

CITY COUNCIL STUDY SESSION

**CITY HALL
CITY COUNCIL CHAMBERS
SECOND FLOOR
209 PEARL STREET
COUNCIL BLUFFS IOWA 51503**

**MONDAY, SEPTEMBER 26, 2016
3:45 P.M.**

AGENDA

- A. Review Agenda

EXECUTIVE SESSION

- A. Interest in City Property

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING, SEPTEMBER 26, 2016, 7:00 PM
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

AGENDA

- 1. PLEDGE OF ALLEGIANCE**
- 2. CALL TO ORDER**
- 3. CONSENT AGENDA**
 - A. Reading, correction and approval of the September 12, 2016 City Council meeting minutes
 - B. Approval of agenda and tape recording of this proceeding to be incorporated into the official minutes
 - C. Financial Operating Statement (August 2016)
 - D. List of Bills (August 2016)
 - E. Revenue and Expense Report (August 2016)
 - F. Notice of Claim (1)
- 4. PUBLIC HEARINGS**
 - A. Resolution 16-243, approving the Urban Revitalization Plan for the Bluffs Northway Urban Revitalization Area Amendment (URV-16-004)
 - B. Resolution 16-244, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 9th and 10th Street Bridges over Indian Creek Project (FY15-19)
 - C. Resolution 16-245, approving right-of-way authorization in connection with the West Broadway Reconstruction Project, Phase 1 (PW17-20)
 - D. Resolution 16-246, approving right-of-way authorization in connection with the East Beltway Project
 - E. Resolution 16-247, authorizing disposal of City property legally described as Lot 10, Aldine Court (OTB-16-014)
 - F. Resolution 16-248, authorizing disposal of City property legally described as the south 1/2 of Lots 1 & 2 and the east 20' of the south 65' of Lot 3, Block 5, Wright's Addition (OTB-16-015)
 - G. Resolution 16-249, granting an underground electrical easement to MidAmerican Energy in support of the Fieldhouse at the Mid America Center

DISCLAIMER:

If you plan on attending this meeting and require assistance please notify the City Clerk's Office three days prior to the meeting by calling (712) 328-46916

5. ORDINANCES ON 1ST READING

- A. Ordinance 6280, amending the zoning map as adopted by reference in Section 15.02.070, by rezoning Lots 1 - 6, Block 6, Streets Addition and the vacated alley adjacent from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District as defined in Chapter 15.10, setting a Public Hearing for October 10, 2016, 7 p.m. (ZC-16-007)
- B. Ordinance 6281, establishing the Bluffs Northway Urban Revitalization Area Amendment within the City of Council Bluffs
- C. Ordinance 6282, amending Title 5 - Sewer, by amending Sections 5.05.010 "Definitions", 5.10.040 "Specific Pollutant Limitations", 5.10.080 "Accidental Discharges/Slug Control", and 5.10.120 "Reporting Requirements for Industrial Uses"

6. RESOLUTIONS

- A. Resolution 16-250, to apply a Planned Residential Overlay and adopt the associated Development Plan for West Broadway Village on property legally described as Block 12, Bryant and Clark's Subdivision
- B. Resolution 16-251, authorizing the Mayor and City Clerk to execute an agreement with Valley Corporation in connection with the Levee Certification, Geotechnical MR_7 Project (PW16-06B)

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS

- A. Renewal of Beer/Liquor/Wine and Outdoor Permit Applications:
 - 1. Bertha's, 1322 North 16th Street
 - 2. Big K-Mart, 2803 East Kaneshville Boulevard
 - 3. Council Bluffs Sinclair, 1305 North 25th Street
 - 4. Hy-Vee C-Store #1, 21 South 25th Street
 - 5. LPL's, 1707 Harry Langdon Boulevard
 - 6. Lakeside Ampride, 4040 South Expressway
 - 7. Mo Fish, 2403 Nash Boulevard
 - 8. Thunderbowl & McCoy's on the Bluff, 1900 Madison Avenue
- B. "Outdoor" Liquor/Beer & Wine Special Event Permit Application:
 - 1. T'z, 128 West Broadway (October 8, 2016)

8. CITIZENS REQUEST TO BE HEARD

9. OTHER BUSINESS

10. ADJOURNMENT

CALL TO ORDER

A regular meeting of the Council Bluffs City Council was called to order by Mayor, Matthew J. Walsh on Monday, September 12, 2016 at 7:00 p.m.

ATTENDANCE

Council Members present: Melissa Head, Al Ringgenberg, Roger Sandau, Nate Watson and Sharon White. Staff present: Richard Wade and Marcia Worden.

CONSENT AGENDA

Watson and Sandau moved and seconded approval of the consent agenda, 3A. Agenda and tape recording of this proceeding to be incorporated into the official minutes; 3B. Reading, correction and approval of the August 22, 2016 meeting minutes; 3C. Resolution 16-227, accepting the work of Judds Bros. Construction Co. as complete and authorizing the Finance Department to release the retainage fee if no claims are filed in connection with the 23rd Avenue Emergency Sewer Repair, 3D. Resolution 16-228, accepting the work of Compass Utility LLC as complete and authorizing the Finance Department to release the retainage fee if no claims are filed in connection with the 3rd Street Sewer Relocation Project (FY15-15D), 3E. Resolution 16-229, accepting the work of MFT Construction Inc. as complete and authorizing the Finance Department to release the retainage fee if no claims are filed in connection with the Gifford Road Reconstruction Project (FY15-24), 3F. Resolution 16-230, accepting the work of Valley Corporation as complete and authorizing the Finance Department to release the retainage fee if no claims are filed in connection with the Levee Certification, Structural MR_2 Project (FY15-06B), 3G. Resolution 16-231, setting a Public Hearing for September 26, 2016, 7:00 p.m., for the 9th and 10th Street Bridges over Indian Creek (FY15-19), 3H. Resolution 16-232, setting a Public Hearing for September 26, 2016, 7:00 p.m. for right-of-way authorization in connection with the West Broadway Reconstruction Project, Phase I (PW17-20), 3I. Resolution 16-233, setting a Public Hearing for September 26, 2016, 7:00 p.m., for right-of-way authorization in connection with the East Beltway Project, 3J. Resolution 16-234, setting a Public Hearing for September 26, 2016, 7:00 p.m., on the intent to dispose of City property legally described as Lot 10, Aldine Court (OTB-16-014), 3K. Resolution 16-235, setting a Public Hearing for September 26, 2016, 7:00 p.m., on the intent to dispose of City property legally described as the south ½ of Lots 1 and 2 and the east 20 feet of the south 65 feet of Lot 3, Block 5, Wright’s Addition (OTB-16-015), 3L. Resolution 16-241, setting a Public Hearing for September 26, 2016, 7:00 p.m., on the intent to grant an underground electrical easement to MidAmerican Energy in support of the Fieldhouse at Mid America Center, 3M. Financial Operating Statement (July 2016), 3N. List of Bills (July 2016), 3O. Revenue and Expense Report (July 2016), 3P. Notices of Claim (1). Ringgenberg mentioned Public Hearings for the West Broadway Corridor and the East Beltway are required by the State and will be held at the September 26th meeting; adding this action begins the initial process. Unanimous, 5-0 vote.

**ORDINANCE ON
2nd READING
Ordinance 6278**

Head and White moved and seconded approval, amending Title 9 “Traffic” by amending “Chapter 9.36.010 – Definitions” by adding Martin Luther King, Jr. Day, Presidents’ Day and Veterans’ Day to Subsection (2) “Holiday”. Unanimous, 5-0 vote. Watson and Head moved and seconded to waive 3rd reading. Unanimous, 5-0 vote. Ordinance 6278 passed into law.

Ordinance 6279

Sandau and Head moved and seconded approval, amending Title 1, “Administration and Personnel” by amending “Chapter 1.62.030 – Classification and Appointment” to change Architect or Engineer Appointment to either residency or employment within the City of Council Bluffs. Unanimous, 5-0 vote. Watson and Sandau moved and seconded to waive 3rd reading. Unanimous, 5-0 vote. Ordinance 6279 passed into law.

**RESOLUTIONS
Resolution 16-236**

White and Ringgenberg moved and seconded approval, granting an extension of time of a Temporary Use Permit to allow crushing/salvage of asphalt and concrete on property located at 1914 Tostevin Street (TU-15-006). Unanimous, 5-0 vote.

Resolution 16-237

Watson and Head moved and seconded approval, authorizing the Mayor to execute an agreement with New Community Corporation d/b/a NeighborWorks Home Solutions (NWHs) concerning a residential development at 2900 Avenue J. Unanimous, 5-0 vote.

Resolution 16-238

White and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Jim’s Hauling for the Walnut Grove Demolition and Restoration Project. Unanimous, 5-0 vote.

Resolution 16-239 Head and White moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Carley Construction, LLC for the CBAC Avenue J Reconstruction Project (PW17-21). Voice Vote: 4 Ayes; 1 Nay (Watson).

Resolution 16-240 White and Head moved and seconded approval of the City Street Financial Report ending June 30, 2016. Ringgenberg mentioned the report is required by the State and shows how the City uses Road Use Tax funds. Unanimous, 5-0 vote.

Resolution 16-242 White and Watson moved and seconded approval, authorizing the City Treasurer to certify the Sewer, Water and Refuse Liens to the Pottawattamie County Treasurer. Unanimous, 5-0 vote.

APPLICATIONS/PERMITS & CANCELLATIONS

Watson and Head moved and seconded approval of all Items 6A – 6C inclusive. Items 6A. 1-3. New Beer/Liquor and Wine Permit Applications. 1. The Do Rock Inn, 1200 7th Avenue, 2. 3rd Base Grill and Bar, 800 North 8th Street, 3. Super Convenience Store, 2547 Second Avenue; Items 6B (1-10). Renewal of Beer/Liquor/Wine and Outdoor Permit Applications: 1. Atherton Automotive, 2900 West Broadway, 2. Bluffs Elk Lodge, 380 McKenzie Avenue, 3. Brewski’s Beverage, 726 Creek Top, 4. CB Quik Stop, 3500 Avenue A, 5. Casey’s General Store #3203, 1928 Sherwood Drive, 6. Council Bluffs Travel Center, 3201 South 7th Street, 7. Dixie Quicks, 157 West Broadway, 8. Horseshoe Casino, 2701 23rd Avenue, 9. Kwik Shop #595, 1749 West Broadway, 10. La Mesa Mexican Restaurant, 3036 South Expressway, and Item 6C. 2016-2017 Cigarette Permit Application. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

No requests from citizens were heard.

Heard from Bruce Kelly, 864 McKenzie Avenue, requesting a bike trail between McKenzie and Simms Avenues.

OTHER BUSINESS

White and Watson moved and seconded approval by giving the Mayor’s Office authority to process vacation and sick leave pay; noting approval of said leave and sick time remain under the City Council. White mentioned the City is going to a new Kronos payroll system and this action is administrative in nature. The City Attorney and City Clerk are employees of the City Council; and the approval of requested time off falls under City Council authority. Unanimous, 5-0 vote.

Watson mentioned a special election will be held tomorrow regarding a funding mechanism; it’s important to voice your opinion and vote. You can learn more about the issue by going to www.nonpareilonline.com.

As a note of clarification White spoke to the confusion about an article recently published on an update presented by the Mayor at our Rotary group. I received feedback from several individuals who felt the location of potential condominiums were to be located at the Western Historic Trail Center; when in fact the discussion pertained to the location of the Playland Park Area.

Along that same topic Ringgenberg mentioned receiving questions on discussions held with other companies; and questioned if Noddle was backing away from the original plan. Not at all Mayor Walsh indicated; Noddle Company is the Master Developer on the project, whom identified the Chicago company interested in the project; adding another company from Kansas City is also interested. Walsh continued by saying the ground is owned by the City, and the City has final approval of all terms and conditions. A letter of intent was recently submitted to Don Gross who intends to bring the matter before the City Council Walsh added.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:13 p.m. Unanimous.

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:

Marcia L. Worden, City Clerk



City of Council Bluffs
General Fund Operations
for the period ending August 31, 2016

Fund 001

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
REVENUES							
A11101	Police Administration Fees	36,000	8,121	22.56%	32,000	8,962	28.01%
A11111	Police Patrol Fees	835,732	15,503	1.86%	477,000	64,980	13.62%
A11112	Police Patrol Grants	74,000	9,570	12.93%	55,000	21,289	38.71%
A11131	Police Training Facility Fees	84,700	5,536	6.54%	462,353	6,173	1.34%
A11132	Police Training Facility Grants	-	-	0.00%	-	-	0.00%
A11141	Police Services Fees	29,500	7,034	23.84%	73,600	7,365	10.01%
A11152	Police Vice & Intelligence Fees	124,000	880	0.71%	25,000	4,897	0.00%
A11161	Police Parking Enforcement Fees	240,000	34,862	14.53%	225,000	33,814	15.03%
A11301	Police 911 Center Fees	-	-	0.00%	-	-	0.00%
	Police	1,423,932	81,506	5.72%	1,349,953	147,480	10.92%
A11501	Fire Administration Fees	-	22	0.00%	-	-	0.00%
A11511	Fire Training Fees	-	-	0.00%	-	-	0.00%
A11521	Fire Suppression Fees	-	-	0.00%	-	-	0.00%
A11531	Fire Inspection Fees	33,000	6,318	19.15%	30,000	2,682	8.94%
A11601	Fire Ambulance Fees	1,265,000	252,143	19.93%	1,262,000	256,878	20.35%
A11651	Fire Technical Fees	43,000	2,976	6.92%	56,015	41,605	74.27%
	Fire	1,341,000	261,459	19.50%	1,348,015	301,165	22.34%
A11701	Building Inspection Fees	1,318,500	177,504	13.46%	977,500	172,277	17.62%
A11701	Rental Inspection Fees	225,000	5,185	2.30%	336,000	1,770	0.00%
A11701	Building Inspection Fees	1,543,500	182,689	11.84%	1,313,500	174,047	13.25%
A11901	Animal Control Fees	115,250	6,720	5.83%	123,250	8,477	6.88%
A12961	Transit Fees	195,000	28,477	14.60%	220,000	19,133	8.70%
A12962	Transit Grants	505,600	66,553	13.16%	503,600	79,254	15.74%
	Transit	700,600	95,030	13.56%	723,600	98,387	13.60%
A13401	Public Health Inspection Fees	85,280	1,865	2.19%	175,980	17,717	10.07%
A13412	Public Health Grants	66,000	4,018	6.09%	60,500	4,997	8.26%
A13422	Public Health Aids Prevention	-	-	0.00%	-	-	0.00%
	Public Health	151,280	5,883	3.89%	236,480	22,714	9.61%
A14101	Library Fees	306,000	29,687	9.70%	299,676	14,610	4.88%
A14102	Library Grants	-	-	0.00%	-	-	0.00%
	Library	306,000	29,687	9.70%	299,676	14,610	4.88%
A14301	Parks Administrative Fees	3,000	25	0.83%	7,000	1,082	100.00%
A14311	Parks Maintenance Fees	45,500	944	2.07%	48,600	7,382	15.19%
A14401	Parks Recreation Fees	110,000	11,922	10.84%	120,000	10,814	9.01%
A14411	Parks Dodge Golf Fees	812,000	199,896	24.62%	750,000	231,758	30.90%
A14421	Parks Pool Fees	270,000	98,509	36.48%	295,000	114,901	38.95%
A14431	Parks Recreation Complex Fees	99,500	42,907	43.12%	98,000	28,179	28.75%
A14501	Parks Cemetery Fees	2,500	960	38.40%	-	-	0.00%
	Parks and Recreation	1,342,500	355,163	26.46%	1,318,600	394,116	29.89%
A15401	Community Development Fees	13,415	900	6.71%	9,500	2,386	25.12%
A16101	Administrative Fees - Mayor	72,654	-	0.00%	-	-	0.00%
A16221	Administrative Fees - HR	-	-	0.00%	-	-	0.00%
A16231	Administrative Fees - Finance	-	-	0.00%	-	-	0.00%
	Administration	72,654	-	0.00%	-	-	0.00%

General Fund Operations

Fund 001

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
A16602	Special Operations Grants	-	-	0.00%	-	-	0.00%
A16612	DR1930 Acquisition Grants	-	-	0.00%	-	-	0.00%
A16641	FEMA 1481 Grants	-	-	0.00%	-	-	0.00%
	Special Operations	-	-	0.00%	-	-	0.00%
A16801	Public Works Equipment Fees	85,000	8,841	10.40%	90,000	7,259	8.07%
A16811	Information Technology Fees	-	-	0.00%	-	-	0.00%
A16901	General Government Fees	4,210,205	225,544	5.36%	4,500,500	961,108	21.36%
A16902	General Government Grants	-	150,000	100.00%	-	-	0.00%
A16904	General Government Interest	266,800	36,086	13.53%	244,071	35,506	14.55%
	Other Fees	4,477,005	411,630	9.19%	4,744,571	396,614	21.01%
A19104	Employee Benefits/Fund Transfers	15,665,551	-	0.00%	-	-	0.00%
A19544	General Property Taxes	23,222,218	547,379	2.36%	22,505,865	14,478	0.06%
	REVENUE TOTALS	50,459,905	1,986,887	3.94%	34,063,010	2,181,733	6.40%

EXPENDITURES

		FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Expended
A11100	Police Administration	2,727,494	444,396	16.29%	2,811,591	400,144	14.23%
A11110	Police Partol	9,584,607	1,433,629	14.96%	9,475,942	1,409,639	14.88%
A11120	Police Investigation	2,649,619	426,823	16.11%	2,588,591	403,497	15.59%
A11130	Police Training Facility	108,500	15,906	14.66%	55,500	6,399	11.53%
A11140	Police Services	1,416,243	201,442	14.22%	1,256,013	200,351	15.95%
A11150	Police Vice & Intelligence	1,101,996	158,499	14.38%	1,053,357	183,581	17.43%
A11160	Police Parking Enforcement	92,980	13,572	14.60%	87,171	14,162	16.25%
A11300	Police 911 Center	-	-	0.00%	13,063	-	0.00%
	Police	17,681,439	2,694,267	15.24%	17,341,228	2,617,713	15.10%
A11400	Levee Maintenance	128,315	13,931	10.86%	104,280	26,188	25.11%
A11310	Fire Civil Defense	7,450	284	3.81%	7,450	140	1.88%
A11500	Fire Administration	334,952	52,314	15.62%	323,954	50,247	15.51%
A11510	Fire Training	358,031	52,734	14.73%	326,310	53,961	16.54%
A11520	Fire Suppression	10,114,162	1,593,172	15.75%	9,782,392	1,496,386	15.30%
A11530	Fire Inspection	762,281	112,296	14.73%	735,572	93,833	12.76%
A11600	Fire Ambulance Service	2,317,812	383,967	16.57%	2,063,315	341,225	16.54%
A11650	Fire Technical Services	194,858	28,758	14.76%	159,753	40,526	25.37%
	Fire	14,089,546	2,223,525	15.78%	13,398,746	2,076,318	15.50%
A11700	Building Inspection	644,912	95,305	14.78%	1,025,522	83,160	8.11%
A11700	Rental Inspection	352,471	50,379	14.29%	-	60,772	0.00%
	Building Inspection	997,383	145,684	14.61%	1,025,522	143,932	14.03%
A11900	Animal Control	589,327	78,802	13.37%	653,410	87,746	13.43%
A12050	Public Works Administration	184,737	28,274	15.31%	175,237	27,016	15.42%
A12200	Parking Lot Maintenance	101,488	20,837	20.53%	98,834	15,113	15.29%
	Public Works	286,225	49,111	17.16%	274,071	42,129	15.37%
A12960	Transit	1,275,400	117,029	9.18%	1,277,100	112,953	8.84%

General Fund Operations

Fund 001

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Expended
A13400	Public Health Inspections	437,848	65,718	15.01%	551,861	79,808	14.46%
A13410	Public Health I-4	104,419	15,840	15.17%	100,402	15,308	15.25%
A13420	Public Health Aids Prevention	106,579	16,137	15.14%	101,044	15,684	15.50%
	Public Health	648,846	97,695	15.06%	753,307	110,780	14.71%
A14100	Library	2,617,660	427,452	16.33%	2,536,034	351,836	13.87%
A14300	Parks Administration	367,667	88,196	23.99%	392,323	70,494	17.97%
A14310	Parks Maintenance	1,602,927	201,488	12.57%	1,606,614	374,865	23.33%
A14320	Parks Landmarks	335,000	21,714	6.48%	329,000	24,787	7.53%
A14330	Parks Forestry	220,000	18,039	8.20%	260,000	39,112	15.04%
A14400	Parks Recreation	359,100	97,451	27.14%	322,100	59,831	18.58%
A14410	Parks Dodge Park Golf	911,487	151,716	16.64%	1,045,496	164,970	15.78%
A14420	Parks Swimming Pools	362,139	150,783	41.64%	339,157	165,258	48.73%
A14430	Parks Recreation Complex	655,264	101,830	15.54%	672,532	147,661	21.96%
A14440	Parks Westwood Golf	3,500	156	4.46%	3,500	317	9.06%
A14500	Parks Cemetery	50,000	-	0.00%	45,000	11,143	24.76%
	Parks and Recreation	4,867,084	831,373	17.08%	5,015,722	1,058,438	21.10%
A15400	Community Development	624,420	93,013	14.90%	663,752	91,304	13.76%
A16100	Mayor	492,034	73,075	14.85%	324,232	52,254	16.12%
A16110	City Council	71,370	20,188	28.29%	70,071	23,138	33.02%
A16200	City Clerk	222,470	34,229	15.39%	264,564	30,776	11.63%
A16210	Civil Service	20,000	375	1.88%	10,000	19,150	191.50%
A16220	Human Resources	460,297	64,816	14.08%	348,945	54,779	15.70%
A16230	Finance	813,584	139,983	17.21%	698,799	88,201	12.62%
A16240	Purchasing	97,443	14,754	15.14%	97,404	13,769	0.00%
A16250	Treasury	395,509	47,636	12.04%	304,715	54,198	17.79%
A16260	City Auditor	-	17,217	100.00%	109,099	16,353	0.00%
A16400	Civil Rights	136,582	19,947	14.60%	119,649	18,750	15.67%
A16410	City Attorney	339,392	54,212	15.97%	329,778	52,976	16.06%
A16600	Special Operations	-	-	0.00%	-	-	0.00%
A16610	Special Operations DR1930	-	-	0.00%	-	-	0.00%
A16620	Special Operations DR1988	-	-	0.00%	-	-	0.00%
A16640	Special Operations FEMA 4181	-	-	0.00%	-	201,638	0.00%
A16810	Information Technology	2,698,661	304,964	11.30%	2,102,164	253,379	12.05%
	General Government	5,747,342	791,396	13.77%	4,779,420	879,361	18.40%
A16800	Public Works Equipment Maint.	1,737,850	257,436	14.81%	1,831,555	273,343	14.92%
A16840	Procurement	-	-	0.00%	-	27	100.00%
A16850	Group Insurance Benefits	-	-	0.00%	-	-	0.00%
A16900	Other Operating Costs	990,615	242,478	24.48%	1,050,698	133,793	12.73%
	General Government Operations	990,615	242,478	24.48%	1,050,698	133,820	12.74%
A19100	General Fund Transfers Out	-	-	0.00%	-	-	0.00%
	EXPENDITURE TOTALS	52,281,452	8,063,192	15.42%	50,704,845	8,005,861	15.79%
	NET GENERAL FUND OPERATIONS	(1,821,547)	(6,076,305)		(16,641,835)	(5,824,128)	



