of and present to the client offers and counteroffers to buy, sell, rent, lease, or exchange the client's property or the property the client seeks to purchase or lease.
2. Assist the client in developing, communicating, negotiating, and presenting offers or counteroffers until a rental agreement, lease, exchange agreement, offer to buy or sell, or purchase agreement is signed and all contingencies are satisfied or waived and the transaction is completed.
3. Answer the client's questions relating to the brokerage agreements, listing agreements, offers, counteroffers, notices, and contingencies.
4. Provide prospective buyers access to listed properties.

If a person decides to represent themselves or declines Brokerage representation, this document shall provide written acknowledgement and confirmation to all licensees involved in the transaction. A person representing themselves should consult a lawyer for any advice or other representation.

CUSTOMER (Representing Themselves) Date

"CLIENT" (Seller or Buyer) Date

CUSTOMER (Representing Themselves) Date

"CLIENT" (Seller or Buyer) Date

BROKERAGE/AGENT Date

BROKERAGE/AGENT Date

This is a legal document. If you do not understand all of the information contained within, contact a lawyer.

RESOLUTION NO. 22-294

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT BETWEEN COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC. (“SELLER”) AND CITY OF COUNCIL BLUFFS, IOWA (“BUYER”) FOR PROPERTY LOCATED ON GIFFORD ROAD IMMEDIATELY ADJACENT TO THE COUNCIL BLUFFS RECYCLING CENTER.

WHEREAS, Council Bluffs Industrial Foundation, Inc. (“Seller”) has agreed to sell to the City of Council Bluffs, Iowa (“Buyer”) real property located in Council Bluffs, Pottawattamie County, Iowa immediately adjacent to the Council Bluffs Recycling Center and briefly described as 2.96 Acres, Gifford Road, see attached “Exhibit A”; and

WHEREAS, Purchase of the real property is necessary to accommodate the future expansion of the recycling center; and

WHEREAS, All rights and duties of the Seller and Buyer are outlined in “Addendum A” to the Purchase Agreement; and

WHEREAS, It is in the best interest of the City of Council Bluffs to execute the Purchase Agreement.

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

That the City Council of the City of Council Bluffs, Iowa authorize and direct the Mayor to execute the Purchase Agreement between Council Bluffs Industrial Foundation, Inc. and the City of Council Bluffs, Iowa.

ADOPTED
AND
APPROVED

November 14, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

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

Liquor Licenses
ITEM 7.A.

Council Action: 11/14/2022

Description

1. Bertha's, 1322 N 16th Street
2. Casey's #6116, 15 N 16th Street (NEW)
3. Casey's #6117, 1759 Madison Avenue (NEW)
4. Casey's #6122, 3434 Nebraska Avenue (NEW)
5. Casey's #6127, 2711 S 24th Street (NEW)
6. Casey's #6134, 3501 W Broadway (NEW)
7. Council Bluffs Sinclair, 1305 N 25th Street
8. Oskies for Sports, 1851 Madison Avenue, Ste 724

Background/Discussion

There were no alcohol related incidents/arrests at any of the listed businesses this licensing period.

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|-------|-------------|
| Liquor Licenses, 11.14.22 | Other | 11/9/2022 |

Bertha's- LC0037970

Premise Street : 1322 North 16th Street

Application Number : App-169757

Class C Liquor License

Application Type
Renewal

Tentative Effective Date
2022-10-26

Tentative Expiration Date
2023-10-25

Application Status
Pending Dramshop Review

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
Puhner LLC

| | | |
|---|------------------------------|--|
| <input checked="" type="checkbox"/> RENEWAL | <input type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>CLM</u> | Local Amt _____ | |
| FIRE <u>AF</u> | Endorsed _____ | |
| BUILDING <u>OJS</u> | Issued _____ | |
| ZONING <u>OJS</u> | Expires _____ | |
| | Council _____ | |

Council Bluffs Sinclair- LE0002516

Premise Street : 1305 N 25th Street

Application Number : App-170198

Class E Liquor License

Application Type

Renewal

Tentative Effective Date

2022-10-28

Tentative Expiration Date

2023-10-27

Application Status ?

Submitted to Local Authority

License Length

12 Month

Local Authority

City of Council Bluffs

Dramshop

Corporation Name

Shiv Shakti LLC

| | | | |
|-------------------------------------|------------|-----------|---------------|
| <input checked="" type="checkbox"/> | RENEWAL | NEW | SPECIAL EVENT |
| POLICE | <i>cm</i> | Local Amt | _____ |
| FIRE | <i>AP</i> | Endorsed | _____ |
| BUILDING | <i>CJS</i> | Issued | _____ |
| ZONING | <i>CS</i> | Expires | _____ |
| | | Council | _____ |

CASEY'S #6116

Premise Street : 15 North 16th Street

Class E Liquor License

Application Number : App-169591

| | | | |
|--|---|---|--|
| Application Type New | Tentative Effective Date 2022-11-01 | Tentative Expiration Date 2023-10-31 | Application Status Submitted to Local Authority |
| License Length 12 Month | Local Authority City of Council Bluffs | Dramshop | Corporation Name CASEY'S MARKETING COMPANY |
| Privileges and Sub Permits Sunday Service | | | |

| | | |
|----------------------------------|---|--|
| <input type="checkbox"/> RENEWAL | <input checked="" type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>CLM</u> | Local Amt _____ | |
| FIRE <u>AF</u> | Endorsed _____ | |
| BUILDING <u>JS</u> | Issued _____ | |
| ZONING <u>CA</u> | Expires _____ | |
| | Council <u>11.14.22</u> | |