City of Council Bluffs
Gaming Fund Operations
for the period ending August 31, 2016

Fund 002

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
A26501	Insurance Settlements	-	-	0.00%	-	-	0.00%
A89104	Employee Benefits/Fund Transfers	-	-	0.00%	-	-	0.00%
A29544	Gaming Revenue	2,925,000	433,925	14.84%	2,940,000	531,998	18.10%
	Revenues	2,925,000	433,925	14.84%	2,940,000	531,998	18.10%
A25000	Economic Development	100,000	-	0.00%	100,000	650	0.65%
A26000	General Government	-	-	100.00%	110,285	-	0.00%
A26500	Facilities Management	1,248,822	138,932	11.13%	1,256,542	138,111	10.99%
A29160	Transfers Out	-	-	0.00%	-	-	0.00%
	Expenditures	1,348,822	138,932	10.30%	1,466,827	138,761	9.46%
	NET GAMING FUND OPERATIONS	1,576,178	294,993		1,473,173	393,237	



City of Council Bluffs
Emergency Levy Fund
for the period ending August 31, 2016

Fund 119

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
B19544	Property Tax Levy	668,713	-	0.00%	606,736	-	0.00%
B19544	Utility Replacement Tax	49,699	-	0.00%	57,879	-	0.00%
	Revenues	718,412	-	0.00%	664,615	-	0.00%
B19100	Transfers to Other Funds	718,412	-	0.00%	-	-	0.00%
	Expenditures	718,412	-	0.00%	-	-	0.00%
	NET EMERGENCY LEVY FUND	-	-		664,615	-	



City of Council Bluffs
All Funds Summary For General Fund Group
for the period ending August 31, 2016

Fund 001,002,119

Fund	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
	Revenues						
001	General Fund	50,459,905	1,986,887	3.94%	34,064,468	2,181,733	6.40%
002	Gaming Fund	2,925,000	433,925	14.84%	2,940,000	531,998	18.10%
119	Emergency Tax Levy Fund	718,412	-	0.00%	664,615	-	0.00%
	Revenues: General Fund Group	54,103,317	2,420,812	4.47%	37,669,083	2,713,731	7.20%
	Expenditures						
001	General Fund	52,281,452	8,063,192	15.42%	50,704,845	8,005,861	15.79%
002	Gaming Fund	1,348,822	138,932	10.30%	1,466,827	138,761	9.46%
119	Emergency Tax Levy Fund	718,412	-	0.00%	-	-	0.00%
	Expenditures: General Fund Group	54,348,686	8,202,124	15.09%	52,171,672	8,144,622	15.61%
	Net Operations						
001	General Fund	(1,821,547)	(6,076,305)		(16,640,377)	(5,824,128)	
002	Gaming Fund	1,576,178	294,993		1,473,173	393,237	
119	Emergency Tax Levy Fund	-	-		664,615	-	
	Net Operations: General Fund Group	(245,369)	(5,781,312)		(14,502,589)	(5,430,891)	



City of Council Bluffs
Hotel-Motel Tax Fund Operations
for the period ending August 31, 2016

Fund 003

FY 2017

Object Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
Org. A39554							
408500	Hotel-Motel Tax Received	2,800,000	-	0.00%	2,800,000	-	0.00%
471100	IWF/Caesars Support	150,000	-	0.00%	-	-	0.00%
	Revenues	2,950,000	-	0.00%	2,800,000	-	0.00%
Org. A36000							
636020	MAC Arena Sinking Fund	200,000	-	0.00%	50,000	-	0.00%
640700	Consultant	-	-	0.00%	-	-	0.00%
649000	Miscellaneous	-	-	0.00%	135,000	400,410	0.00%
649060	Tourism Promotion	575,000	143,750	25.00%	525,000	131,250	25.00%
649061	MAC Arena Capital	500,000	-	0.00%	250,000	6,036	0.00%
691000	Transfers Out	-	-	0.00%	-	-	0.00%
	Expenditures	1,275,000	143,750	11.27%	960,000	537,696	56.01%
	NET HOTEL-MOTEL TAX FUND	1,675,000	(143,750)		1,840,000	(537,696)	



City of Council Bluffs
Insurance Tax Levy Fund Operations
for the period ending August 31, 2016

Fund 004

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
A46601	Restitutions	-	224	0.00%	-	-	0.00%
A49544	Property Tax Levy for Insurance	1,876,505	-	0.00%	1,736,229	-	0.00%
	Revenues	1,876,505	224	0.01%	1,736,229	-	0.00%
Org A46600							
601000	Staffing Costs	378,613	60,607	16.01%	358,808	55,027	15.34%
640500	Court & Recording Fees	7,500	444	5.92%	7,500	-	0.00%
640600	Damage Claims Paid Directly	80,000	1,838	2.30%	95,000	21,766	22.91%
640680	Harrington Settlement	528,571	528,571	100.00%	528,571	528,571	100.00%
640700	Consultant	7,500	-	0.00%	7,500	625	8.33%
640810	Casualty Insurance Premiums	540,000	255,287	47.28%	415,000	73,180	17.63%
640815	Liability Insurance Premiums	250,000	139,258	55.70%	270,000	47,405	17.56%
641100	Attorney Fees	30,000	-	0.00%	50,000	326	0.65%
650600	Office Expenses	3,600	78	2.17%	3,850	98	0.99%
	Expenditures	1,825,784	986,083	54.01%	1,736,229	726,938	41.87%
	NET INSURANCE TAX LEVY FUND	50,721	(985,859)		-	(726,938)	



City of Council Bluffs
Self Insured Medical Fund Operations
for the period ending August 31, 2016

Fund 005

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
640826	Employer Contribution	7,800,000	1,272,074	16.31%	7,309,310	1,183,370	16.19%
640819	Flex Admin. Employer Contribution	5,000	-	0.00%	5,183	612	11.81%
640827	Employee Contribution	860,000	123,353	14.34%	795,576	123,929	15.58%
640875	Supplemental Term Life Insurance	-	28,408	100.00%	-	28,379	100.00%
	Revenues	8,665,000	1,423,835	16.43%	8,110,069	1,336,290	16.48%
640818	Flex Plan Administration (net)	5,000	9	0.18%	5,183	621	11.98%
640820	Medical Insurance Premiums	8,000,000	1,314,595	16.43%	8,104,886	1,224,650	15.11%
640825	Life Insurance Premiums	195,000	33,012	16.93%	-	33,435	100.00%
640830	Vision Care Insurance Premiums	83,000	13,922	16.77%	-	14,012	100.00%
640835	Dental Insurance Premiums	365,000	63,033	17.27%	-	61,212	100.00%
640845	Wellness Subsidies	17,000	1,130	6.65%	-	450	100.00%
640870	Long Term Disability Premiums (net)	-	69	0.00%	-	(5,605)	100.00%
	Expenditures	8,665,000	1,425,770	16.45%	8,110,069	1,328,775	16.38%
	NET SELF INSURED MEDICAL FUND	-	(1,935)		-	7,515	



City of Council Bluffs
Mid-America Center Fund Operations
for the period ending August 31, 2016

Fund 006

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
A66001	Reported Revenues	4,230,000	87,379	2.07%	3,600,000	-	0.00%
A66914	Transfers-In from Hotel-Motel Tax	700,000	-	0.00%	-	-	0.00%
	Revenues	4,930,000	87,379	1.77%	3,600,000	-	0.00%
A66000	Reported Expenses	4,430,000	267,745	6.04%	3,800,000	-	0.00%
A66000	Capital Expenditures	500,000	-	0.00%	-	-	0.00%
	Expenditures	4,930,000	267,745	5.43%	3,800,000	-	0.00%
	NET MAC FUND	-	(180,366)		(200,000)		



City of Council Bluffs
Employee Benefits Levy Fund
for the period ending August 31, 2016

Fund 113

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	%
D13954	Property Tax Levy	14,558,950	-	0.00%	12,665,218	-	0.00%
D13954	Utility Replacement Tax	1,082,138	-	0.00%	1,854,787	-	0.00%
	Revenues	15,641,088	-	0.00%	14,520,005	-	0.00%
D13910	Tranfers to Other Funds	14,977,673	-	0.00%	-	-	0.00%
	Expenditures	14,977,673	-	0.00%	-	-	0.00%
	NET EMPLOYEE BENEFITS LEVY FUND	663,415	-		14,520,005		



City of Council Bluffs
Road Use Tax Fund
for the period ending August 31, 2016

Fund 110

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
C02001	Fees	62,600	15,076	24.08%	59,000	12,132	20.56%
C02002	Road Use Tax	7,500,000	851,038	11.35%	6,131,278	1,507,536	24.59%
C09104	Benefits Transfer-In	-	-	100.00%	-	-	100.00%
C09544	Non Program Revenues	-	-	100.00%	-	-	100.00%
	Revenues	7,562,600	866,114	11.45%	6,190,278	1,519,668	24.55%
C02050	Administration	281,845	38,180	13.55%	271,136	34,006	12.54%
C02100	Street Maintenance	4,971,514	876,530	17.63%	4,007,368	873,796	21.80%
C02400	Traffic Signals	575,353	72,188	12.55%	487,299	58,596	12.02%
C02410	Street Signs and Markings	543,901	262,529	48.27%	562,917	75,282	13.37%
C02600	Engineering	551,830	80,923	14.66%	537,568	72,675	13.52%
C02700	Stormwater Management	84,521	9,158	10.84%	71,308	28,920	40.56%
C06800	Equipment Maintenance	657,864	98,601	14.99%	629,782	85,248	13.54%
	Expenditures	7,666,828	1,438,109	18.76%	6,567,378	1,228,523	18.71%
	NET ROAD USE TAX FUND OPERATIONS	(104,228)	(571,995)		(377,100)	291,145	



City of Council Bluffs
Road Use Tax Fund - Equipment
for the period ending August 31, 2016

Fund 111

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
C21101	Sale of Equipment	-	14,775	100.00%	-	10,836	0.00%
C29104	Road Use Tax Transfers In	-	-	0.00%	-	-	0.00%
	Revenues	-	14,775	0.00%	-	10,836	0.00%
C21100	Capital Equipment	1,050,000	-	0.00%	600,000	289,715	48.29%
	Expenditures	1,050,000	-	0.00%	600,000	289,715	48.29%
	NET ROAD USE TAX EQUIPMENT	(1,050,000)	14,775		(600,000)	(278,879)	



City of Council Bluffs
Local Option Sales Tax Fund
for the period ending August 31, 2016

Fund 121

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
	Revenues						
G17503	Grants	-	215,628	100.00%	-	-	0.00%
G19104	Transfers In	-	-	0.00%	-	-	0.00%
G19544	Sales Tax	8,900,000	-	0.00%	9,434,000	907,169	9.62%
	Revenues	8,900,000	215,628	2.42%	9,434,000	907,169	9.62%
	Expenditures						
G21600	Street Projects	5,802,000	520,892	8.98%	-	1,068,528	0.00%
G21800	Sewer Projects	8,522,000	821,099	9.64%	-	475,983	100.00%
G21910	Transfers Out	-	-	0.00%	-	-	0.00%
	Expenditures	14,324,000	1,341,991	100.00%	-	1,544,511	#DIV/0!
	NET LOCAL OPTION SALES TAX	(5,424,000)	(1,126,363)		9,434,000	(637,342)	



City of Council Bluffs
CDBG Fund
for the period ending August 31, 2016

Fund 145

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
Revenues							
H55901	Program User Fees	7,440	-	0.00%	5,000	3,463	69.26%
H55902	CDBG Federal Grants	2,574,735	-	0.00%	1,699,212	-	0.00%
H55902	Rehab Loan Payments	307,000	3,178	1.04%	435,000	23,839	5.48%
H55904	Transfers In	-	-	0.00%	-	6,617	100.00%
Revenues		2,889,175	3,178	0.11%	2,139,212	33,919	1.59%
Expenditures							
H55380	Projects Administration	295,620	42,331	14.32%	330,565	50,224	15.19%
H55910	Rehab Loans Administration	366,625	17,087	4.66%	338,709	8,504	2.51%
H55900	Project Expenditures	2,247,000	5,531	0.25%	1,459,240	2,792	0.19%
Expenditures		2,909,245	64,949	2.23%	2,128,514	61,520	2.89%
NET CDBG FUND		(20,070)	(61,771)		10,698	(27,601)	



City of Council Bluffs
Refuse Disposal Fund
for the period ending August 31, 2016

Fund 670

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
Revenues							
R08411	Refuse Disposal Fees	4,272,620	1,119,848	26.21%	4,491,500	883,899	19.68%
R08421	Recycling Center User Fees	850,000	286,359	33.69%	907,000	251,556	27.73%
R08422	Recycling Center Donations	-	984	100.00%	-	455	100.00%
R09544	Other Revenue	-	-	0.00%	-	-	0.00%
Revenues		5,122,620	1,407,191	27.47%	5,398,500	1,135,910	21.04%
Expenditures							
R08410	Refuse Disposal	3,794,146	344,144	9.07%	3,863,418	693,629	17.95%
R08420	Recycling Center	1,898,679	208,403	10.98%	2,290,514	215,214	9.40%
	less: non-cash depreciation	(275,000)	-	0.00%	(275,000)	-	0.00%
Expenditures		5,417,825	552,547	10.20%	5,878,932	908,843	15.46%
NET REFUSE DISPOSAL FUND (CASH)		(295,205)	854,644		(480,432)	227,067	
Sanitation NET CASH FLOW		478,474	775,704		628,082	190,270	
Recycling NET CASH FLOW		(773,679)	77,956		(1,108,514)	36,342	
		(295,205)	853,660		(480,432)	226,612	



City of Council Bluffs
Sanitary Sewer Utility Fund
for the period ending August 31, 2016

Fund 610-615

FY 2017

Org Code	Organization Title	FY 2017 Budget	08/31/2016 YTD Actual	% Collected	FY 2016 Budget	08/31/2015 YTD Actual	% Collected
Org	Revenues						
P08151							
450260	Disposal Fees	4,000	2,670	66.75%	4,000	23,850	596.25%
450290	Sewer Service Fees	6,150,000	901,195	14.65%	6,300,000	847,798	13.46%
450300	Sewer Connection Fees	2,000	910	45.50%	2,000	400	20.00%
450310	Lien Collections	-	-	0.00%	15,000	-	0.00%
454030	Sewer Surcharges	250,000	14,576	5.83%	400,000	17,340	4.34%
474500	Other Revenue	-	1,830	100.00%	-	6,002	100.00%
P08152	Reimbursements	-	450	0.00%	-	-	0.00%
P09544	Non-Program Revenues	2,355	-	0.00%	2,355	-	0.00%
P09104	Transfer from Local Option Sales Tax	-	-	0.00%	-	-	0.00%
P48151	Connection Fees for Extension	-	-	0.00%	21,000	1,150	5.48%
	Revenues	6,408,355	921,631	14.38%	6,744,355	896,540	13.29%
	Expenditures						
P08160	Treatment Facility Administration	-	-	0.00%	-	361	0.00%
P08170	Treatment Facility Operations	6,250,309	457,600	7.32%	5,881,362	384,980	6.55%
P08180	Pump Stations	935,769	116,633	12.46%	946,586	127,410	13.46%
P08190	Sewer Administration	245,201	35,091	14.31%	253,439	33,597	13.26%
P08200	Sewer Maintenance	1,285,986	190,897	14.84%	1,177,305	178,381	15.15%
P08210	Engineering	527,063	67,673	12.84%	407,043	60,213	14.79%
P08650	Storm Sewer Maintenance	286,018	24,287	8.49%	262,556	34,934	13.31%
P08990	Equipment Maintenance	344,418	36,278	10.53%	325,104	37,019	11.39%
P28240	Heavy Equipment	466,250	-	0.00%	300,000	-	0.00%
	Debt Service - Principal	213,000	-	0.00%	206,000	-	0.00%
P58260	Debt Service - Interest	141,750	-	0.00%	148,883	-	0.00%
	Expenditures	10,695,764	928,459	8.68%	9,908,278	856,895	8.65%
	NET SANITARY SEWER UTILITY FUND	(4,287,409)	(6,828)		(3,163,923)	39,645	
	Depreciation	3,510,000	-	0.00%	3,200,000	-	0.00%

VENDOR	DESCRIPTION	AMOUNT
A & L HYDRAULICS INCORPORATED	EQUIPMENT/PARTS	89.50
A + UNITED RADIATOR REPAIR	REPAIRS	150.00
AA WHEEL & TRUCK SUPPLY INC	SUPPLIES	37.21
AARON R KOZISEK	REIMBURSEMENT	149.98
ABLE LOCKSMITHS	CONTRACTURAL SVC	55.00
ABM ONSITE SERVICES-MIDWEST INC	JANITORIAL SERVICE	6,884.74
ADDISON ENERGY TECHNOLOGIES LLC	CONTRACT LABOR	38,167.47
ADPI EMS BILLING INC	AMBULANCE BILLING FEE	14,154.59
AFSCME IOWA COUNCIL 61	DUES EMPLOYEE	2,580.48
AGRILAND F S INC	SUPPLIES	245.50
AGRIVISION EQUIPMENT GROUP	EQUIPMENT/PARTS	2,177.31
AHLERS & COONEY PC	ATTORNEY FEES	85.50
AIR CLEANING TECHNOLOGIES INC	EQUIPMENT/PARTS	190.00
AIRCAD INC	EQUIPMENT/PARTS	945.00
ALAMAR CORPORATION	UNIFORMS	1,428.75
ALBERTO OCHOA	PROFESSIONAL SVCS	90.00
ALEGENT HEALTH	MEDICAL SUPPLIES	2,802.21
ALEX PATRICK CROWL	CONTRACTURAL SVC	355.00
ALEXA MCDOWELL	PROFESSIONAL SVCS	5,508.00
ALFRED BENESCH & COMPANY	CONTRACTURAL SVC	1,362.73
ALL WEATHER SERVICES	CONTRACTURAL SVC	2,350.00
ALLEY POYNER ARCHITECTURE PC	REPAIRS	1,698.25
ALLIED OIL & TIRE COMPANY	SUPPLIES	337.00
ALUMITANK INCORPORATED	EQUIPMENT/PARTS	756.31
ALVINE AND ASSOCIATES INC	PROFESSIONAL SVCS	2,390.00
AMERICAN CRANE & RIGGING LLC	CONTRACTURAL SVC	1,040.00
AMERICAN NATIONAL BANK	BANK SERVICES	142.59
AMERIPRIDE SERVICES INC	UNIFORMS	2,495.64
AMY KNOWLTON	CLAIMS-LAWSUIT	161.06
ANDERSON EXCAVATING & WRECKING CORP	CONTRACTURAL SVC	12,048.00
AQUA-CHEM INCORPORATED	SUPPLIES	4,443.27
A-R COMMERCIAL ROOFING LLC	REPAIRS	750.00
ARLO BURK	REFUND	100.00
ARNOLD MOTOR SUPPLY LLP	EQUIPMENT/PARTS	731.35
ARROW INTERNATIONAL	EQUIPMENT/PARTS	2,209.73
ARROW TOWING	TOWING/STORAGE/AUCTION	5,210.00
ASPHALT AND CONCRETE MATERIALS CO	STREET MAINTENANCE SUPLS	10,268.25
BACKSTAGE LIBRARY WORKS	SUBSCRIPTION	500.00
BAKER & TAYLOR INC	BOOKS/PERIODICALS/SUB	7,014.64
BALTAZAR'S STONE INC	CONSTRUCTION	10,495.50
BARKER LEMAR AND ASSOCIATES INC	ENGINEERING	1,675.00
BARTON SOLVENTS INCORPORATED	SUPPLIES	3,577.00
BENJAMIN E JOHNSON	REIMBURSEMENT	137.16
BENNETT REFRIGERATION INC	REPAIRS	3,958.96
BEVERLY K & EDWARD C WOLF	PROPERTY ACQUISITION	3,000.00
BGNE	SUPPLIES	177.50
BH MEDIA GROUP HOLDING INC	3.D.)VERTISEMENT	10,203.62

BILL KEENAN'S GLASS STATION	REPAIRS	568.32
BILL'S WATER CONDITIONING	SUPPLIES	58.60
BLACK HILLS UTILITY HOLDINGS INC	NATURAL GAS	3,760.99
BLACKHAWK INDUSTRIAL DISTRIBUTION INC	EQUIPMENT/PARTS	71.73
BLUFFS ARTS COUNCIL	CONTRACTURAL SVC	50,000.00
BLUFFS ELECTRIC INC	ELECTRICAL REPAIR	845.06
BLUFFS PAVING & UTILITY INC	N 27TH ST SEWER REHAB	173,835.16
BMC SOFTWARE INC	HARDWARE/SOFTWARE	1,024.37
BOBBETTE BEHRENS	CONSULTANT	375.00
BOMGAARS SUPPLY INC	SUPPLIES	342.35
BOUND TO STAY BOUND BOOKS INC	BOOKS/PERIODICALS/SUB	839.12
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	4,206.21
BRADLEY TREDE	MOWING/GROUNDS MAINT	6,195.80
BRIAN JANS	MOWING/GROUNDS MAINT	4,585.00
BRIGGS INCORPORATED OF OMAHA	SUPPLIES	715.06
BRYAN PREGON	FEES	360.00
BUCKS INC	VEHICLE WASH	219.00
C & A INDUSTRIES INC	CONTRACT LABOR	960.00
C & J INDUSTRIAL SUPPLY	JANITORIAL SERVICE	752.20
C H MCGUINNESS CO INC	SUPPLIES	53.37
C J FUTURES INC	MOWING/GROUNDS MAINT	2,505.00
CABB INC	JANITORIAL SERVICE	2,924.00
CANON FINANCIAL SERVICES INC	LEASE	327.18
CANON SOLUTIONS AMERICA INC	COPY/PRINTER MAINTANCE	1,620.66
CARLEY CONSTRUCTION LLC	LEVEE IMPROVEMENT PROJECT	55,687.67
CARROLL DISTRIBUTING & CONSTRUCTION	EQUIPMENT/PARTS	52.00
CDM SMITH	LEVEE IMPROVEMENT PROJECT	80,296.48
CENGAGE LEARNING INC	BOOKS/PERIODICALS/SUB	6,409.07
CENTER POINT LARGE PRINT	SUPPLIES	500.91
CENTURY HOMES CO	SUPPLIES	1,611.00
CFI TIRE SERVICE	TIRE REPLACEMENT/REPAIR	3,288.00
CHAD LEE HANCOCK	CONTRACTURAL SVC	321.00
CHAMPLIN TIRE RECYCLING INC	TIRE DISPOSAL	1,681.50
CHELSEY PHIPPEN	REFUND	200.00
CHRISTIAN WORSHIP CENTER	MOWING/GROUNDS MAINT	2,400.00
CHRISTINE D ANDERSON	TRAVEL REIMBURSEMENT	25.92
CHRISTOPHER J RUHAAK	CONTRACTURAL SVC	323.00
CLARITUS, INC.	COPY/PRINTER MAINTANCE	205.80
CLEAN HARBORS DISPOSAL SERVICES INC	CONTRACTURAL SVC	7,219.36
CLEAR TITLE & ABSTRACT LLC	PROFESSIONAL SVCS	150.00
CLERK OF DISTRICT COURT	COURT COSTS	50.00
COLLECTION SERVICES CENTER	GARNISHMENT	8,887.56
COMPASS UTILITY LLC	E MANAWA SEWER REHAB	271,963.35
COMPASS UTILITY LLC	S 1ST ST REHAB	154,399.50
COMPASS UTILITY LLC	HARMONY ST REHAB	110,536.94
CONQUER DIAMONDS MFG CO	SUPPLIES	1,010.40
CONRECO INC	SUPPLIES	712.64
CONSOLIDATED ELECTRICAL DISTR, INC	SUPPLIES	521.00
CONTROL SERVICES INC	REPAIRS	3,126.47
CORNHUSKER TRUCKS ACCT #10747	EQUIPMENT/PARTS	2,066.45

3.D.

COUNCIL BLUFFS AREA WIFI CONSORTIUM	GRANT REIMBURSEMENT	150,000.00
COUNCIL BLUFFS ONLINE LLC	CONTRACTURAL SVC	35.00
COUNCIL BLUFFS WATER WORKS	WATER	16,943.51
COUNCIL BLUFFS WINSUPPLY	SUPPLIES	3,097.89
COX COMMUNICATIONS	PHONE/INTERNET SVC	16,614.14
COX CONTRACTING	CONSTRUCTION	77,405.00
CREDIT CARD CHARGES	FEES	6,385.87
CREDIT INFORMATION SYSTEMS-MIDWEST	CONTRACTURAL SVC	19.00
CSI/SSP INC	PRINTING/BINDING	2,084.29
CUMMINS CENTRAL POWER, LLC	EQUIPMENT/PARTS	635.49
CUSTOM AUTO REBUILDERS	VEHICLE REPAIR	1,543.33
CWA-DUES	DUES EMPLOYEE	1,169.22
D AND D CONSTRUCTION SERVICES INC	CONTRACTURAL SVC	4,697.00
D.M.G. INC	EQUIPMENT/PARTS	465.19
DALTON PREGON	FEES	125.00
DAN T RING	REIMBURSEMENT	300.00
DANIELSON TECH SUPPLY INC	SUPPLIES	8.42
DATASHIELD CORPORATION	CONTRACTURAL SVC	45.00
DAVID A ANDERSEN	REIMBURSEMENT	232.63
DAVIS EQUIPMENT CORPORATION	EQUIPMENT/PARTS	1,493.84
DEX MEDIA EAST LLC	ADVERTISEMENT	358.63
DEZURIK INC	EQUIPMENT/PARTS	9,750.26
DG INVESTMENT INTERMEDIATE HOLDINGS 2 INC	EQUIPMENT/PARTS	2,826.00
DIAL PROPERTIES	MOWING/GROUNDS MAINT	39,721.20
DIAMOND MARKETING SOLUTIONS GROUP INC	POSTAGE & LEASE COST	9,186.27
DIAMOND MOWERS INC	REPAIRS	2,203.27
DICK DEAN SERVICE STORE	REPAIRS	69.95
DR GEORGE W DARNELL	VETERINARIAN SVC/SUPPLIES	220.00
DR PEPPER SNAPPLE GROUP	SUPPLIES	792.72
DRIVER SEWER & WATER INC	CONTRACTURAL SVC	3,441.00
DUANE F AND CAROL L RAYBURN	EASEMENTS	14,690.00
DULTMEIER SALES	SUPPLIES	231.25
DUNCAN PARKING TECHNOLOGIES INC	EQUIPMENT/PARTS	5,792.59
DUO SAFETY LADDER CORPORATION	SUPPLIES	76.37
DXP ENTERPRISES INC	EQUIPMENT/PARTS	1,420.23
E & A CONSULTING GROUP INC	CONSULTANT	3,467.86
EBS - FLEX ACOCUNT	EMPLOYEE CONTRIBUTION	13,392.54
ECHO ELECTRIC SUPPLY	TARGETEED JOBS TAX CREDIT	50,758.01
ECHO ELECTRIC SUPPLY	SUPPLIES	2,928.02
ECOSOLUTIONS LLC	SUPPLIES	562.50
ED M FELD EQUIPMENT COMPANY INC	EQUIPMENT/PARTS	2,135.65
EDUCATIONAL SERVICE UNIT #3	PROFESSIONAL SVCS	75.00
EDWARDS CHEVROLET-CADILLAC INC	EQUIPMENT/PARTS	1,324.48
EFTPS	EMPLOYEE TAXES	579,439.63
EHRHART GRIFFIN & ASSOCIATES INC	N 27TH ST SEWER REHAB	36,026.61
EIDE BAILLY LLP	AUDIT	20,000.00
ELLIOTT AUTO SUPPLY COMPANY INC	SUPPLIES	2,791.34
ELM USA INC	SUPPLIES	113.95
EMUNAH LLC	JANITORIAL SERVICE	8,156.50
ENCYCLOPAEDIA BRITANNICA INC	3.D. JBSCRIPTION	1,730.00

ENGINEERING TECHNOLOGIES INC	CONSULTANT	2,800.00
ENTENMANN-ROVIN COMPANY	SUPPLIES	2,232.20
ERIKSEN CONSTRUCTION CO INC	LEVEE IMPROVEMENT PROJECT	215,304.08
EXCEL PHYSICAL THERAPY INC	PROFESSIONAL SVCS	170.00
FAIRBANKS SCALES INCORPORATED	REPAIRS	574.00
FAMILY HOUSING ADVISORY SERVICES	REIMBURSEMENT	25,000.00
FASTENAL COMPANY	SUPPLIES	36.54
FELSBURG HOLT & ULLEVIG INC	PROFESSIONAL SVCS	5,200.00
FIRE SERVICE TRAINING BUREAU	TRAINING	777.00
FIREFIGHTERS UNION #15	EMPLOYEE CONTRIBUTION	7,560.00
FONTENELLE FOREST	PROFESSIONAL SVCS	240.00
FRATERNAL ORDER OF POLICE	EMPLOYEE CONTRIBUTION	3,080.00
GENE P POLING INC	SUPPLIES	2,601.30
GENERAL FIRE & SAFETY EQUIPMENT	EQUIPMENT/PARTS	64.00
GENIE PEST CONTROL	PEST CONTROL	230.00
GENUINE PARTS COMPANY-NAPA	EQUIPMENT/PARTS	4,307.93
GLOBAL TRAFFIC TECHNOLOGIES LLC	SUPPLIES	1,310.00
GOVDEALS INC	ONLINE PAYMENT FEES	985.38
GOVERNMENT FINANCE OFFICERS ASSOC	DUES/MEMBERSHIP	38.00
GRAYBAR ELECTRIC COMPANY INC	SUPPLIES	2,666.95
GREAT AMERICA FINANCIAL SERVICES CORPOR	LOAN PAYMENTS	272.77
GREAT PLAINS UNIFORMS	UNIFORMS	2,664.93
GREGORY A PETERSON CONSULTING INC	CONSULTANT	2,800.00
HACH COMPANY	EQUIPMENT/PARTS	621.82
HARRIS MOTOR SPORTS INC	GOLF CART LEASE	1,210.70
HAWKEYE TRUCK EQUIPMENT	EQUIPMENT/PARTS	1,871.35
HD SUPPLY FAC MAINTENANCE LTD	SUPPLIES	199.61
HDR ENGINEERING INC	N 28TH ST STORM SEWER	48,534.65
HDR ENGINEERING INC	LEVEE IMPROVEMENT PROJECT	24,347.52
HEARTLAND CO-OP	FUEL	152.00
HEARTLAND TIRES & TREADS INC	TIRE REPLACEMENT/REPAIR	5,190.78
HEIMAN FIRE EQUIPMENT INCORPORATED	SAFETY EQUIPMENT	1,848.75
HGM ASSOCIATES INC	23RD AVE SEWER REPAIR	148,137.18
HGM ASSOCIATES INC	GIFFORD ROAD STORM OUTFALL	38,487.23
HGM ASSOCIATES INC	RIVER'S EDGE DEVELOPMENT	10,670.95
HOSE & HANDLING INCORPORATED	EQUIPMENT/PARTS	1,939.35
HUBER CHEVROLET CO INC	EQUIPMENT/PARTS	481.11
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTION	10,942.30
INDOFF INCORPORATED	SUPPLIES	417.99
INDUSTRIAL SALES COMPANY INC	SUPPLIES	667.57
INLAND TRUCK PARTS COMPANY INC	EQUIPMENT/PARTS	278.87
INTERLINE BRANDS INC	SAFETY EQUIPMENT	254.81
INTERSTATE ALL BATTERY CENTER	SUPPLIES	99.50
IOWA ASSOCIATION OF PROFESSIONAL FIRE CHI	DUES/MEMBERSHIP	50.00
IOWA DEPARTMENT OF EDUCATION	BOOKS/PERIODICALS/SUB	5,336.50
IOWA DEPARTMENT OF NATURAL RESOURCE	CONTRACTURAL SVC	1,275.00
IOWA DEPARTMENT OF REVENUE	GARNISHMENT	100.00
IOWA DEPT OF REVENUE	EMPLOYEE TAXES	123,409.00
IOWA DIVISION OF LABOR SERVICES	FEES	80.00
IOWA INTERSTATE RAILROAD LTD	EQUIPMENT/PARTS	800.00

3.D.

IOWA ONE CALL	CONTRACTURAL SVC	765.60
IOWA PARK & RECREATION ASSOCIATION	TICKET SALES	525.00
IOWA WASTE SYSTEMS	SOLID WASTE DISPOSAL	42,758.42
IOWA WATER ENVIRONMENT ASSOCIATION	TRAINING	32.00
IOWA WESTERN COMMUNITY COLLEGE	QUARTERLY CONTRACT PAYMENT	25,869.28
IOWA WORKFORCE DEVELOPMENT	UNEMPLOYEMENT	10,520.00
IP PATHWAYS LLC	HARDWARE/SOFTWARE	160.00
IPERS	RETIREMENT	190,865.85
J & L SERVICES	RENTAL EXPS	5,452.00
J C CROSS CO	EQUIPMENT/PARTS	4,417.00
JACOB WILSON	REIMBURSEMENT	68.50
JAG PROFESSIONAL RESOURCES	CONTRACT LABOR	4,462.84
JAMES B CHASTAIN	TRAVEL REIMBURSEMENT	206.44
JAMES E HALL	CONTRACTURAL SVC	18,638.00
JEFFEREY ALLAN CARRUTHERS	VEHICLE WASH	36.00
JEFFERSON W THIELEN	TRAVEL REIMBURSEMENT	74.13
JENNIE EDMUNDSON MEMORIAL HOSPITAL	MEDICAL SUPPLIES	251.87
JEO CONSULTING GROUP INC	LEVEE IMPROVEMENT PROJECT	39,772.21
JESSICA DADO	REFUND	200.00
JODI R QUAKENBUSH	TRAVEL REIMBURSEMENT	255.17
JONES AUTOMOTIVE INCORPORATED	EQUIPMENT/PARTS	1,101.27
JUDDS BROTHERS CONSTRUCTION CO	23RD AVE SEWER REPAIR	670,498.62
JUDDS BROTHERS CONSTRUCTION CO	LEVEE IMPROVEMENT PROJECT	140,872.61
JUDY STEINBACH	REFUND	75.00
JULIANNE M JOHNSON	TRAVEL REIMBURSEMENT	7.24
KATHY A RIEGER	TRAVEL REIMBURSEMENT	12.42
KATIE PREGON	FEES	160.00
KAV CONTRACTING LLC	CONSTRUCTION	11,336.24
KAY JAY ROLD	CONTRACTURAL SVC	3,109.60
KELLY SUPPLY COMPANY	EQUIPMENT/PARTS	289.56
KEN BERES CONSULTING INC	CONSULTANT	625.00
KNOWLES PUBLISHING CORPORATION	ADVERTISEMENT	249.00
KOPPOLD PLUMBING	REFUND	2,260.00
KRONOS INCORPORATED	HARDWARE/SOFTWARE	270.00
KUSSMAUL ELECTRONICS COMPANY INC	SUPPLIES	164.54
L G ROLOFF CONSTRUCTION CO	GIFFORD ROAD STORM OUTFALL	315,201.60
L G ROLOFF CONSTRUCTION CO	RIVER'S EDGE DEVELOPMENT	261,127.72
LARRY KOSKI	CONTRACTURAL SVC	660.00
LARSEN SUPPLY COMPANY INC	SUPPLIES	1,409.43
LAWN WIZARDS INC	MOWING/GROUNDS MAINT	12,054.00
LAWSON PRODUCTS INCORPORATED	SUPPLIES	1,353.41
LEANN L HUGHES	TREE WORK	15,392.50
LEO A DALY COMPANY INC	PROFESSIONAL SVCS	1,861.13
LICENSE MY SOFTWARE LLC	HARDWARE/SOFTWARE	609.00
LINDEMAN TRACTOR INC	EQUIPMENT/PARTS	1,216.53
LINDSAY ANDERSEN	CONSULTANT	375.00
LINHART CONSTRUCTION INC	CONTRACTURAL SVC	23,500.00
LION GROUP INC	PROFESSIONAL SVCS	345.00
LKQ MIDWEST AUTO	EQUIPMENT/PARTS	25.00
LOGAN CONTRACTORS SUPPLY INC	APPLIES	1,162.13

3.D.

LSNB AS TRUSTEE FOR POST EMPLOYER HEALTH PLAN EMPLOYEE CONTRIBUTION	4,040.00	
LSNB AS TRUSTEE FOR POST EMPLOYER HEALTH PLAN EMPLOYEE CONTRIBUTION	3,045.00	
LSNB AS TRUSTEE FOR POST EMPLOYER HEALTH PLAN EMPLOYEE CONTRIBUTION	875.00	
LSNB AS TRUSTEE FOR POST EMPLOYER HEALTH PLAN EMPLOYEE CONTRIBUTION	280.00	
LYMAN RICHEY CORPORATION	SUPPLIES	34,787.48
M & M LAWN SERVICES	MOWING/GROUNDS MAINT	5,679.27
M & M STAFFING INC	CONTRACTURAL SVC	13,142.85
MARCO TECHNOLOGIES LLC	COPY/PRINTER MAINTANCE	1,440.37
MARK WARNEKE	CONTRACTURAL SVC	2,250.00
MARLYS LIEN	TRAVEL REIMBURSEMENT	16.20
MARTIN PRODUCT SALES LLC	SUPPLIES	105.00
MATHESON TRI GAS	WELDING SUPPLIES/SERVICE	767.84
MATTHEW POWDERS	CONTRACTURAL SVC	90.00
MCINTOSH PLUMBING INC	CONTRACTURAL SVC	3,387.50
MCKINNIS ROOFING & SHEET METAL INC	REPAIRS	398.03
MCMULLEN FORD INC	EQUIPMENT/PARTS	1,287.07
MELLEN & ASSOCIATES INC	EQUIPMENT/PARTS	620.00
MENARDS	SUPPLIES	1,200.75
MERSINO DEWATERING INC	CONTRACTURAL SVC	1,071.71
METROPOLITAN AREA PLANNING AGENCY	CONSULTANT	10.00
MFPRSI	EMPLOYEE CONTRIBUTION	432,076.92
MICAH W LAUFENBERG	REIMBURSEMENT	195.23
MICHAEL HIGGINBOTHAM	REFUND	130.20
MICHAEL M SALES	PRINTING/BINDING	2,225.30
MICHAEL TODD AND COMPANY INC	EQUIPMENT/PARTS	1,468.34
MICHIGAN STATE DISBURSEMENT UNIT	GARNISHMENT	1,087.36
MID AMERICA CENTER	OPERATING EXPENSE	187,637.42
MIDAMERICAN ENERGY	ELECTRICITY	151,167.81
MIDAMERICAN ENERGY	ELECTRICITY	19.67
MIDLANDS HUMANE SOCIETY	DEVLPMNT CONTRACT	6,455.10
MIDSTATES BANK, NA	WORK COMP	242,120.16
MIDSTATES BANK, NA	BANK SERVICES	317.64
MIDWEST GLASS	REPAIRS	359.10
MIDWEST LABORATORIES INC	CONTRACTURAL SVC	862.50
MIDWEST MEDICAL TRANSPORT COMPANY LLC	SPECIAL TRANSIT	12,292.69
MIDWEST MUDJACKING INC	REPAIRS	4,650.00
MIDWEST RESEARCH & SETTLEMENT SERV	PROFESSIONAL SVCS	426.00
MIDWEST TAPE	DVD/AUDIO/CD	15,715.76
MIDWEST TURF & IRRIGATION	EQUIPMENT/PARTS	1,199.87
MIKE A TAYLOR	REPAIRS	135.00
MITCHELL AND ASSOCIATES INC	CONTRACTURAL SVC	1,600.00
MOBOTREX INC	SUPPLIES	2,010.00
MOORE MEDICAL LLC	MEDICAL SUPPLIES	610.00
MOTION INDUSTRIES INCORPORATED	SUPPLIES	195.35
MUNICIPAL EMERGENCY SERVICES INC	EQUIPMENT/PARTS	282.22
MUNICIPAL HOUSING AGENCY	INSURANCE	2,434.78
MURPHY TRACTOR & EQUIPMENT CO CORP	SUPPLIES	12,856.95
MYRON WILDER	FEES	710.00
NATHAN N SORENSEN	CONTRACTURAL SVC	11,700.00
NATIONWIDE RETIREMENT SOLUTIONS INC	EMPLOYEE CONTRIBUTION	97,456.74

3.D.

NCH CORPORATION	SUPPLIES	406.00
NEBRASKA AIR FILTER INC	SUPPLIES	1,507.02
NEBRASKA CHILD SUPPORT PAYMENT CTR	EMPLOYEE CONTRIBUTION	496.62
NEBRASKA LAW ENFORCEMENT	TRAINING	170.00
NEBRASKA MACHINERY COMPANY	EQUIPMENT/PARTS	2,966.04
NEOTERIC INC	EQUIPMENT/PARTS	321.49
NEWARK CORPORATION	EQUIPMENT/PARTS	136.79
NEWSBANK INC	HARDWARE/SOFTWARE	1,820.00
NEXTEL PARTNERS	CELL PHONE	57.28
NODDLE DEVELOPMENT COMPANY	CONSULTANT	35,711.33
NOVA HEALTH EQUIPMENT	EQUIPMENT/PARTS	295.00
OCLC NETLIBRARY	SUBSCRIPTION	1,096.57
ODEYS INC	EQUIPMENT/PARTS	6,712.00
OFFICE DEPOT	SUPPLIES	954.68
OLD DOMINION BRUSH COMPANY	SUPPLIES	1,284.69
OMAHA BIKES	CONTRACTURAL SVC	400.00
OMAHA DOOR & WINDOW CO INC	REPAIRS	1,972.60
OMAHA NEON SIGN CO INC	CONTRACTURAL SVC	9,800.00
OMAHA PNEUMATIC EQUIPMENT COMPANY	SUPPLIES	213.25
OMAHA TRACTOR INCORPORATED	EQUIPMENT/PARTS	1,495.15
OMAHA TRUCK CENTER INC	EQUIPMENT/PARTS	33.50
OMAHA WORLD HERALD	ADVERTISEMENT	3,193.73
OMG MIDWEST INC	STREET MAINTENANCE SUPLS	1,009.83
OMNI GROUP INC	REFUND	4,406.69
ONE SOURCE THE BACKGROUND CHECK COMPA	CONSULTANT	1,183.35
O'REILLY AUTOMOTIVE INC	SUPPLIES	273.27
OVERDRIVE INC	BOOKS/PERIODICALS/SUB	6,668.40
PALFLEET TRUCK EQUIPMENT CO	EQUIPMENT/PARTS	135.88
PARAMOUNT GAS PRODUCTS LLC	SAFETY EQUIPMENT	87.53
PARK HILL INVESTMENTS INC	CONTRACTURAL SVC	144.00
PASSPORT PARKING LLC	PASSPORT FEES	2,869.00
PAUL BURKE	REFUND	20.00
PAYLESS OFFICE PRODUCTS INC	SUPPLIES	1,699.47
PAYPAL INC	CONTRACTURAL SVC	19.95
PAYROLL	EMPLOYEE PAYROLL	1,835,091.28
PD BENEVOLENT ASSOC	EMPLOYEE CONTRIBUTION	80.00
PEERLESS WIPING CLOTH CO	SUPPLIES	213.00
PETROLEUM TRADERS CORPORATION	FUEL	62,835.96
PITNEY BOWES CORPORATION	POSTAGE & LEASE COST	3,509.64
PLC LAWN LANDSCAPING	MOWING/GROUNDS MAINT	784.80
POTTAWATTAMIE COUNTY AUDITOR	LAW ENFORCEMENT COMPLEX	4,529.67
POTTAWATTAMIE COUNTY RECORDER	FEES	890.00
POTTAWATTAMIE COUNTY SHERIFF	INMATE COST	23,715.00
PPE INC	EQUIPMENT/PARTS	379.00
PRIME COMMUNICATIONS INC	HARDWARE/SOFTWARE	2,160.00
PRO LABEL-DECAL BANNER CO	SUPPLIES	57.56
PROGRESSIVE BUSINESS TECHNOLOGIES	REPAIRS	210.00
PROSECUTING ATTORNEYS TRAINING COORDIN	BOOKS/PERIODICALS/SUB	100.00
PROV.16:3 INC	SUPPLIES	414.92
PRUITT INCORPORATED	REPAIRS	311.52

3.D.