CASEY'S #6117

Premise Street : 1759 Madison Avenue

Application Number : App-169619

Class E Liquor License

Application Type
New

Tentative Effective Date
2022-11-01

Tentative Expiration Date
2023-10-31

Application Status
Submitted to Local Authority

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
CASEY'S MARKETING COMPANY

Privileges and Sub Permits
Sunday Service

| | | |
|----------------------------------|---|--|
| <input type="checkbox"/> RENEWAL | <input checked="" type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>amt</u> | Local Amt _____ | |
| FIRE <u>AP</u> | Endorsed _____ | |
| BUILDING <u>ajs</u> | Issued _____ | |
| ZONING <u>aj</u> | Expires _____ | |
| | Council <u>11.14.22</u> | |

CASEY'S #6122

Premise Street : 3434 Nebraska Avenue

Application Number : App-169620

Class E Liquor License

Application Type
New

Tentative Effective Date
2022-11-01

Tentative Expiration Date
2023-10-31

Application Status
Submitted to Local Authority

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
CASEY'S MARKETING COMPANY

Privileges and Sub Permits
Sunday Service

| | | |
|----------------------------------|---|--|
| <input type="checkbox"/> RENEWAL | <input checked="" type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>ACH</u> | Local Amt _____ | |
| FIRE <u>AF</u> | Endorsed _____ | |
| BUILDING <u>JS</u> | Issued _____ | |
| ZONING <u>CS</u> | Expires _____ | |
| | Council <u>11.14.22</u> | |

CASEY'S #6127

Premise Street : 2711 South 24th Street

Application Number : App-169621

Class E Liquor License

| | | | |
|--|---|---|--|
| Application Type New | Tentative Effective Date 2022-11-01 | Tentative Expiration Date 2023-10-31 | Application Status Submitted to Local Authority |
| License Length 12 Month | Local Authority City of Council Bluffs | Dramshop | Corporation Name CASEY'S MARKETING COMPANY |
| Privileges and Sub Permits Sunday Service | | | |

| | | |
|----------------------------------|---|--|
| <input type="checkbox"/> RENEWAL | <input checked="" type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>CLB</u> | Local Amt _____ | |
| FIRE <u>AF</u> | Endorsed _____ | |
| BUILDING <u>JS</u> | Issued _____ | |
| ZONING <u>02</u> | Expires _____ | |
| | Council <u>11-14-22</u> | |

CASEY S #6134

Premise Street : 3501 West Broadway

Application Number : App-169623

Class E Liquor License

Application Type
New

Tentative Effective Date
2022-11-01

Tentative Expiration Date
2023-10-31

Application Status
Submitted to Local Authority

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
CASEY'S MARKETING COMPANY

Privileges and Sub Permits
Sunday Service

| | | |
|----------------------------------|---|--|
| <input type="checkbox"/> RENEWAL | <input checked="" type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>CH</u> | Local Amt _____ | |
| FIRE <u>BF</u> | Endorsed _____ | |
| BUILDING <u>JS</u> | Issued _____ | |
| ZONING <u>CS</u> | Expires _____ | |
| | Council <u>11.14.22</u> | |

Oskies For Sports - LC0037259
Premise Street : 1851 Madison Ave Ste 724

Application Number : App-170099

Class C Liquor License

| | | | |
|-----------------------------|---|---|---|
| Application Type Renewal | Tentative Effective Date 2022-12-16 | Tentative Expiration Date 2023-12-15 | Application Status Pending Dramshop Review |
| License Length 12 Month | Local Authority City of Council Bluffs | Dramshop | Corporation Name 4 Amigos Inc |

| | | |
|---|------------------------------|--|
| <input checked="" type="checkbox"/> RENEWAL | <input type="checkbox"/> NEW | <input type="checkbox"/> SPECIAL EVENT |
| POLICE <u>ca</u> | Local Amt | |
| FIRE <u>AF</u> | Endorsed | |
| BUILDING <u>JS</u> | Issued | |
| ZONING <u>JS</u> | Expires | |
| | Council | <u>11-14-22</u> |

Council Communication

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

Cigarette Permits
ITEM 7.B.

Council Action: 11/14/2022

Description

Background/Discussion

Recommendation

ATTACHMENTS:

| Description | Type | Upload Date |
|---|-------|-------------|
| Cigarette Permits, 11.14.22 | Other | 10/27/2022 |

Instructions on the reverse side

For period (MM/DD/YYYY) 10 / 20 / 2022 through June 30, 23

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

Business Information:

Trade name/Doing business as: Twisted Treasures Glass & Collective
Physical location address: 2709 W Broadway City: Council Bluffs ZIP: 51501
Mailing address: 2709 W Broadway City: Council Bluffs State: IA ZIP: 51501
Business phone number: 712 626 0074

Legal Ownership Information:

Type of Ownership: Sole Proprietor Partnership Corporation LLC LLP
Name of sole proprietor, partnership, corporation, LLC, or LLP Ty Ethington
Mailing address: 2709 W Broadway City: Council Bluffs State: IA ZIP: 51501
Phone number: 712 626 0074 Fax number: _____ Email: Twistedtreasurescollective@gmail.com

Retail Information:

Types of Sales: Over-the-counter Vending machine
Do you make delivery sales of alternative nicotine or vapor products? (See Instructions) Yes No
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): TY ETHINGTON Name (please print): _____
Signature: Ty Ethington Signature: _____
Date: 10-21-22 Date: _____

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: 11.14.22
- Fill in the permit number issued by the city/county: 1056211
- 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