PURITAN MANUFACTURING INCORPORATED	SUPPLIES	1,026.00
QWEST CORPORATION	TELEPHONE	955.40
RACHEL STOLZ	TRAVEL REIMBURSEMENT	32.94
RAMCO INNOVATIONS INC	SUPPLIES	632.77
RDG GEOSCIENCE & ENGINEERING INC	PROFESSIONAL SVCS	514.50
RECORDED BOOKS LLC	DVD/AUDIO/CD	747.44
RED RIVER SERVICE CORPORATION	REFUSE COLLECTION	275,634.18
REGENT BOOK COMPANY	SUPPLIES	30.53
RELIANT FIRE APPARATUS INC	EQUIPMENT/PARTS	81.46
REPORTING SERVICES LLC	PROFESSIONAL SVCS	369.12
RESEARCH TECHNOLOGY INTERNATIONAL	SUPPLIES	495.00
RESOURCE RENTAL CENTER INC	RENTAL EXPS	40.00
RICHARD ROSAS	WELDING SUPPLIES/SERVICE	170.00
RICHARD WADE	TRAVEL REIMBURSEMENT	168.22
RICOH USA INC	EQUIPMENT/PARTS	136.08
RIVERSIDE BUILDING MAINTENANCE INC	JANITORIAL SERVICE	1,071.00
ROBERT ADKINS JR AND LINDA ADKINS	LEGAL CLAIM	1,075.35
ROSE EQUIPMENT INC	EQUIPMENT/PARTS	3,929.63
RUETER & ZENOR CO	EQUIPMENT/PARTS	488.75
RUTH CODY	EASEMENTS	250.00
RYAN P GARRISON	REIMBURSEMENT	269.66
SAM'S WEST INC	SUPPLIES	4,109.99
SAMUEL WILDER	PROFESSIONAL SVCS	85.00
SANDAU BROS SIGN CO INC	CONTRACTURAL SVC	513.00
SASAKI ASSOCIATES INC	CONSULTANT	5,520.00
SAVE & PAVE INC	CONTRACTURAL SVC	918.54
SCOTT GEAR	REFUND	90.00
SHERWIN WILLIAMS	SUPPLIES	107.50
SIEMENS INDUSTRY INC	EQUIPMENT/PARTS	2,254.60
SIOUX CITY TRUCK SALES INC	EQUIPMENT/PARTS	8.83
SMART WAVE TECHNOLOGIES LLC	HARDWARE/SOFTWARE	5,652.00
SMITH FERTILIZER & GRAIN CO INC	STREET MAINTENANCE SUPLS	450.00
SNYDER & ASSOCIATES INC	PROFESSIONAL SVCS	11,579.24
SOLARWINDS INC	HARDWARE/SOFTWARE	3,540.00
SOUTHWEST IOWA NARCOTICS	REIMBURSEMENT	14,297.12
SPARTAN NASH	REFUND	30.00
ST LUKE'S HEALTH RESOURCES	CONSULTANT	37.00
STATE INDUSTRIAL PRODUCTS CORPORATION	SUPPLIES	594.09
STEAMATIC OF OMAHA INCORPORATED	CONTRACTURAL SVC	3,930.00
STETSON BUILDING PRODUCTS INC	SUPPLIES	1,090.08
STRUYK TURF MAINTENANCE INC	MOWING/GROUNDS MAINT	1,840.61
SUZANNE JOHNSTONE	REFUND	25.00
SWANK MOTION PICTURES INC	FEES	528.00
TANYA FRENCH	TRAVEL REIMBURSEMENT	78.30
TASER INTERNATIONAL INC	TRAINING	885.00
TED'S MOWER SALES & SERVICE INC	EQUIPMENT/PARTS	172.03
TERRACON CONSULTANTS OF NEB INC	PROFESSIONAL SVCS	3,704.00
THE COUNCIL OF STATE GOVERNMENTS	BOOKS/PERIODICALS/SUB	58.50
THE FOUNTAIN PEOPLE INC	EQUIPMENT/PARTS	3,105.00
THE RETROFIT COMPANIES INC	CONTRACTURAL SVC	2,310.75

3.D.

THE SCHEMMER ASSOCIATES INC	CONSULTANT	23,977.50
THE WALMAN OPTICAL COMPANY	SAFETY EQUIPMENT	175.90
THERESA CANNON DEWITT	REIMBURSEMENT	27.00
THERMO KING CHRISTENSEN	SUPPLIES	413.61
THOMAS NELSON BOLTON RESIDUARY TRUST	EASEMENTS	4,970.00
THOMAS R POTVIN	PRO SHOP SALES	14,863.53
THOMSON REUTERS	SUBSCRIPTION	576.56
THURMAN PSYCHOLOGICAL LLC	MEDICAL SUPPLIES	1,250.00
TITAN MACHINERY INC	EQUIPMENT/PARTS	419.25
TOYNE INC	EQUIPMENT/PARTS	1,880.08
TRANE U.S. INC	REPAIRS	2,176.80
TRANS-IOWA EQUIPMENT INC	EQUIPMENT/PARTS	1,972.54
TRANSIT AUTHORITY OF THE CITY OF OMAHA	BUS SERVICE	108,928.00
TRAVIS BRADLEY	REFUND	310.43
TREASURER STATE OF IOWA/SALES TAX	SALES TAX	7,089.00
TREAT AMERICA FOOD SERVICES	CONTRACTURAL SVC	262.32
TRISHA D ALFERS	TRAVEL REIMBURSEMENT	4.86
TURF CARS LTD	EQUIPMENT/PARTS	1,702.00
TWO RIVERS INSURANCE COMPANY INC	HEALTH INSURANCE	1,433,831.44
TY J BOLDR	TRAVEL REIMBURSEMENT	212.61
TYLER TECHNOLOGIES INC	HARDWARE/SOFTWARE	350.00
U S VENTURE INC	SUPPLIES	3,898.80
ULTRAMAX AMMUNITION	SUPPLIES	31,932.80
UNITED HEALTHCARE	REFUND	536.80
UNITED LABORATORIES INC	SUPPLIES	598.38
UNITED PARCEL SERVICE	FREIGHT/POSTAGE	14.71
UNITED WAY OF THE MIDLANDS	EMPLOYEE CONTRIBUTION	313.00
UNIVERSITY OF IOWA	PROFESSIONAL SVCS	2,590.19
US BANK	BASS PRO LOAN	216,637.34
US BANK	CREDIT CARD EXPENSE	51,099.38
US BANK	BANK SERVICE CHARGE	23.18
VERATHON INC	EQUIPMENT/PARTS	540.00
VERIZON WIRELESS SERVICES LLC	CELL PHONE	7,964.78
VERMEER SALES & SERVICE INC	EQUIPMENT/PARTS	689.87
VOICE & DATA SYSTEMS INC	TELEPHONE	2,005.53
VOYA RETIREMENT INSURANCE & ANNUITY COM	EMPLOYEE CONTRIBUTION	8,316.02
W W GRAINGER INCORPORATED	EQUIPMENT/PARTS	1,686.36
WALKERS INC	UNIFORMS	342.90
WASTE CONNECTIONS OF NEBRASKA INC	SOLID WASTE DISPOSAL	2,636.92
WATER ENGINEERING	CONTRACTURAL SVC	254.57
WESCO DISTRIBUTION INCORPORATED	SUPPLIES	93.60
WEST BROADWAY CLINIC P C	CONSULTANT	247.00
WESTERN ENGINEERING COMPANY INC	CONSTRUCTION	48,554.92
WILLIAM AND KATHRYN HAYNIE TRUST	EASEMENTS	8,140.00
WILLIAM E CARPENTER JR	TRAVEL REIMBURSEMENT	112.32
WINDSTREAM CORPORATION	TELEPHONE	2,505.76
WOODBINE PUBLIC LIBRARY	REFUND	16.00
WOODHOUSE AUTO FAMILY	EQUIPMENT/PARTS	2,082.36
XEROX CORPORATION	HARDWARE/SOFTWARE	1,050.00
YANT TESTING SUPPLY & EQUIPMENT CO INC	REPAIRS	1,443.26

YMCA OF GREATER OMAHA	CONTRACTURAL SVC	1,160.46
ZEP MANUFACTURING COMPANY INC	SUPPLIES	172.98
ZIMCO SUPPLY COMPANY	SUPPLIES	7,823.00
ZOLL MEDICAL CORP	MEDICAL SUPPLIES	31,893.50
	TOTAL	<u>10,442,213.10</u>

VENDOR	DESCRIPTION	AMOUNT
PAYROLL	EMPLOYEE PAYROLL	1,835,091.28
TWO RIVERS INSURANCE COMPANY INC	HEALTH INSURANCE	1,433,831.44
JUDDS BROTHERS CONSTRUCTION CO	23RD AVE SEWER REPAIR	670,498.62
EFTPS	EMPLOYEE TAXES	579,439.63
MFPRSI	EMPLOYEE CONTRIBUTION	432,076.92
L G ROLOFF CONSTRUCTION CO	GIFFORD ROAD STORM OUTFALL	315,201.60
RED RIVER SERVICE CORPORATION	REFUSE COLLECTION	275,634.18
COMPASS UTILITY LLC	E MANAWA SEWER REHAB	271,963.35
L G ROLOFF CONSTRUCTION CO	RIVER'S EDGE DEVELOPMENT	261,127.72
MIDSTATES BANK, NA	WORK COMP	242,120.16
US BANK	BASS PRO LOAN	216,637.34
ERIKSEN CONSTRUCTION CO INC	LEVEE IMPROVEMENT PROJECT	215,304.08
IPERS	RETIREMENT	190,865.85
MID AMERICA CENTER	OPERATING EXPENSE	187,637.42
BLUFFS PAVING & UTILITY INC	N 27TH ST SEWER REHAB	173,835.16
COMPASS UTILITY LLC	S 1ST ST REHAB	154,399.50
MIDAMERICAN ENERGY	ELECTRICITY	151,167.81
COUNCIL BLUFFS AREA WIFI CONSORTIUM	GRANT REIMBURSEMENT	150,000.00
HGM ASSOCIATES INC	23RD AVE SEWER REPAIR	148,137.18
JUDDS BROTHERS CONSTRUCTION CO	LEVEE IMPROVEMENT PROJECT	140,872.61
IOWA DEPT OF REVENUE	EMPLOYEE TAXES	123,409.00
COMPASS UTILITY LLC	HARMONY ST REHAB	110,536.94
TRANSIT AUTHORITY OF THE CITY OF OMAHA	BUS SERVICE	108,928.00
NATIONWIDE RETIREMENT SOLUTIONS INC	EMPLOYEE CONTRIBUTION	97,456.74
CDM SMITH	LEVEE IMPROVEMENT PROJECT	80,296.48
COX CONTRACTING	CONSTRUCTION	77,405.00
PETROLEUM TRADERS CORPORATION	FUEL	62,835.96
CARLEY CONSTRUCTION LLC	LEVEE IMPROVEMENT PROJECT	55,687.67
US BANK	CREDIT CARD EXPENSE	51,099.38
ECHO ELECTRIC SUPPLY	TARGETEED JOBS TAX CREDIT	50,758.01
BLUFFS ARTS COUNCIL	CONTRACTURAL SVC	50,000.00
WESTERN ENGINEERING COMPANY INC	CONSTRUCTION	48,554.92
HDR ENGINEERING INC	N 28TH ST STORM SEWER	48,534.65
IOWA WASTE SYSTEMS	SOLID WASTE DISPOSAL	42,758.42
JEO CONSULTING GROUP INC	LEVEE IMPROVEMENT PROJECT	39,772.21
DIAL PROPERTIES	MOWING/GROUNDS MAINT	39,721.20
HGM ASSOCIATES INC	GIFFORD ROAD STORM OUTFALL	38,487.23
ADDISON ENERGY TECHNOLOGIES LLC	CONTRACT LABOR	38,167.47
EHRHART GRIFFIN & ASSOCIATES INC	N 27TH ST SEWER REHAB	36,026.61
NODDLE DEVELOPMENT COMPANY	CONSULTANT	35,711.33
LYMAN RICHEY CORPORATION	SUPPLIES	34,787.48
ULTRAMAX AMMUNITION	SUPPLIES	31,932.80
ZOLL MEDICAL CORP	MEDICAL SUPPLIES	31,893.50
IOWA WESTERN COMMUNITY COLLEGE	QUARTERLY CONTRACT PAYMENT	25,869.28
FAMILY HOUSING ADVISORY SERVICES	REIMBURSEMENT	25,000.00
HDR ENGINEERING INC	LEVEE IMPROVEMENT PROJECT	24,347.52
THE SCHEMMER ASSOCIATES INC	SULTANT	23,977.50

3.D.

POTTAWATTAMIE COUNTY SHERIFF	INMATE COST	23,715.00
LINHART CONSTRUCTION INC	CONTRACTURAL SVC	23,500.00
EIDE BAILLY LLP	AUDIT	20,000.00
JAMES E HALL	CONTRACTURAL SVC	18,638.00
COUNCIL BLUFFS WATER WORKS	WATER	16,943.51
COX COMMUNICATIONS	PHONE/INTERNET SVC	16,614.14
MIDWEST TAPE	DVD/AUDIO/CD	15,715.76
LEANN L HUGHES	TREE WORK	15,392.50
THOMAS R POTVIN	PRO SHOP SALES	14,863.53
DUANE F AND CAROL L RAYBURN	EASEMENTS	14,690.00
SOUTHWEST IOWA NARCOTICS	REIMBURSEMENT	14,297.12
ADPI EMS BILLING INC	AMBULANCE BILLING FEE	14,154.59
EBS - FLEX ACOCUNT	EMPLOYEE CONTRIBUTION	13,392.54
M & M STAFFING INC	CONTRACTURAL SVC	13,142.85
MURPHY TRACTOR & EQUIPMENT CO CORP	SUPPLIES	12,856.95
MIDWEST MEDICAL TRANSPORT COMPANY LLC	SPECIAL TRANSIT	12,292.69
LAWN WIZARDS INC	MOWING/GROUNDS MAINT	12,054.00
ANDERSON EXCAVATING & WRECKING CORP	CONTRACTURAL SVC	12,048.00
NATHAN N SORENSEN	CONTRACTURAL SVC	11,700.00
SNYDER & ASSOCIATES INC	PROFESSIONAL SVCS	11,579.24
KAV CONTRACTING LLC	CONSTRUCTION	11,336.24
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTION	10,942.30
HGM ASSOCIATES INC	RIVER'S EDGE DEVELOPMENT	10,670.95
IOWA WORKFORCE DEVELOPMENT	UNEMPLOYEMENT	10,520.00
BALTAZAR'S STONE INC	CONSTRUCTION	10,495.50
ASPHALT AND CONCRETE MATERIALS CO	STREET MAINTENANCE SUPLS	10,268.25
BH MEDIA GROUP HOLDING INC	ADVERTISEMENT	10,203.62
OMAHA NEON SIGN CO INC	CONTRACTURAL SVC	9,800.00
DEZURIK INC	EQUIPMENT/PARTS	9,750.26
DIAMOND MARKETING SOLUTIONS GROUP INC	POSTAGE & LEASE COST	9,186.27
COLLECTION SERVICES CENTER	GARNISHMENT	8,887.56
VOYA RETIREMENT INSURANCE & ANNUITY COM	EMPLOYEE CONTRIBUTION	8,316.02
EMUNAH LLC	JANITORIAL SERVICE	8,156.50
WILLIAM AND KATHRYN HAYNIE TRUST	EASEMENTS	8,140.00
VERIZON WIRELESS SERVICES LLC	CELL PHONE	7,964.78
ZIMCO SUPPLY COMPANY	SUPPLIES	7,823.00
FIREFIGHTERS UNION #15	EMPLOYEE CONTRIBUTION	7,560.00
CLEAN HARBORS DISPOSAL SERVICES INC	CONTRACTURAL SVC	7,219.36
TREASURER STATE OF IOWA/SALES TAX	SALES TAX	7,089.00
BAKER & TAYLOR INC	BOOKS/PERIODICALS/SUB	7,014.64
ABM ONSITE SERVICES-MIDWEST INC	JANITORIAL SERVICE	6,884.74
ODEYS INC	EQUIPMENT/PARTS	6,712.00
OVERDRIVE INC	BOOKS/PERIODICALS/SUB	6,668.40
MIDLANDS HUMANE SOCIETY	DEVLPMNT CONTRACT	6,455.10
CENGAGE LEARNING INC	BOOKS/PERIODICALS/SUB	6,409.07
CREDIT CARD CHARGES	FEES	6,385.87
BRADLEY TREDE	MOWING/GROUNDS MAINT	6,195.80
DUNCAN PARKING TECHNOLOGIES INC	EQUIPMENT/PARTS	5,792.59
M & M LAWN SERVICES	MOWING/GROUNDS MAINT	5,679.27
SMART WAVE TECHNOLOGIES LLC	3.D. HWARE/SOFTWARE	5,652.00

SASAKI ASSOCIATES INC	CONSULTANT	5,520.00
ALEXA MCDOWELL	PROFESSIONAL SVCS	5,508.00
J & L SERVICES	RENTAL EXPS	5,452.00
IOWA DEPARTMENT OF EDUCATION	BOOKS/PERIODICALS/SUB	5,336.50
ARROW TOWING	TOWING/STORAGE/AUCTION	5,210.00
FELSBURG HOLT & ULLEVIG INC	PROFESSIONAL SVCS	5,200.00
HEARTLAND TIRES & TREADS INC	TIRE REPLACEMENT/REPAIR	5,190.78
THOMAS NELSON BOLTON RESIDUARY TRUST	EASEMENTS	4,970.00
D AND D CONSTRUCTION SERVICES INC	CONTRACTURAL SVC	4,697.00
MIDWEST MUDJACKING INC	REPAIRS	4,650.00
BRIAN JANS	MOWING/GROUNDS MAINT	4,585.00
POTTAWATTAMIE COUNTY AUDITOR	LAW ENFORCEMENT COMPLEX	4,529.67
JAG PROFESSIONAL RESOURCES	CONTRACT LABOR	4,462.84
AQUA-CHEM INCORPORATED	SUPPLIES	4,443.27
J C CROSS CO	EQUIPMENT/PARTS	4,417.00
OMNI GROUP INC	REFUND	4,406.69
GENUINE PARTS COMPANY-NAPA	EQUIPMENT/PARTS	4,307.93
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	4,206.21
SAM'S WEST INC	SUPPLIES	4,109.99
LSNB AS TRUSTEE FOR POST EMPY HLTH PLAN	EMPLOYEE CONTRIBUTION	4,040.00
BENNETT REFRIGERATION INC	REPAIRS	3,958.96
STEAMATIC OF OMAHA INCORPORATED	CONTRACTURAL SVC	3,930.00
ROSE EQUIPMENT INC	EQUIPMENT/PARTS	3,929.63
U S VENTURE INC	SUPPLIES	3,898.80
BLACK HILLS UTILITY HOLDINGS INC	NATURAL GAS	3,760.99
TERRACON CONSULTANTS OF NEB INC	PROFESSIONAL SVCS	3,704.00
BARTON SOLVENTS INCORPORATED	SUPPLIES	3,577.00
SOLARWINDS INC	HARDWARE/SOFTWARE	3,540.00
PITNEY BOWES CORPORATION	POSTAGE & LEASE COST	3,509.64
E & A CONSULTING GROUP INC	CONSULTANT	3,467.86
DRIVER SEWER & WATER INC	CONTRACTURAL SVC	3,441.00
MCINTOSH PLUMBING INC	CONTRACTURAL SVC	3,387.50
CFI TIRE SERVICE	TIRE REPLACEMENT/REPAIR	3,288.00
OMAHA WORLD HERALD	ADVERTISEMENT	3,193.73
CONTROL SERVICES INC	REPAIRS	3,126.47
KAY JAY ROLD	CONTRACTURAL SVC	3,109.60
THE FOUNTAIN PEOPLE INC	EQUIPMENT/PARTS	3,105.00
COUNCIL BLUFFS WINSUPPLY	SUPPLIES	3,097.89
FRATERNAL ORDER OF POLICE	EMPLOYEE CONTRIBUTION	3,080.00
LSNB AS TRUSTEE FOR POST EMPY HLTH PLAN	EMPLOYEE CONTRIBUTION	3,045.00
BEVERLY K & EDWARD C WOLF	PROPERTY ACQUISITION	3,000.00
NEBRASKA MACHINERY COMPANY	EQUIPMENT/PARTS	2,966.04
ECHO ELECTRIC SUPPLY	SUPPLIES	2,928.02
CABB INC	JANITORIAL SERVICE	2,924.00
PASSPORT PARKING LLC	PASSPORT FEES	2,869.00
DG INVESTMENT INTERMEDIATE HOLDINGS 2 INC	EQUIPMENT/PARTS	2,826.00
ALEGENT HEALTH	MEDICAL SUPPLIES	2,802.21
ENGINEERING TECHNOLOGIES INC	CONSULTANT	2,800.00
GREGORY A PETERSON CONSULTING INC	CONSULTANT	2,800.00
ELLIOTT AUTO SUPPLY COMPANY INC	3.D. ^{PLIES}	2,791.34

GRAYBAR ELECTRIC COMPANY INC	SUPPLIES	2,666.95
GREAT PLAINS UNIFORMS	UNIFORMS	2,664.93
WASTE CONNECTIONS OF NEBRASKA INC	SOLID WASTE DISPOSAL	2,636.92
GENE P POLING INC	SUPPLIES	2,601.30
UNIVERSITY OF IOWA	PROFESSIONAL SVCS	2,590.19
AFSCME IOWA COUNCIL 61	DUES EMPLOYEE	2,580.48
WINDSTREAM CORPORATION	TELEPHONE	2,505.76
C J FUTURES INC	MOWING/GROUNDS MAINT	2,505.00
AMERIPRIDE SERVICES INC	UNIFORMS	2,495.64
MUNICIPAL HOUSING AGENCY	INSURANCE	2,434.78
CHRISTIAN WORSHIP CENTER	MOWING/GROUNDS MAINT	2,400.00
ALVINE AND ASSOCIATES INC	PROFESSIONAL SVCS	2,390.00
ALL WEATHER SERVICES	CONTRACTURAL SVC	2,350.00
THE RETROFIT COMPANIES INC	CONTRACTURAL SVC	2,310.75
KOPPOLD PLUMBING	REFUND	2,260.00
SIEMENS INDUSTRY INC	EQUIPMENT/PARTS	2,254.60
MARK WARNEKE	CONTRACTURAL SVC	2,250.00
ENTENMANN-ROVIN COMPANY	SUPPLIES	2,232.20
MICHAEL M SALES	PRINTING/BINDING	2,225.30
ARROW INTERNATIONAL	EQUIPMENT/PARTS	2,209.73
DIAMOND MOWERS INC	REPAIRS	2,203.27
AGRIVISION EQUIPMENT GROUP	EQUIPMENT/PARTS	2,177.31
TRANE U.S. INC	REPAIRS	2,176.80
PRIME COMMUNICATIONS INC	HARDWARE/SOFTWARE	2,160.00
ED M FELD EQUIPMENT COMPANY INC	EQUIPMENT/PARTS	2,135.65
CSI/SSP INC	PRINTING/BINDING	2,084.29
WOODHOUSE AUTO FAMILY	EQUIPMENT/PARTS	2,082.36
CORNHUSKER TRUCKS ACCT #10747	EQUIPMENT/PARTS	2,066.45
MOBOTREX INC	SUPPLIES	2,010.00
VOICE & DATA SYSTEMS INC	TELEPHONE	2,005.53
OMAHA DOOR & WINDOW CO INC	REPAIRS	1,972.60
TRANS-IOWA EQUIPMENT INC	EQUIPMENT/PARTS	1,972.54
HOSE & HANDLING INCORPORATED	EQUIPMENT/PARTS	1,939.35
TOYNE INC	EQUIPMENT/PARTS	1,880.08
HAWKEYE TRUCK EQUIPMENT	EQUIPMENT/PARTS	1,871.35
LEO A DALY COMPANY INC	PROFESSIONAL SVCS	1,861.13
HEIMAN FIRE EQUIPMENT INCORPORATED	SAFETY EQUIPMENT	1,848.75
STRUYK TURF MAINTENANCE INC	MOWING/GROUNDS MAINT	1,840.61
NEWSBANK INC	HARDWARE/SOFTWARE	1,820.00
ENCYCLOPAEDIA BRITANNICA INC	SUBSCRIPTION	1,730.00
TURF CARS LTD	EQUIPMENT/PARTS	1,702.00
PAYLESS OFFICE PRODUCTS INC	SUPPLIES	1,699.47
ALLEY POYNER ARCHITECTURE PC	REPAIRS	1,698.25
W W GRAINGER INCORPORATED	EQUIPMENT/PARTS	1,686.36
CHAMPLIN TIRE RECYCLING INC	TIRE DISPOSAL	1,681.50
BARKER LEMAR AND ASSOCIATES INC	ENGINEERING	1,675.00
CANON SOLUTIONS AMERICA INC	COPY/PRINTER MAINTANCE	1,620.66
CENTURY HOMES CO	SUPPLIES	1,611.00
MITCHELL AND ASSOCIATES INC	CONTRACTURAL SVC	1,600.00
CUSTOM AUTO REBUILDERS	CLE REPAIR	1,543.33

3.D.

NEBRASKA AIR FILTER INC	SUPPLIES	1,507.02
OMAHA TRACTOR INCORPORATED	EQUIPMENT/PARTS	1,495.15
DAVIS EQUIPMENT CORPORATION	EQUIPMENT/PARTS	1,493.84
MICHAEL TODD AND COMPANY INC	EQUIPMENT/PARTS	1,468.34
YANT TESTING SUPPLY & EQUIPMENT CO INC	REPAIRS	1,443.26
MARCO TECHNOLOGIES LLC	COPY/PRINTER MAINTANCE	1,440.37
ALAMAR CORPORATION	UNIFORMS	1,428.75
DXP ENTERPRISES INC	EQUIPMENT/PARTS	1,420.23
LARSEN SUPPLY COMPANY INC	SUPPLIES	1,409.43
ALFRED BENESCH & COMPANY	CONTRACTURAL SVC	1,362.73
LAWSON PRODUCTS INCORPORATED	SUPPLIES	1,353.41
EDWARDS CHEVROLET-CADILLAC INC	EQUIPMENT/PARTS	1,324.48
GLOBAL TRAFFIC TECHNOLOGIES LLC	SUPPLIES	1,310.00
MCMULLEN FORD INC	EQUIPMENT/PARTS	1,287.07
OLD DOMINION BRUSH COMPANY	SUPPLIES	1,284.69
IOWA DEPARTMENT OF NATURAL RESOURCE	CONTRACTURAL SVC	1,275.00
THURMAN PSYCHOLOGICAL LLC	MEDICAL SUPPLIES	1,250.00
LINDEMAN TRACTOR INC	EQUIPMENT/PARTS	1,216.53
HARRIS MOTOR SPORTS INC	GOLF CART LEASE	1,210.70
MENARDS	SUPPLIES	1,200.75
MIDWEST TURF & IRRIGATION	EQUIPMENT/PARTS	1,199.87
ONE SOURCE THE BACKGROUND CHECK COMPA	CONSULTANT	1,183.35
CWA-DUES	DUES EMPLOYEE	1,169.22
LOGAN CONTRACTORS SUPPLY INC	SUPPLIES	1,162.13
YMCA OF GREATER OMAHA	CONTRACTURAL SVC	1,160.46
JONES AUTOMOTIVE INCORPORATED	EQUIPMENT/PARTS	1,101.27
OCLC NETLIBRARY	SUBSCRIPTION	1,096.57
STETSON BUILDING PRODUCTS INC	SUPPLIES	1,090.08
MICHIGAN STATE DISBURSEMENT UNIT	GARNISHMENT	1,087.36
ROBERT ADKINS JR AND LINDA ADKINS	LEGAL CLAIM	1,075.35
MERSINO DEWATERING INC	CONTRACTURAL SVC	1,071.71
RIVERSIDE BUILDING MAINTENANCE INC	JANITORIAL SERVICE	1,071.00
XEROX CORPORATION	HARDWARE/SOFTWARE	1,050.00
AMERICAN CRANE & RIGGING LLC	CONTRACTURAL SVC	1,040.00
PURITAN MANUFACTURING INCORPORATED	SUPPLIES	1,026.00
BMC SOFTWARE INC	HARDWARE/SOFTWARE	1,024.37
CONQUER DIAMONDS MFG CO	SUPPLIES	1,010.40
OMG MIDWEST INC	STREET MAINTENANCE SUPLS	1,009.83
GOVDEALS INC	ONLINE PAYMENT FEES	985.38
C & A INDUSTRIES INC	CONTRACT LABOR	960.00
QWEST CORPORATION	TELEPHONE	955.40
OFFICE DEPOT	SUPPLIES	954.68
AIRCAD INC	EQUIPMENT/PARTS	945.00
SAVE & PAVE INC	CONTRACTURAL SVC	918.54
POTTAWATTAMIE COUNTY RECORDER	FEES	890.00
TASER INTERNATIONAL INC	TRAINING	885.00
LSNB AS TRUSTEE FOR POST EMPPLY HLTH PLAN	EMPLOYEE CONTRIBUTION	875.00
MIDWEST LABORATORIES INC	CONTRACTURAL SVC	862.50
BLUFFS ELECTRIC INC	ELECTRICAL REPAIR	845.06
BOUND TO STAY BOUND BOOKS INC	3.D. <S/PERIODICALS/SUB	839.12

IOWA INTERSTATE RAILROAD LTD	EQUIPMENT/PARTS	800.00
DR PEPPER SNAPPLE GROUP	SUPPLIES	792.72
PLC LAWN LANDSCAPING	MOWING/GROUNDS MAINT	784.80
FIRE SERVICE TRAINING BUREAU	TRAINING	777.00
MATHESON TRI GAS	WELDING SUPPLIES/SERVICE	767.84
IOWA ONE CALL	CONTRACTURAL SVC	765.60
ALUMITANK INCORPORATED	EQUIPMENT/PARTS	756.31
C & J INDUSTRIAL SUPPLY	JANITORIAL SERVICE	752.20
A-R COMMERCIAL ROOFING LLC	REPAIRS	750.00
RECORDED BOOKS LLC	DVD/AUDIO/CD	747.44
ARNOLD MOTOR SUPPLY LLP	EQUIPMENT/PARTS	731.35
BRIGGS INCORPORATED OF OMAHA	SUPPLIES	715.06
CONRECO INC	SUPPLIES	712.64
MYRON WILDER	FEES	710.00
VERMEER SALES & SERVICE INC	EQUIPMENT/PARTS	689.87
INDUSTRIAL SALES COMPANY INC	SUPPLIES	667.57
LARRY KOSKI	CONTRACTURAL SVC	660.00
CUMMINS CENTRAL POWER, LLC	EQUIPMENT/PARTS	635.49
RAMCO INNOVATIONS INC	SUPPLIES	632.77
KEN BERES CONSULTING INC	CONSULTANT	625.00
HACH COMPANY	EQUIPMENT/PARTS	621.82
MELLEN & ASSOCIATES INC	EQUIPMENT/PARTS	620.00
MOORE MEDICAL LLC	MEDICAL SUPPLIES	610.00
LICENSE MY SOFTWARE LLC	HARDWARE/SOFTWARE	609.00
UNITED LABORATORIES INC	SUPPLIES	598.38
STATE INDUSTRIAL PRODUCTS CORPORATION	SUPPLIES	594.09
THOMSON REUTERS	SUBSCRIPTION	576.56
FAIRBANKS SCALES INCORPORATED	REPAIRS	574.00
BILL KEENAN'S GLASS STATION	REPAIRS	568.32
ECOSOLUTIONS LLC	SUPPLIES	562.50
VERATHON INC	EQUIPMENT/PARTS	540.00
UNITED HEALTHCARE	REFUND	536.80
SWANK MOTION PICTURES INC	FEES	528.00
IOWA PARK & RECREATION ASSOCIATION	TICKET SALES	525.00
CONSOLIDATED ELECTRICAL DISTR, INC	SUPPLIES	521.00
RDG GEOSCIENCE & ENGINEERING INC	PROFESSIONAL SVCS	514.50
SANDAU BROS SIGN CO INC	CONTRACTURAL SVC	513.00
CENTER POINT LARGE PRINT	SUPPLIES	500.91
BACKSTAGE LIBRARY WORKS	SUBSCRIPTION	500.00
NEBRASKA CHILD SUPPORT PAYMENT CTR	EMPLOYEE CONTRIBUTION	496.62
RESEARCH TECHNOLOGY INTERNATIONAL	SUPPLIES	495.00
RUETER & ZENOR CO	EQUIPMENT/PARTS	488.75
HUBER CHEVROLET CO INC	EQUIPMENT/PARTS	481.11
D.M.G. INC	EQUIPMENT/PARTS	465.19
SMITH FERTILIZER & GRAIN CO INC	STREET MAINTENANCE SUPLS	450.00
MIDWEST RESEARCH & SETTLEMENT SERV	PROFESSIONAL SVCS	426.00
TITAN MACHINERY INC	EQUIPMENT/PARTS	419.25
INDOFF INCORPORATED	SUPPLIES	417.99
PROV.16:3 INC	SUPPLIES	414.92
THERMO KING CHRISTENSEN	SUPPLIES	413.61

3.D. ⁹LIES

NCH CORPORATION	SUPPLIES	406.00
OMAHA BIKES	CONTRACTURAL SVC	400.00
MCKINNIS ROOFING & SHEET METAL INC	REPAIRS	398.03
PPE INC	EQUIPMENT/PARTS	379.00
BOBBETTE BEHRENS	CONSULTANT	375.00
LINDSAY ANDERSEN	CONSULTANT	375.00
REPORTING SERVICES LLC	PROFESSIONAL SVCS	369.12
BRYAN PREGON	FEES	360.00
MIDWEST GLASS	REPAIRS	359.10
DEX MEDIA EAST LLC	ADVERTISEMENT	358.63
ALEX PATRICK CROWL	CONTRACTURAL SVC	355.00
TYLER TECHNOLOGIES INC	HARDWARE/SOFTWARE	350.00
LION GROUP INC	PROFESSIONAL SVCS	345.00
WALKERS INC	UNIFORMS	342.90
BOMGAARS SUPPLY INC	SUPPLIES	342.35
ALLIED OIL & TIRE COMPANY	SUPPLIES	337.00
CANON FINANCIAL SERVICES INC	LEASE	327.18
CHRISTOPHER J RUHAAK	CONTRACTURAL SVC	323.00
NEOTERIC INC	EQUIPMENT/PARTS	321.49
CHAD LEE HANCOCK	CONTRACTURAL SVC	321.00
MIDSTATES BANK, NA	BANK SERVICES	317.64
UNITED WAY OF THE MIDLANDS	EMPLOYEE CONTRIBUTION	313.00
PRUITT INCORPORATED	REPAIRS	311.52
TRAVIS BRADLEY	REFUND	310.43
DAN T RING	REIMBURSEMENT	300.00
NOVA HEALTH EQUIPMENT	EQUIPMENT/PARTS	295.00
KELLY SUPPLY COMPANY	EQUIPMENT/PARTS	289.56
MUNICIPAL EMERGENCY SERVICES INC	EQUIPMENT/PARTS	282.22
LSNB AS TRUSTEE FOR POST EMPLY HLTH PLAN	EMPLOYEE CONTRIBUTION	280.00
INLAND TRUCK PARTS COMPANY INC	EQUIPMENT/PARTS	278.87
O'REILLY AUTOMOTIVE INC	SUPPLIES	273.27
GREAT AMERICA FINANCIAL SERVICES CORPOR	LOAN PAYMENTS	272.77
KRONOS INCORPORATED	HARDWARE/SOFTWARE	270.00
RYAN P GARRISON	REIMBURSEMENT	269.66
TREAT AMERICA FOOD SERVICES	CONTRACTURAL SVC	262.32
JODI R QUAKENBUSH	TRAVEL REIMBURSEMENT	255.17
INTERLINE BRANDS INC	SAFETY EQUIPMENT	254.81
WATER ENGINEERING	CONTRACTURAL SVC	254.57
JENNIE EDMUNDSON MEMORIAL HOSPITAL	MEDICAL SUPPLIES	251.87
RUTH CODY	EASEMENTS	250.00
KNOWLES PUBLISHING CORPORATION	ADVERTISEMENT	249.00
WEST BROADWAY CLINIC P C	CONSULTANT	247.00
AGRILAND F S INC	SUPPLIES	245.50
FONTENELLE FOREST	PROFESSIONAL SVCS	240.00
DAVID A ANDERSEN	REIMBURSEMENT	232.63
DULTMEIER SALES	SUPPLIES	231.25
GENIE PEST CONTROL	PEST CONTROL	230.00
DR GEORGE W DARNELL	VETERINARIAN SVC/SUPPLIES	220.00
BUCKS INC	VEHICLE WASH	219.00
OMAHA PNEUMATIC EQUIPMENT COMPANY	SUPPLIES	213.25

3.D.

PEERLESS WIPING CLOTH CO	SUPPLIES	213.00
TY J BOLDRA	TRAVEL REIMBURSEMENT	212.61
PROGRESSIVE BUSINESS TECHNOLOGIES	REPAIRS	210.00
JAMES B CHASTAIN	TRAVEL REIMBURSEMENT	206.44
CLARITUS, INC.	COPY/PRINTER MAINTANCE	205.80
CHELSEY PHIPPEN	REFUND	200.00
JESSICA DADO	REFUND	200.00
HD SUPPLY FAC MAINTENANCE LTD	SUPPLIES	199.61
MOTION INDUSTRIES INCORPORATED	SUPPLIES	195.35
MICAH W LAUFENBERG	REIMBURSEMENT	195.23
AIR CLEANING TECHNOLOGIES INC	EQUIPMENT/PARTS	190.00
BGNE	SUPPLIES	177.50
THE WALMAN OPTICAL COMPANY	SAFETY EQUIPMENT	175.90
ZEP MANUFACTURING COMPANY INC	SUPPLIES	172.98
TED'S MOWER SALES & SERVICE INC	EQUIPMENT/PARTS	172.03
EXCEL PHYSICAL THERAPY INC	PROFESSIONAL SVCS	170.00
NEBRASKA LAW ENFORCEMENT	TRAINING	170.00
RICHARD ROSAS	WELDING SUPPLIES/SERVICE	170.00
RICHARD WADE	TRAVEL REIMBURSEMENT	168.22
KUSSMAUL ELECTRONICS COMPANY INC	SUPPLIES	164.54
AMY KNOWLTON	CLAIMS-LAWSUIT	161.06
KATIE PREGON	FEES	160.00
IP PATHWAYS LLC	HARDWARE/SOFTWARE	160.00
HEARTLAND CO-OP	FUEL	152.00
CLEAR TITLE & ABSTRACT LLC	PROFESSIONAL SVCS	150.00
A + UNITED RADIATOR REPAIR	REPAIRS	150.00
AARON R KOZISEK	REIMBURSEMENT	149.98
PARK HILL INVESTMENTS INC	CONTRACTURAL SVC	144.00
AMERICAN NATIONAL BANK	BANK SERVICES	142.59
BENJAMIN E JOHNSON	REIMBURSEMENT	137.16
NEWARK CORPORATION	EQUIPMENT/PARTS	136.79
RICOH USA INC	EQUIPMENT/PARTS	136.08
PALFLEET TRUCK EQUIPMENT CO	EQUIPMENT/PARTS	135.88
MIKE A TAYLOR	REPAIRS	135.00
MICHAEL HIGGINBOTHAM	REFUND	130.20
DALTON PREGON	FEES	125.00
ELM USA INC	SUPPLIES	113.95
WILLIAM E CARPENTER JR	TRAVEL REIMBURSEMENT	112.32
SHERWIN WILLIAMS	SUPPLIES	107.50
MARTIN PRODUCT SALES LLC	SUPPLIES	105.00
PROSECUTING ATTORNEYS TRAINING COORDIN	BOOKS/PERIODICALS/SUB	100.00
IOWA DEPARTMENT OF REVENUE	GARNISHMENT	100.00
ARLO BURK	REFUND	100.00
INTERSTATE ALL BATTERY CENTER	SUPPLIES	99.50
WESCO DISTRIBUTION INCORPORATED	SUPPLIES	93.60
MATTHEW POWDERS	CONTRACTURAL SVC	90.00
ALBERTO OCHOA	PROFESSIONAL SVCS	90.00
SCOTT GEAR	REFUND	90.00
A & L HYDRAULICS INCORPORATED	EQUIPMENT/PARTS	89.50
PARAMOUNT GAS PRODUCTS LLC	EQUIPMENT	87.53

3.D.

AHLERS & COONEY PC	ATTORNEY FEES	85.50
SAMUEL WILDER	PROFESSIONAL SVCS	85.00
RELIANT FIRE APPARATUS INC	EQUIPMENT/PARTS	81.46
PD BENEVOLENT ASSOC	EMPLOYEE CONTRIBUTION	80.00
IOWA DIVISION OF LABOR SERVICES	FEES	80.00
TANYA FRENCH	TRAVEL REIMBURSEMENT	78.30
DUO SAFETY LADDER CORPORATION	SUPPLIES	76.37
EDUCATIONAL SERVICE UNIT #3	PROFESSIONAL SVCS	75.00
JUDY STEINBACH	REFUND	75.00
JEFFERSON W THIELEN	TRAVEL REIMBURSEMENT	74.13
BLACKHAWK INDUSTRIAL DISTRIBUTION INC	EQUIPMENT/PARTS	71.73
DICK DEAN SERVICE STORE	REPAIRS	69.95
JACOB WILSON	REIMBURSEMENT	68.50
GENERAL FIRE & SAFETY EQUIPMENT	EQUIPMENT/PARTS	64.00
BILL'S WATER CONDITIONING	SUPPLIES	58.60
THE COUNCIL OF STATE GOVERNMENTS	BOOKS/PERIODICALS/SUB	58.50
PRO LABEL-DECAL BANNER CO	SUPPLIES	57.56
NEXTEL PARTNERS	CELL PHONE	57.28
ABLE LOCKSMITHS	CONTRACTURAL SVC	55.00
C H MCGUINESS CO INC	SUPPLIES	53.37
CARROLL DISTRIBUTING & CONSTRUCTION	EQUIPMENT/PARTS	52.00
CLERK OF DISTRICT COURT	COURT COSTS	50.00
IOWA ASSOCIATION OF PROFESSIONAL FIRE CHI	DUES/MEMBERSHIP	50.00
DATASHIELD CORPORATION	CONTRACTURAL SVC	45.00
RESOURCE RENTAL CENTER INC	RENTAL EXPS	40.00
GOVERNMENT FINANCE OFFICERS ASSOC	DUES/MEMBERSHIP	38.00
AA WHEEL & TRUCK SUPPLY INC	SUPPLIES	37.21
ST LUKE'S HEALTH RESOURCES	CONSULTANT	37.00
FASTENAL COMPANY	SUPPLIES	36.54
JEFFEREY ALLAN CARRUTHERS	VEHICLE WASH	36.00
COUNCIL BLUFFS ONLINE LLC	CONTRACTURAL SVC	35.00
OMAHA TRUCK CENTER INC	EQUIPMENT/PARTS	33.50
RACHEL STOLZ	TRAVEL REIMBURSEMENT	32.94
IOWA WATER ENVIRONMENT ASSOCIATION	TRAINING	32.00
REGENT BOOK COMPANY	SUPPLIES	30.53
SPARTAN NASH	REFUND	30.00
THERESA CANNON DEWITT	REIMBURSEMENT	27.00
CHRISTINE D ANDERSON	TRAVEL REIMBURSEMENT	25.92
LKQ MIDWEST AUTO	EQUIPMENT/PARTS	25.00
SUZANNE JOHNSTONE	REFUND	25.00
US BANK	BANK SERVICE CHARGE	23.18
PAUL BURKE	REFUND	20.00
PAYPAL INC	CONTRACTURAL SVC	19.95
MIDAMERICAN ENERGY	ELECTRICITY	19.67
CREDIT INFORMATION SYSTEMS-MIDWEST	CONTRACTURAL SVC	19.00
MARLYS LIEN	TRAVEL REIMBURSEMENT	16.20
WOODBINE PUBLIC LIBRARY	REFUND	16.00
UNITED PARCEL SERVICE	FREIGHT/POSTAGE	14.71
KATHY A RIEGER	TRAVEL REIMBURSEMENT	12.42
METROPOLITAN AREA PLANNING AGENCY	SULTANT	10.00

3.D.

SIOUX CITY TRUCK SALES INC
DANIELSON TECH SUPPLY INC
JULIANNE M JOHNSON
TRISHA D ALFERS

EQUIPMENT/PARTS 8.83
SUPPLIES 8.42
TRAVEL REIMBURSEMENT 7.24
TRAVEL REIMBURSEMENT 4.86

TOTAL 10,442,213.10

City of Council Bluffs
Receipts by Fund
For the Month of August 2016

General Fund	1,965,328.19
Special Revenue	1,122,634.07
Debt Service	0.00
Capital Project	1,114,437.21
Enterprise	<u>1,022,248.64</u>
Total Revenue	<u><u>5,224,648.11</u></u>

Expenditure by Fund
For the Month of August 2016

General Fund	5,867,512.53
Special Revenue	2,841,799.81
Debt Service	0.00
Capital Project	1,087,856.75
Enterprise	<u>645,044.01</u>
Total Expense	<u><u>10,442,213.10</u></u>

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

CITY CLAIM NO. 16-PW-1807

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: JOHN CONDECON DAY PHONE: 712-810-5122
ADDRESS: 559 WOODBURY AVE, COUNCIL BLUFFS, IA 51503 DOB: 7-23-1953

DATE & TIME OF LOSS/ACCIDENT: NOTICED ABOUT JAN. 20TH OR EARLIER

LOCATION OF LOSS/ACCIDENT: _____

DESCRIPTION OF LOSS/ACCIDENT: M. BEDROOM BATHROOM DOOR NOT STAYING CLOSED, LIVING ROOM FRONT LOWER LEFT DOUBLE PANE GLASS CRACKED ALL THE WAY ACROSS. MIGHT STRONGLY HAVE BEEN CAUSED BY CITY SEWER WORK DEEPLY POUNDING DIGGING, AND HEAVY RAINS, HAS TO BE GROUND SETTLE (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 500.00 OR MORE

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

WAS POLICE REPORT FILED YES NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

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

LIST INSURANCE PROVIDER AND COVERAGE: _____

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

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

SEPT 9, 2016
DATE

John C. Condecon
CLAIMANT'S SIGNATURE

CLEK RK RCUYD
16 SEP 16
AM10:38



Council Communication

Department: Community Development Case No.: URV-16-004 Applicant: Community Development Department	Resolution No.: <u>16-243</u> Ordinance <u>6281</u>	Planning Commission: 9-13-16 Resolution of Intent: 8-22-16 Public Hearing & First Reading: 9-26-16 Second Reading: 10-10-16 Third Reading: Request to Waive
Subject/Title Adoption of the Bluffs Northway Urban Revitalization Plan and Area Amendment		
Location 1702 North 16 th Street		
Background/Discussion		
<p><u>Background</u></p> <p>Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.</p> <p>In June 2015, City Council adopted Resolution No. 14-155 approving the Bluffs Northway Urban Revitalization Plan. Subsequent to this action, Ordinance 6207 was adopted in July 2014 which established the Urban Revitalization Area.</p> <p><u>Discussion</u></p> <p>Future Foam, Inc. wishes to construct an addition to its existing location on Avenue N to expand corporate office space which includes technology, credit and collections departments. The proposed development will construct a 5,600 sf building adjacent to (north of) its existing corporate office building located at 1610 Avenue N. Estimated building construction cost is \$600,000, plus \$50,000 in site preparation. Future Foam has requested financial assistance in the form of tax abatement under Chapter 404 of the Iowa Code. If approved, a commercial project as proposed would qualify for either a three year 100% or a ten year declining property tax abatement. This abatement would only apply to new value added.</p> <p>On August 22, 2016, the City Council approved a resolution of necessity which initiated the process of creating the Bluffs Northway Urban Revitalization Plan and Area Amendment and set September 26, 2016 as the public hearing date. This matter was brought before the City Planning Commission at their September 13, 2016 meeting. The Commission found the following: 1) That the proposed Bluffs Northway Urban Revitalization Plan furthers the goals of the City's Comprehensive Plan; and 2) That the Bluffs Northway Urban Revitalization Area is an area appropriate for economic development as specified in Section 404.1(4).</p> <p>Property owners were notified and no written correspondence has been received by the Community Development Department either in support or against the proposed plan. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered. Upon adoption of the area and approval of an ordinance, the City is permitted to grant tax abatement to qualified projects.</p>		

Staff Recommendation

The Community Development Department recommends approval of the Bluffs Northway Urban Revitalization Plan and Area Amendment and 1st consideration of the ordinance.

Public Hearing

Bob Mundt appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of the Bluffs Northway Urban Revitalization Plan and Area Amendment.

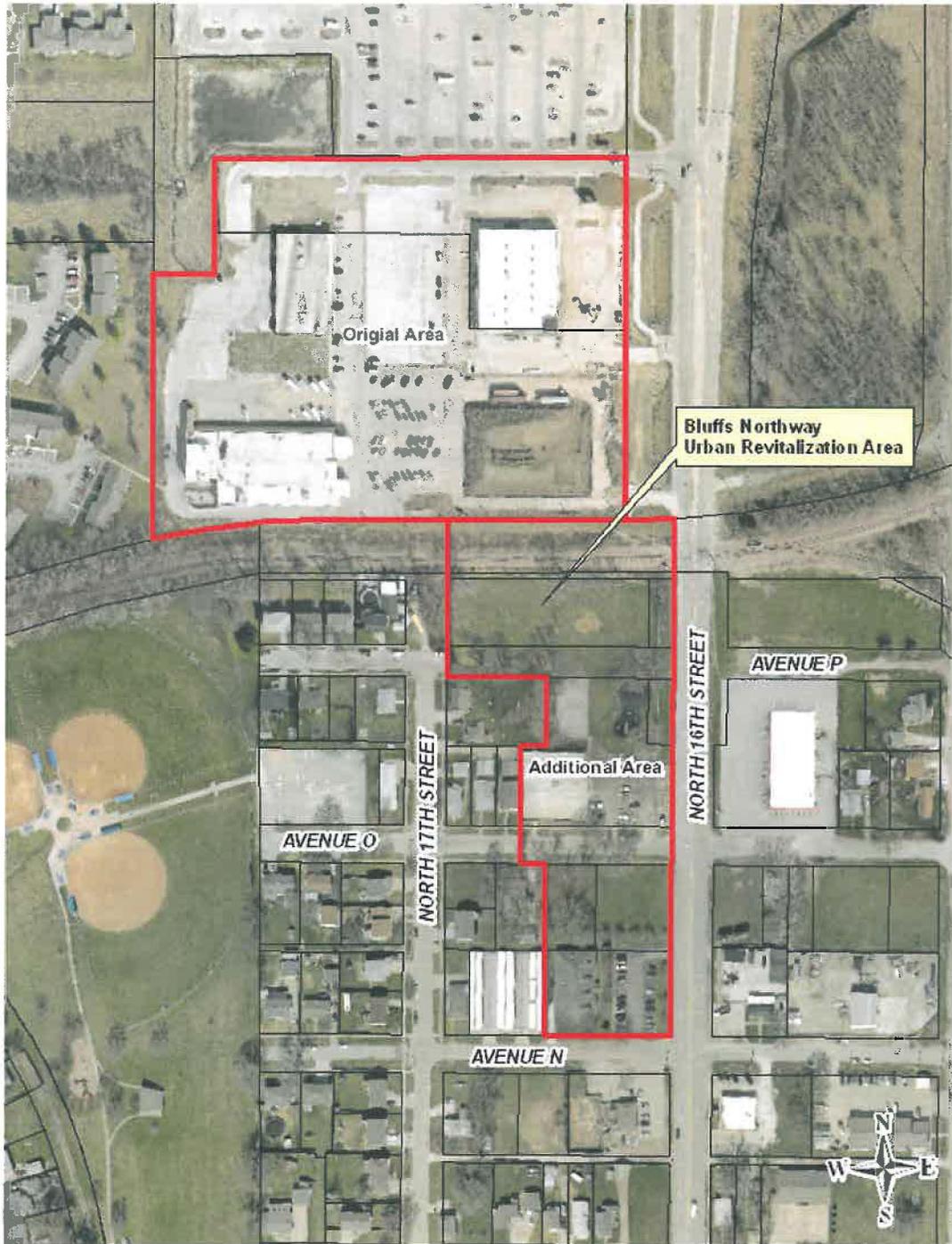
VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 3 VACANCY 0 Motion: Carried

Attachments

- 1) Boundary Map
- 2) The Bluffs Northway Urban Revitalization Plan as amended has been provided under separate cover.
- 2) Resolution
- 3) Ordinance

Submitted by: Courtney Harter, Project Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

Amended - Bluffs Northway Urban Revitalization Plan Boundary



RESOLUTION NO. 16-243

A RESOLUTION APPROVING THE URBAN REVITALIZATION PLAN FOR THE BLUFFS NORTHWAY URBAN REVITALIZATION AREA AMENDMENT.

- WHEREAS,** the City of Council Bluffs has the authority under Chapter 404 of the Iowa Code to declare an area to be an urban revitalization area; and
- WHEREAS,** on August 22, 2016, the City Council adopted Resolution 16-214, which directed staff to prepare an amendment for the Bluffs Northway Urban Revitalization Area and set a public hearing for September 26, 2016; and
- WHEREAS,** on September 13, 2016, the City Planning Commission reviewed the Bluffs Northway Urban Revitalization Plan Amendment and found it consistent with the goals and objectives of the City's Comprehensive Plan; and
- WHEREAS,** after careful study and consideration, this City Council finds that the redevelopment of the area is necessary in the interest of the public health, safety and/or welfare of the residents of the City.

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

That the City Council hereby approves the Bluffs Northway Urban Revitalization Plan Amendment.

ADOPTED
AND
APPROVED

September 26, 2016

Matthew J. Walsh Mayor

ATTEST:

Marcia L. Worden City Clerk

COUNCIL COMMUNICATION

Department: <u>Public Works</u>	Ordinance No. _____	First Reading <u>September 26, 2016</u>
Case/Project No.: <u>FY15-19</u>	Resolution No. <u>16-244</u>	
Applicant: <u>Matthew Cox, City Engineer</u>		

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the Iowa Department of Transportation to advertise for bids setting October 18, 2016 as the date for the bid opening for the 9th and 10th Street Bridges over Indian Creek. Project # FY15-19.

BACKGROUND/DISCUSSION

- The Iowa DOT annually makes Federal and State funds available for the purposes of rehabilitating or replacing structurally deficient or functionally obsolete bridges. Bridges are ranked to receive funding based on a priority point system.
- The 9th and 10th Street Bridges over Indian Creek (FHWA Structure #'s 504040 and 504045) ranked high enough among other bridges in the state to qualify for participation in the program.
- The Indian Creek box under Creek Top is currently spanned by bridges at 9th and 10th Street. Both of the bridges and concrete box are in poor condition. This project will replace the bridges by reconstructing a section of the concrete box, allowing the bridges to be eliminated. Permanent and temporary easements have been acquired to construct and maintain the proposed concrete box.
- Highway Bridge Program funds allow for 80% funding for construction of the 9th and 10th Street Bridge replacement with maximum eligible costs of \$2,000,000.00. The construction estimate for the project, including engineering and right-of-way, is \$2,884,300.
- This project is in the FY15 & FY16 CIP and includes a budget of \$1,350,000 in sales tax funds for engineering, right-of-way, and the City's share of construction.
- The project schedule is as follows:

Hold Public Hearing	September 26, 2016
Letting	October 18, 2016
Award	November 14, 2016
Construction Start	December 2016

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

**RESOLUTION
NO 16-244**

**RESOLUTION APPROVING THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
9th AND 10TH STREET BRIDGES OVER INDIAN CREEK
PROJECT #FY15-19**

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 9th and 10th Street Bridges over Indian Creek; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on September 26, 2016.

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 9th and 10th Street Bridges over Indian Creek Project and the Iowa Department of Transportation is hereby authorized to advertise for bids for said 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

September 26, 2016

Matthew J. Walsh, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading September 26, 2016
Case/Project No.: PW17-20 Resolution No. 16-245
Applicant: Matthew Cox, City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the authorization for right-of-way in connection with the West Broadway Reconstruction, Phase 1. Project # PW17-20.

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 Playland Park development and downtown Council Bluffs.
- The Phase 1 project will reconstruct West Broadway from 36th Street to approx. 435 feet east of 34th Street. It will include the replacement of pavement, traffic signals, street lights, sidewalks, and storm sewer. Streetscape features will be incorporated.
- New right-of-way will be required at intersection locations to accommodate new sidewalk, ADA compliant curb ramps, traffic signal poles and streetscape elements.
- This project is included in the FY17 CIP with a preliminary budget of \$6,000,000 for Phase 1.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

**RESOLUTION
NO 16-245**

**RESOLUTION APPROVING THE
AUTHORIZATION OF THE RIGHT-OF-WAY PROCESS
IN CONNECTION WITH
WEST BROADWAY RECONSTRUCTION, PHASE 1
PROJECT #PW17-20**

- WHEREAS, the city wishes to make improvements known as the West Broadway Reconstruction, Phase 1 within the city, as therein described; and
- WHEREAS, Right-of-way acquisition is required for the construction and maintenance of said improvements; and
- WHEREAS, the City will negotiate with property owners in accordance with State and Federal regulations in order to secure the necessary right-of-way and easements for the project; and
- WHEREAS, A notice of Public Hearing was published as required by law, and a public hearing was held on September 26, 2016.

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

That the authorization for the right-of-way process is approved for the West Broadway Reconstruction, Phase 1 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: September 26, 2016

Matthew J. Walsh, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading: September 26, 2016
Case/Project No.: _____ Resolution No. 16-246
Applicant: Matthew Cox, City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the authorization for right-of-way in connection with the East Beltway Project.

BACKGROUND/DISCUSSION

- In January of this year, a Record of Decision was signed for the Eastern Hills Drive project. This completed a 7-year process for the documentation required to comply with the National Environmental Policy Act (NEPA).
- The project will improve the transportation network in eastern Council Bluffs by completing Eastern Hills Drive between US Highway 6 and Iowa Highway 92, while providing improved connections to developments along Greenview Road, Steven Road, and Cottonwood Road. The continuity for the local transportation system will support future land development, increases the capacity of existing roads to accommodate traffic demands and improves emergency access.
- The project received Federal funding from a \$3.5M appropriation and \$10.2M in earmarks. The funding agreement authorizes Iowa DOT to administer the project and is necessary to utilize the Federal funds, which support 80% of the improvement costs. The remaining 20% will be shared by the City of Council Bluffs and Pottawattamie County. The City's match will be paid using sales tax funds.
- Future segments of the project will also include STP funding. The total project cost for all phases is expected to be approximately \$25M.
- New right-of-way will be required which will include full property acquisitions, partial acquisitions, and permanent and temporary easements.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

RESOLUTION
NO 16-246

**RESOLUTION APPROVING THE
AUTHORIZATION OF THE RIGHT-OF-WAY PROCESS
IN CONNECTION WITH THE
EAST BELTWAY PROJECT**

- WHEREAS, the City wishes to make improvements known as the East Beltway Project within the city, as therein described; and
- WHEREAS, Right-of-way acquisition is required for the construction and maintenance of said improvements; and
- WHEREAS, the City will negotiate with property owners in accordance with State and Federal regulations in order to secure the necessary right-of-way and easements for the project; and
- WHEREAS, A notice of Public Hearing was published as required by law, and a public hearing was held on September 26, 2016.

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

That the authorization for the right-of-way process is approved for the East Beltway 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

September 26, 2016

Matthew J. Walsh, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

<p>Department: Community Development</p> <p>Case #OTB-16-014</p> <p>Applicant: Jay Kathol 109 Cambridge Circle Council Bluffs, IA 51503</p>	<p>Resolution of Intent No. <u>16-234</u></p> <p>Resolution to Dispose No. <u>16-247</u></p>	<p>Set Public Hearing: 09/12/16</p> <p>Public Hearing: 09/26/16</p>
Subject/Title		
<p>Request of Jay Kathol, 109 Cambridge Circle, to purchase the City owned property described as Lot 10, Aldine Court, formerly known as 3612 Avenue D.</p>		
Background/Discussion		
<p>Jay Kathol has submitted an offer to purchase the City owned property formerly known as 3612 Avenue D. It is zoned R-2/Two Family Residential and measures 44 feet wide and 125 feet deep for a total of 5,500 square feet. He has indicated he would like to build a single family home on the property.</p> <p>The City obtained title to this property through a 657A process in January, 2016 and the residential structure was removed. Since the property is buildable and considered marketable, staff placed the property on the buildable disposal list. Properties on the buildable list are at least 40' wide by 100' deep with buildable terrain on a paved street. Also, water and sanitary sewer need to be available. Buildable lots are to be priced at the appraised amount, if available, or the value most recently established by the Pottawattamie County Assessor. This property is 44 feet wide by 125 feet deep for a total of 5,500 square feet. It is zoned R-2/To Family Residential and is considered permit ready. The assessed value of the property for 2016 is \$12,324.00, which has been offered by the applicant.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of Lot 10, Aldine Court for the assessed value of \$12,324.00.</p>		
<p>Attachment: Location map Prepared By: Rebecca Sall, Assistant Planner, Community Development Department</p>		



CASE #OTB-16-014

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

RESOLUTION NO. 16-247

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 10, ALDINE COURT.

WHEREAS, this City Council previously expressed its intent to dispose of the property legally described as Lot 10, Aldine Court, formerly known as 3612 Avenue D; and

WHEREAS, a public hearing has been held in this matter.

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

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

Jay Kathol and all successors in interest: Lot 10, Aldine Court for the sum of \$12,324.00 (Twelve Thousand Three Hundred Twenty Four and no/100 dollars).

ADOPTED
AND
APPROVED: September 26, 2016

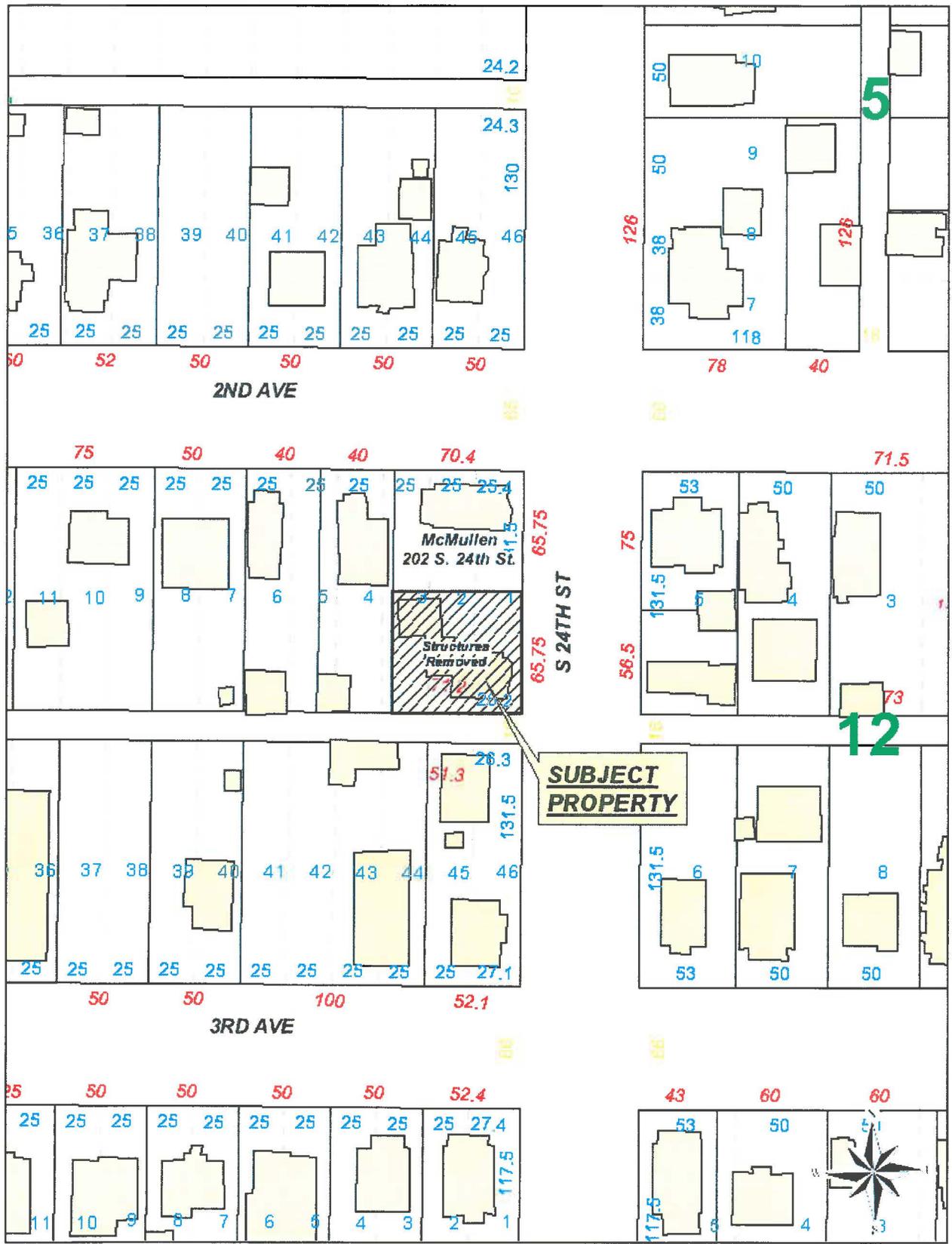
Matthew J. Walsh Mayor

ATTEST: Marcia L. Worden City Clerk

(Case #OTB-16-014)

Council Communication

<p>Department: Community Development</p> <p>Case #OTB-16-015</p> <p>Applicants: Steven M. and Cynthia A. McMullen 202 South 24th Street Council Bluffs, IA 51501</p>	<p>Resolution of Intent No. <u>16-235</u></p> <p>Resolution to Dispose No. <u>16-248</u></p>	<p>Set Public Hearing: 09/12/16</p> <p>Public Hearing: 09/26/16</p>
Subject/Title		
<p>Request of Steven M. and Cynthia A. McMullen, 202 South 24th Street, to purchase the City owned property described as the South 1/2 of Lots 1 and 2 and the East 20 feet of the South 65 feet of Lot 3, Block 5, Wright's Addition, formerly known as 204 South 24th Street.</p>		
Background/Discussion		
<p>Steven and Cynthia McMullen have submitted an offer to purchase the City owned property formerly known as 204 South 24th Street and legally described as the South 1/2 of Lots 1 and 2 and the East 20 feet of the South 65 feet of Lot 3, Block 5, Wright's Addition. It is zoned R-3/Low Density Multi-Family Residential and measures 66 feet wide by 71 feet deep for a total of 4,686 square feet. Because of the inadequate depth, the lot is considered unbuildable. The applicants own the house directly to the north at 202 South 24th Street. They would like to purchase the property in order to increase the size of their property and possibly construct a garage.</p> <p>The City obtained title to this property through a 657A process in July, 2013 and the residential structure was removed. Since the lot is a nonconforming lot of record and is considered unmarketable due to it's size (71 feet deep), staff placed the property on the non-buildable disposal list. Properties on the non-buildable list are to be sold to adjacent property owners that are current on their property taxes, have no outstanding code violations, and demonstrate adequate maintenance of their property. The price is established by the most recent fee schedule for street/alley vacations. This property contains 4,686 sq ft which calculates to \$732.90 (\$75.00 for first 300 sq ft + \$.15 psf for the next 4,700 sq ft + \$0.50 psf above 5,000 sq ft.) Staff has determined the applicant is: current on property taxes; there are no known code violations associated with their property; and the property at 202 South 24th Street is adequately maintained.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of the South 1/2 of Lots 1 and 2 and the East 20 feet of the South 65 feet of Lot 3, Block 5, Wright's Addition as follows: The purchase price to be \$732.90, the applicant to pay \$50.00 (already paid as the down payment) with a mortgage and promissory note to be signed on the remaining \$682.90 which would be forgiven over a two year period.</p>		
<p>Attachment: Location map Prepared By: Rebecca Sall, Assistant Planner, Community Development Department</p>		



CASE #OTB-16-015

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

RESOLUTION NO. 16-248

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS THE SOUTH 1/2 OF LOTS 1 AND 2 AND THE EAST 20 FEET OF THE SOUTH 65 FEET OF LOT 3, BLOCK 5, WRIGHT'S ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of the property legally described as the South 1/2 of Lots 1 and 2 and the East 20 feet of the South 65 feet of Lot 3, Block 5, Wright's Addition, formerly known as 204 South 24th Street; and

WHEREAS, a public hearing has been held in this matter.

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

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

Laura D. Clinger and all successors in interest: The South 1/2 of Lots 1 and 2 and the East 20 feet of the South 65 feet of Lot 3, Block 5, Wright's Addition, formerly known as 204 South 24th Street.

BE IT FURTHER RESOLVED

That the purchase price to be \$732.90, the applicant to pay \$50.00 (already paid as the down payment) with a mortgage and promissory note to be signed on the remaining \$682.90 which would be forgiven over a two year period.

ADOPTED
AND
APPROVED: September 26, 2016

Matthew J. Walsh Mayor

ATTEST: _____
Marcia L. Worden City Clerk

(Case #OTB-16-015)

Council Communication

Department: Legal Department Case/Project No. Applicant: Richard Wade	Ordinance No. Resolution No. <u>16-241</u> Resolution No. <u>16-249</u>	Council Action: <u>9/12/2016</u> Public Hearing: <u>9/26/2016</u>
Subject/Title		
A RESOLUTION granting an underground electric easement to MidAmerican Energy in support of the Fieldhouse at the Mid-America Center.		
A Public Hearing was scheduled and held on this matter on September 26, 2016, 7:00 p.m.		
Recommendation		
Approval of this resolution by granting an electrical easement to MidAmerican Energy, in support of the Fieldhouse at Mid America Center.		

 Richard Wade, Department Head Signature

 Mayor Signature

RESOLUTION NO. 16-249

A RESOLUTION GRANTING AN UNDERGROUND ELECTRIC EASEMENT TO MIDAMERICAN ENERGY IN SUPPORT OF THE FIELDHOUSE AT THE MID-AMERICA CENTER.

WHEREAS, the MidAmerican Energy Company has submitted an Underground Electric Easement for the City to execute; and

WHEREAS, the agreement applies to Part of Lot 1 Hotel Plaza at the MAC Replat in Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, a public hearing was held on the matter on September 26, 2016 at 7:00 p.m.

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

That this matter is approved and an underground electrical easement is granted to MidAmerican Energy in support of the Fieldhouse at the Mid America Center.

ADOPTED
AND
APPROVED

September 26, 2016

MATTHEW J. WALSH Mayor

Attest:

MARCIA L. WORDEN City Clerk

Council Communication

<p>Department: Community Development</p> <p>Case No. #ZC-16-007</p> <p>Applicant/Property Owner: Corpus Christi Catholic Church Fr. Tom Thakadipuram 3304 4th Avenue Council Bluffs, IA 51501</p> <p>Represented by: Alan VanGundy Simonson & Associates Architects 1717 Ingersoll Avenue, Suite 117 Des Moines, IA 50309</p>	<p>Ordinance No. <u>6280</u></p>	<p>City Council: <u>09/26/2016</u></p> <p>Planning Commission: <u>09/13/2016</u></p> <p>Public Hearing: <u>10/10/2016</u></p>
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Subject

Rezone Lots 1-6, Block 6, Streets Addition and the vacated alley adjacent from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District.

Background

The Community Development Department has received an application from Corpus Christi Catholic Church, represented by Alan VanGundy, to rezone Lots 1-6, Block 6, Streets Addition and the vacated alley adjacent from R-2/Two Family Residential District to R-3/Low Density Multi-Family Residential District, see Attachment A. The church owns the entire block and vacated alley. The south one half of the block is currently zoned R-3 and does not require a zoning change in order to construct a multi-family building, however in order to accommodate the off-street parking needs the north one-half must be rezoned in order to allow the parking lot for the associated use. The purpose of the requests is to construct a 34-unit housing project and associated site improvements, see Attachment B.

The applicant has submitted a photo of a similar complementary project, called Christ the King Church Senior Housing constructed in Des Moines, see Attachment C.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as 'Low Density Residential'. The plan describes 'low density residential' to mean predominately single family homes on individual lots, however it can also include multi-family uses provided they are designed to fit into the context of the surrounding neighborhood and area.

The surrounding area is made up of predominately single family detached homes, a church, and a multi-family building at North 25th Street.

Comments

All property owners within 200 feet of the request were notified of the proposed rezoning. Two notices were returned to the City as being undeliverable. The following public comment has been received:

1. Jeannette Heffernan, 2228 Avenue B, Council Bluffs, IA 51501, called in support of the project.

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

Community Development Department: The east/west alley was vacated by Ordinance No. 3912, on June 15, 1970 and retained an easement for the continued use of utilities and access.

Council Bluffs Public Works Department:

1. No concern with the proposed rezoning. Sanitary sewer is located in the vacated alley. Storm sewer is located in North 23rd and 24th Streets.
2. At the time of development all current standards and specifications will be required to be met, including storm water management and paving.

Council Bluffs Water Works: Water main is located in Avenue 'B' and North 24th Street. No adverse impact is expected.

Council Bluffs Building Division: No comment regarding the rezoning.

Council Bluffs Fire Department: No comments regarding the rezoning.

MidAmerican Energy: MidAmerican Energy has overhead facilities in the vicinity of the proposed rezoning. The site plan indicates 'relocated power poles'. If relocations are necessary the developer should contact the utility company.

Cox Communications: Facilities are attached to the MidAmerican Energy power poles in the alley. Cox would require reimbursement if they have to be moved.

Century Link: Century Link has buried cable in the vacated alley. The pedestals are next to the MidAmerican Energy power poles. Service must remain intact as it serves the next block. If the cable needs to be relocated, it will be a billable reroute.

Recommendation

The Community Development finds the requested rezoning is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) and recommends approval to rezone Lots 1-6, Block 6, Streets Addition and the vacated alley adjacent from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District.

Public Hearing

Speakers in favor:

1. Tim Rolfes, 601 Grand Avenue, Des Moines, IA 51309
2. Alan Van Gundy, 1717 Ingersol Avenue, Suite, 117, Des Moines, IA 50309

Speakers against: None.

Planning Commission Recommendation

The Planning Commission finds the rezoning is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) and recommends approval to rezone Lots 1-6, Block 6, Streets Addition and the vacated alley adjacent from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 3 Motion: Carried

Attachment A: Location/zoning map

Attachment B: Preliminary site plan

Attachment C: Photo of Christ the King Senior Housing

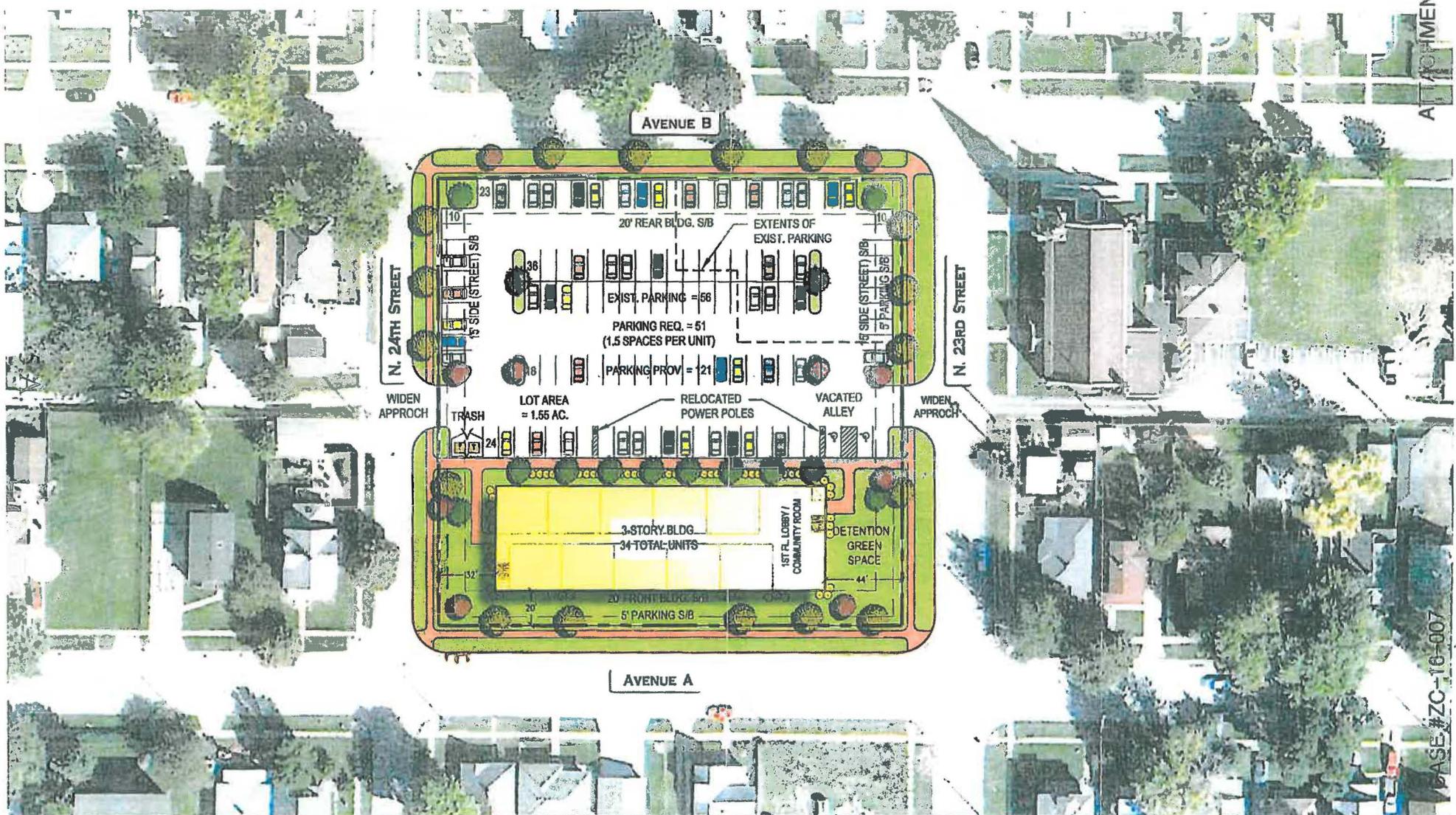
Prepared By: Rose E. Brown, AICP, Planning Coordinator

CASE #ZC-16-007



5.A.





This drawing has been prepared by the architect on behalf of the applicant and is not to be construed as a guarantee of any kind. The architect does not warrant the accuracy of the information or the results of the design. This drawing shall be used only for the purposes stated and shall not be used for any other purpose without the written consent of the architect. Copyright © 2016 by Simonson & Associates, LLC.

CORPUS CHRISTI PARISH
HOLY FAMILY CAMPUS
REZONING REQUEST
COUNCIL BLUFFS, IOWA

AUGUST 16, 2016

NORTH

 1" = 50'-0" @ 11"x17" Sheet
 SAA/ 14101
 DRAWN BY: AVG



simonson

simonson & associates architects llc
 1312 ferguson avenue suite 107 des moines ia 50319
 515 241 4546 www.simonsoniac.com



CORPUS CHRISTI PARISH
 HOLY FAMILY CAMPUS
 DESIGN INSPIRATION - CHRIST THE KING SENIOR HOUSING
 DES MOINES, IOWA

AUGUST 16, 2016



5447 14101
DRAWN BY: AVG

simonson

simonson & associates architects llc
 1717 lagoon drive suite 101 des moines, ia 50319
 515 281 2224 www.simonsoniac.com

ORDINANCE NO. 6280

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.070 OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING LOTS 1-6, BLOCK 6, STREETS ADDITION AND THE VACATED ALLEY ADJACENT FROM R-2/TWO-FAMILY RESIDENTIAL DISTRICT TO R-3/LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT AS DEFINED IN CHAPTER 15.10 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2015 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended to Rezone Lots 1-6, Block 6, Streets Addition and the vacated alley adjacent from R-2/Two-Family Residential District to R-3/Low Density Multifamily Residential District.

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

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

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

PASSED
AND _____, 2016.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: 9/26/2016
Second Consideration: 10/10/2016
Public Hearing: 10/10/2016
Third Consideration:

Planning Case No. #ZC-16-007

Council Communication

Department: Community Development Case No.: URV-16-004 Applicant: Community Development Department	Resolution No.: <u>16-243</u> Ordinance <u>6281</u>	Planning Commission: 9-13-16 Resolution of Intent: 8-22-16 Public Hearing & First Reading: 9-26-16 Second Reading: 10-10-16 Third Reading: Request to Waive
Subject/Title Adoption of the Bluffs Northway Urban Revitalization Plan and Area Amendment		
Location 1702 North 16 th Street		
Background/Discussion		
<p><u>Background</u></p> <p>Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.</p> <p>In June 2015, City Council adopted Resolution No. 14-155 approving the Bluffs Northway Urban Revitalization Plan. Subsequent to this action, Ordinance 6207 was adopted in July 2014 which established the Urban Revitalization Area.</p> <p><u>Discussion</u></p> <p>Future Foam, Inc. wishes to construct an addition to its existing location on Avenue N to expand corporate office space which includes technology, credit and collections departments. The proposed development will construct a 5,600 sf building adjacent to (north of) its existing corporate office building located at 1610 Avenue N. Estimated building construction cost is \$600,000, plus \$50,000 in site preparation. Future Foam has requested financial assistance in the form of tax abatement under Chapter 404 of the Iowa Code. If approved, a commercial project as proposed would qualify for either a three year 100% or a ten year declining property tax abatement. This abatement would only apply to new value added.</p> <p>On August 22, 2016, the City Council approved a resolution of necessity which initiated the process of creating the Bluffs Northway Urban Revitalization Plan and Area Amendment and set September 26, 2016 as the public hearing date. This matter was brought before the City Planning Commission at their September 13, 2016 meeting. The Commission found the following: 1) That the proposed Bluffs Northway Urban Revitalization Plan furthers the goals of the City's Comprehensive Plan; and 2) That the Bluffs Northway Urban Revitalization Area is an area appropriate for economic development as specified in Section 404.1(4).</p> <p>Property owners were notified and no written correspondence has been received by the Community Development Department either in support or against the proposed plan. Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered. Upon adoption of the area and approval of an ordinance, the City is permitted to grant tax abatement to qualified projects.</p>		

Staff Recommendation

The Community Development Department recommends approval of the Bluffs Northway Urban Revitalization Plan and Area Amendment and 1st consideration of the ordinance.

Public Hearing

Bob Mundt appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of the Bluffs Northway Urban Revitalization Plan and Area Amendment.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 3 VACANCY 0 Motion: Carried

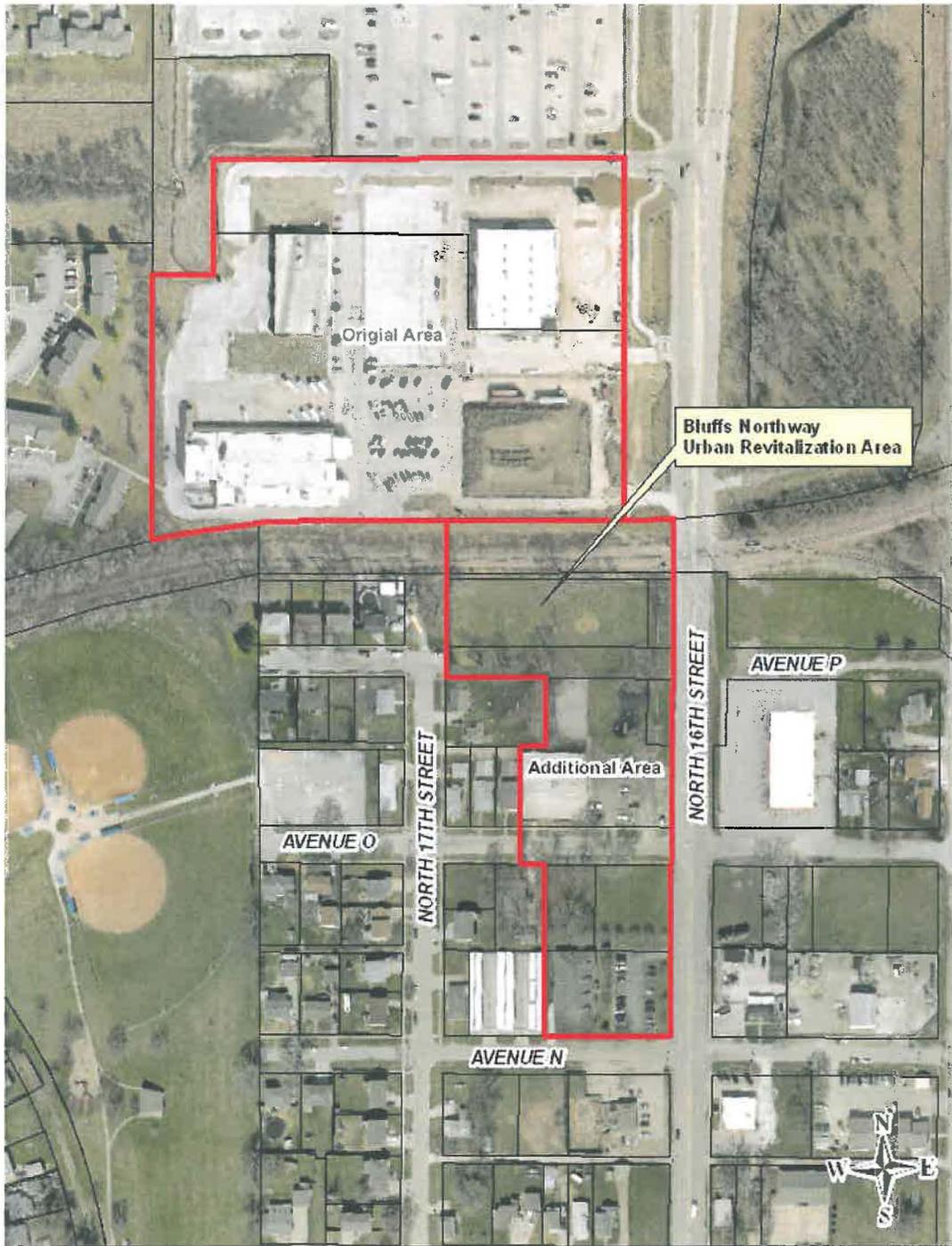
Attachments

- 1) Boundary Map
- 2) The Bluffs Northway Urban Revitalization Plan as amended has been provided under separate cover.
- 2) Resolution
- 3) Ordinance

Submitted by: Courtney Harter, Project Coordinator, Community Development Department

Approved by: Donald D. Gross, Director, Community Development Department

Amended - Bluffs Northway Urban Revitalization Plan Boundary



ORDINANCE NO. 6281

AN ORDINANCE ESTABLISHING THE BLUFFS NORTHWAY URBAN REVITALIZATION AREA AMENDMENT WITHIN THE CITY OF COUNCIL BLUFFS.

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

WHEREAS, the City of Council Bluffs is contemplating amending the current Plan to include the area as described in “Attachment A” as an urban revitalization area, thus allowing tax abatement for qualified projects; and

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

WHEREAS, on August 22, 2016, the City Council passed a Resolution of Necessity and Intent to establish an amendment to the urban revitalization area for the Bluffs Northway Area, directing staff to prepare the required revitalization plan and a public hearing was set for September 26, 2016; and

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

WHEREAS, at its September 13, 2016 meeting, the City Planning Commission reviewed the plan for the Bluffs Northway Urban Revitalization Area and has forwarded its recommendation to this City Council.

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

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

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

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

ADOPTED
AND
APPROVED _____, 2016

Matthew J. Walsh Mayor

ATTEST:

Marcia L. Worden City Clerk

First Consideration: 9/26/2016
Second Consideration: 10/10/2016
Public Hearing: 10/10/2016
Third Consideration:

Attachment A
Legal Description

Lots 10 through 18 and the east/west alley abutting, Belmont Addition along with the Canadian National Railway right-of-way abutting on the north and Avenue P right-of-way abutting on the south; Lots 33 through 37 and the North 1/2 vacated alley abutting and Lots 56 through 61 and the South 1/2 vacated alley abutting, Belmont Addition along with Avenue O right-of-way abutting on the south; Lots 79 through 83 and the North 1/2 vacated alley abutting and Lots 102 through 106 and the South 1/2 vacated alley abutting, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa,

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant: Greg Reeder,
Public Works Director

Ordinance No. 6282
Resolution No.

First Reading: 9/26/2016
Second Reading: 10/10/2016

SUBJECT/TITLE

Ordinance to amend Title 5 – Sewers of the 2015 Municipal Code of Council Bluffs, Iowa, by amending Chapters 5.05.010 - Definitions, 5.10.040 - Specific pollutant limitations, 5.10.080 - Accidental discharge/slug control, 5.10.120 - Reporting requirements for industrial users. These changes are required to comply with 40CFR403 and Iowa Administrative Code 567 - Chapter 62 regarding streamlining requirements and establishment of local limits for incompatible pollutants.

BACKGROUND/DISCUSSION

- As a part of its NPDES permit to discharge the city's wastewater to the Missouri River, Council Bluffs is required to adopt and maintain an Industrial Pretreatment Program. The Pretreatment Program is required for any publicly owned treatment works (POTW) with a total design flow of greater than 5 million gallons per day (mgd) that receives pollutants from Industrial Users (IUs), the applicable Federal Regulations are: 40 CFR Part 403. Council Bluffs has been successfully operating such a program since 1983.
- On October 14, 2005, revisions were published to the Code of Federal Regulations 40 CFR Part 403. These revisions adopted the U.S. Environmental Protection Agency (EPA) Pretreatment Streamlining Rule which is designed to reduce the overall regulatory burden of the program on both industrial users and control authorities (i.e. utilities) without adversely affecting environmental protection. The streamlining rule is composed of both required and optional regulatory changes.
- As a general rule, the streamlining changes which are considered to be less stringent than the current regulations are not required to be adopted by cities with an approved Pretreatment Program. Where the streamlining related changes are more stringent than the current regulations, modifications or revisions to the city's program are required.
- The Iowa Administrative Code (567 - Chapter 62) adopted the streamlining Federal rule in November 2006.
- The Council Bluffs Pollution Control Plant received its NPDES permit renewal on January 1, 2015, replacing the previous permit issued in March 2007 with an expiration date in March 2012. Page 13 of the current permit includes the following requirement:

"The City shall evaluate the approved pretreatment program for compliance with 40 CFR 403 and Iowa Administrative Code 567-Chapter 62, specifically with regards to the pretreatment streamlining rule published in the Federal Register on October 14, 2005. Complete the evaluation and submit to the Department a report containing the findings of the evaluation, including a proposal for modifications to correct any deficiencies that are identified, by January 1, 2016."

- The city completed the evaluation and submitted the report to the IDNR. The IDNR approved the proposed modifications to the ordinance in September 2016.
- Federal regulations (40 CFR 403.8(f) (4)) require that POTWs with Pretreatment Programs must develop local limits or demonstrate that they are unnecessary. The regulation states that local limits are required when pollutants are received that could cause interference with the treatment process or pass through the treatment works. Periodically, the program, particularly the local limits, must be reviewed in light of changing regulations and loadings. The last pretreatment review for Council Bluffs was done in 2008.

- The 2015 NPDES permit requires an evaluation of the local limits to be completed and submitted to IDNR by January 1, 2016.
- The purpose of developing limits for incompatible pollutants (metals, BOD, TSS) is as follows:
 1. To prevent large concentrations of pollutants into the treatment facility which could inhibit or interfere with operation.
 2. To prevent pass-through of untreatable pollutants this, in turn, could violate the applicable water quality standards.
 3. To prevent any materials from entering the wastewater treatment system that could endanger POTW worker health.
 4. To avoid excess concentration of pollutants in the sludge which would interfere with ultimate land disposal.
- The evaluation was submitted to IDNR. The IDNR approved the proposed changes to the local limits in September 2016.
- All the changes in the ordinance will be incorporated into the permits of Significant Industrial Users.

RECOMMENDATION

Approval of the ordinance changes.

Greg Reeder, Public Works Director

Title 5 - SEWERS*

Chapters:

Chapter 5.05 - DEFINITIONS

Sections:

5.05.010 - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases as used in this title shall have the meaning hereinafter designated:

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
- (2) "Approval authority" means the Director of the Iowa Department of Natural Resources.
- (3) "Authorized representative of industrial user" may be: (A) a principal executive officer (president, vice president, secretary, treasurer) if the industrial user is a corporation; (B) a general partner or proprietor if the industrial user is a partnership or proprietorship; (C) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. The person authorized to sign reports for industrial users must have the ability to authorize funds and personnel needed to ensure compliance with pretreatment standards or to correct issues of non-compliance.
- (4) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or sanitary sewer lateral beginning two feet outside the interface of the building wall.
- (6) "Building sewer" means a sewer conveying wastewater from within two feet of the premises of a user to the main sanitary sewer. Also known as a "sanitary sewer lateral."
- (7) "Carbonaceous biochemical oxygen demand (CBOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter performed with the addition of a nitrification inhibitor, under the standard laboratory procedure of five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (8) "Categorical standards" mean National Categorical Pretreatment Standards or Pretreatment Standards.
- (9) "City" means the city of Council Bluffs, Iowa, or the city council of Council Bluffs, Iowa.
- (10) "City engineer" means the city engineer for the city of Council Bluffs, Iowa, or the city engineer's designee.
- (11) "Control authority" shall refer to the director of public works or the director's designee.
- (12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

- (13) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Iowa.
- (14) "Director" means the director of public works of the city of Council Bluffs, Iowa, or the director's designee.
- (15) "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.
- (16) "Garbage" means solid waste from preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- (17) "Grab sample" means a sample which is taken from a water stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (18) "Hexane extractable material (HEM) means material that is extracted from a sample using EPA Method 1664 A. This material includes non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, grease, and related material.
- (19) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (20) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (21) "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (22) "Industrial waste" means the liquid waste from industrial processes as distinct from sanitary sewage.
- (23) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (A) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (B) therefore is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (24) "Local control mechanism" means any discharge permit or discharge authorization issued to a user by the control authority.
- (25) "Sanitary sewer lateral" means that portion of a sanitary sewer between the public sewer main and the structure to which such lateral(s) serves. The sanitary sewer lateral includes the connection into the sewer main or any work or fixtures related or required in making the connection.
- (26) "Main sanitary sewer" means any sewer accommodating lateral and building sewers from abutting property which carry sewage and to which storm surface and ground waters are not intentionally admitted.
- (27) "National Categorical Pretreatment Standards" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by the EPA at 40 CFR Chapter I, Subchapter N, Parts 405 and 471 in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to Section 403.5.

- (28) "National Pollution Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (29) "Natural outlet" means any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.
- (30) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that such construction meets the criteria of 40 CFR 403.3(k).
- (31) "Pass through" means a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (32) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.
- (33) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.
- (34) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (35) "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- (36) "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (37) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (38) "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
- (39) "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.
- (40) "Public sewer" means a sewer in which all owners of the abutting properties have equal rights and which is controlled by public authority.
- (41) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (42) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

- (43) "Sewer" means a pipe or conduit for carrying sewage.
- (44) "Shall" is mandatory. "May" is permissive.
- (45) Significant Industrial User.
- (A) Except as provided in subsection 42(B) of this section, the term "significant industrial user" means:
- i. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - ii. Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (B) Upon a finding that an industrial user meeting the criteria in subsection 42(a)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.
- (46) Significant Noncompliance. An industrial user is in "significant noncompliance" with the terms of its wastewater discharge permit if its violation meets one or more of the following criteria:
- (A) Chronic violation of discharge limits, which occurs when sixty-six (66) percent or more of all measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l). (B) Technical review criteria (TRC) violation, which occurs when thirty-three (33) percent or more of all measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease HEM, and 1.2 for all other pollutants except pH);
 - (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard) that causes, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - (E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (F) Failure to provide, within 30 days the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
 - (G) Failure to accurately report noncompliance;

- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.
- (47) "State" means state of Iowa.
- (48) "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (49) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- (50) "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting there from.
- (51) "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (52) "Total suspended solids (non-filterable) TSS" means the retained material on a standard glass fiber filter (typically 934-AH) after filtration of a well-mixed sample.
- (53) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (54) "User" means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.
- (55) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (56) "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently.
- (57) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- (58) "Wastewater discharge permit" is defined as set forth in Section 5.10.120 of this chapter.
- (59) "Wye or Y branch" means a prefabricated section of the main sanitary sewer or any construction or alterations to the sanitary sewer main for the purpose of connecting a sewer lateral.

(Ord. 5534 § 1, 2001).

(Ord. No. 6227, § 1, 3-9-2015).

5.05.020 - Abbreviations.

The following abbreviations shall have the designated meanings:

- (1) "BOD" means biochemical oxygen demand.
- (2) "CBOD" means carbonaceous biochemical oxygen demand.
- (3) "CFR" means Code of Federal Regulations.

- (4) "COD" means chemical oxygen demand.
- (5) "EPA" means Environmental Protection Agency.
- (6) "HEM" means hexane extractable materials.
- (7) "l" means liter.
- (8) "mg" means milligram.
- (9) "mgd" means million gallons per day.
- (10) "mg/l" means milligrams per liter.
- (11) "NPDES" means National Pollutant Discharge Elimination System.
- (12) "POTW" means publicly owned treatment works.
- (13) "SIC" means Standard Industrial Classification.
- (14) "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (15) "USC" means United States Code.
- (16) "TSS" means total suspended solids.

(Ord. 5122 § 2 (part), 1993).

(Ord. No. 6227, § 2, 3-9-2015).

Chapter 5.10 - GENERAL RESTRICTIONS

Sections:

Sections:

Sections:

Division I - Restrictions

5.10.010 - Depositing in an unsanitary manner.

It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excretion, garbage or other objectionable waste. For the purpose of this section, an "unsanitary manner" is any manner which is not in compliance with the administrative rules established by the Department of Natural Resources for the state of Iowa.

(Ord. 5123 § 2 (part), 1993).

5.10.020 - General discharge prohibitions.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- (1) Any pollutants which create a fire or explosion hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system;
- (2) Solid or viscous substances in amounts which may cause obstruction to the flow in a sewer, interference with the operations of the wastewater treatment facilities, or pass through. Such substances shall include but not be not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (3) Any wastewater having a pH less than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;
- (4) Any wastewater containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, to create any hazard in waters which receive treated effluent from the POTW, or to exceed the limitation set forth in a National Categorical Pretreatment Standard or local standards. Toxic wastes shall include, but are not limited to, wastes containing cyanide, chromium, cadmium, mercury, copper and nickel ions;
- (5) Any noxious or malodorous liquids, gases, or solids which are capable of creating a public nuisance or are sufficient to prevent entry into the sewers for maintenance and repair;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (7) Wastewater containing any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, and Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state;
- (8) Any substance which will cause the POTW to violate its NPDES permit or increase the magnitude or duration of a violation;
- (9) Any wastewater containing color which is not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (10) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater with a temperature exceeding 104 degrees F (40 degrees C);
- (11) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (12) Any trucked or hauled industrial waste;
- (13) Any trucked or hauled septage waste, except at the designated discharge point at the POTW headworks;
- (14) Any wastewater containing any radioactive wastes or isotopes;
- (15) Any wastewater containing medical or infectious waste;

(16) Any wastewater causing a hazard to life or creating a public nuisance.

- (b) **Affirmative Defense.** An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general discharge prohibitions if it can prove that it did not know or have reason to know that its discharge would cause pass through or interference and that either: (1) the discharge was in compliance with local limits for each pollutant discharged immediately prior to and during the pass through or interference; or (2) when no such limits exist, the discharge did not substantially exceed the rate and/or concentration of its discharge during periods when the POTW was in compliance with its NPDES permit.

(Ord. 5123 § 2 (part), 1993).

5.10.030 - National Categorical Pretreatment Standards.

Industrial users subject to National Categorical Pretreatment Standards promulgated by EPA for particular industrial categories shall comply with applicable standards and requirements unless more stringent limitations are imposed under this chapter.

(Ord. 5123 § 2 (part), 1993).

5.10.040 - Specific pollutant limitations.

- (a) Industrial discharge limits for the following pollutants shall be determined by the director on a case by case basis. In no instance shall the total allocation for all industrial users exceed the maximum allowable industrial loadings as shown below:

Parameter	Maximum Allowable Industrial Loading (lbs/day)
Arsenic	2.13
Cadmium	0.16
Total Chromium	14.4
Copper	9.3
Cyanide	1.07
Lead	1.3
Mercury	.18
Molybdenum	.92

Nickel	7.19
Selenium	1.26
Silver	4.09
Zinc	12.4
BOD5	20,560
TSS	18,700

- (b) The admission into the public sewers of any waters or wastes having: (1) a five-day biochemical oxygen demand greater than three hundred fifty (350) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) containing more than one hundred (100) parts per million by weight of HEM (petroleum or mineral oil products) or (4) containing any quantity of substances having the characteristics described in Section 5.10.020, or (5) having an average daily flow greater than two per cent of the average daily sewer flow of the city shall be subject to the review and approval of the director.

The city may, where deemed necessary, set additional surcharges by ordinance as needed for higher concentrations of TSS, BOD, and HEM than previously set forth.

Where necessary in the opinion of the director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (1) reduce the biochemical oxygen demand and the suspended solids to three hundred fifty (350) parts per million and the oil and/or grease to one hundred (100) parts per million, or (2) reduce the objectionable characteristics or constituents to within the maximum limits provided or in Section 5.10.020, or (3) control the quantities or rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and of the department of health of the state of Iowa, and no constructions of such facilities shall be commenced until said approvals are obtained in writing.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 3, 3-9-2015).

5.10.050 - State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. 5123 § 2 (part), 1993).

5.10.060 - City's right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to ensure proper operation of the POTW and compliance by the POTW with applicable state and federal regulations.

(Ord. 5123 § 2 (part), 1993).

5.10.070 - Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state.

(Ord. 5123 § 2 (part), 1993).

5.10.080 - Accidental discharge/slug control.

All Significant Industrial Users (SIUs) shall be evaluated by the POTW to determine the need for a slug control plan at least once or whenever a major change occurs at the facility. Where deemed necessary by the director, users shall develop and implement a plan to comply with 40 CFR 403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi). Such a plan shall be made a part of the SIU permit and shall contain at least the following elements:

- (1) Description of discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of a slug discharge or any changes at its facility affecting the potential for a slug discharges and procedures for follow-up written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response; and
- (5) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 4, 3-9-2015).

Division II - Administration

5.10.090 - Wastewater dischargers.

It shall be unlawful for an industrial user to begin a new contribution of pollutants to the POTW or to increase or change the nature of its contribution of pollutants to the POTW without prior approval of the director.

(Ord. 5123 § 2 (part), 1993).

5.10.100 - Wastewater permit application.

When requested by the director all industrial users must submit information on the nature and characteristics of their wastewater by completing a discharge permit application. The director may periodically require industrial users to update the information provided in the application. All new users must also submit a baseline monitoring report. Failure to complete either of these shall be reasonable grounds for denying or terminating service to the industrial user and shall be considered a violation of the chapter.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 5, 3-9-2015).

5.10.110 - Wastewater discharge permits.

- (a) **General Permits.** All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.
- (b) **Permit Application.** Users required to obtain a wastewater discharge permit shall complete and file with the director a baseline monitoring report in the form prescribed. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the report, the user shall furnish to the director the information necessary for evaluation of the user's discharge. The user may be required to produce the following information:
 - (1) Name and address of the facility, including the name of the operator and owners;
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 5.10.020 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (4) Time and duration of contribution;
 - (5) Average daily and three minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
 - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (B) No increment referred to in subdivision (A) of this subdivision shall exceed nine months.
 - (C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the director;
- (10) Each product produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processed (average and maximum per day);
 - (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - (13) Any other information as may be deemed by the director to be necessary to evaluate the permit application.
- (c) Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- (d) Wastewater Discharge Permit Decisions. The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein.
 - (e) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:
 - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (6) Compliance schedules;
 - (7) Requirements for submission of technical reports or discharge reports;

- (8) Requirements for affording city representatives access to plant records relating to wastewater discharge and for maintaining and retaining such records for three years, or longer in the case of unresolved litigation or at the request of the state or EPA;
 - (9) Requirements for notification and approval of the director prior to any new introduction of wastewater constituents or substantial change in the volume or characteristic of the wastewater constituents being introduced into the wastewater treatment system, including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p);
 - (10) Requirements for notification of slug discharges as per Section 5.10.120(e);
 - (11) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.
- (f) Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period not less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit.
 - (g) Permit Modification. The terms and conditions of the permit may be subject to modification by the director during the term of the permit as limitations or requirements identified in Section 5.10.020 are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (h) Right to Appeal Permit Provisions. Users who have been issued a wastewater discharge permit shall have the right to challenge or appeal specific provisions of the permit which they believe are contrary to law or an unreasonable exercise of the city's discretion under that law for a period of thirty (30) days following the effective date of the permit. Failure to exercise this right to appeal within the allotted time shall be deemed a waiver by the permittee of his or her right to challenge the terms of the permit.
 - (i) Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior written notification to the director and the provision of a copy of the existing wastewater discharge permit to the new owner or user. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 6, 3-9-2015).

5.10.120 - Reporting requirements for industrial users.

- (a) Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the director, in addition to the information required by Section 5.10.110(b)(1) through (13), a report which contains the information listed in subsections (1) through (5) of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director, in addition to the information required by Section 5.10.110(b)(1) through (13), a report which contains the information listed in said subsections (1) through (5). A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall give estimates of its anticipated flow and quantity of pollutants discharged.

- (1) A list of any environmental control wastewater discharge permits held by or for the facility;
 - (2) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);
 - (3) The categorical pretreatment standards applicable to each regulated process;
 - (4) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the categorical standard or by the city) of regulated pollutants in the discharge from each regulated process. Daily maximum and average concentration (or mass, where required) shall be reported. Sampling and analysis shall be performed in accordance with procedures set out in Section 5.10.120(h) and (i);
 - (5) A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements;
 - (6) Signatures and certification in accordance with Section 5.10.110(c).
- (b) Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for those process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (c) Periodic Compliance Reports.
- (1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
 - (2) The director may impose mass limitations on users to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (c)(1) of this section shall indicate the mass of regulated pollutants in the effluent of the user.
 - (3) Significant non categorical industrial users shall submit to the director during the months of June and December a report of the nature and concentration of the pollutants limited by their wastewater discharge permits and the measured or estimated average and maximum daily flows for the reporting period, unless otherwise stated in their permit.
 - (4) All periodic compliance reports required must be signed and certified in accordance with Section 5.10.110(c).
 - (5) At the discretion of the director, the sampling and analysis called for in subsections (c)(1) and (3) of this section may be performed by the POTW in lieu of the industrial user. Where the

POTW collects all the information required for periodic compliance reports, the industrial user will not be required to submit the report.

- (6) For any regulated pollutant monitored at the sampling location more frequently than required in the permit, the results of this monitoring shall be included in:
 - i. Periodic compliance and baseline monitoring reports required for CIUs
 - ii. Periodic compliance reports for any IU not subject to categorical Pretreatment Standards.
- (d) Report of Changed Conditions. All industrial users shall promptly notify the director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). No industrial user shall implement the planned change until approval of the director has been received.
- (e) Notification and Report of Accidental Discharge/Slug Load. In the case of an accidental discharge or slug load which could cause problems to the POTW, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five days following an accidental discharge or slug load, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- (f) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring of the industrial user's discharge at least once a month, or if the POTW performs sampling between the time of the industrial user's initial sampling and the time that the industrial user receives the results of this sampling.
- (g) Notification of the Discharge of Hazardous Waste. Following the requirements of 40 CFR 403.12(p), industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.
- (h) Analytical Requirements. All discharge sampling and analysis shall be performed in accordance with EPA approved methods specified in 40 CFR Part 136, unless otherwise specified in an applicable categorical standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- (i) Sample Collection.
 - (1) Except as indicated in subdivision (2) below, the industrial user must collect wastewater samples using the sampling procedures as defined in 40 CFR 403, Appendix E. - Sampling Procedures. All samples must be obtained through flow proportional composite collection techniques; unless time -proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the IU file. Should grab samples be allowed, the Director will indicate the specific number and timing of the samples that are authorized. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 7, 3-9-2015).

5.10.130 - Monitoring facilities.

The director may require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the director's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the director.

(Ord. 5123 § 2 (part), 1993).

5.10.140 - Inspection and sampling.

Representatives of the city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations and shall have the right to copy records associated with the handling of wastes. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 5123 § 2 (part), 1993).

5.10.150 - Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limits as specified by the National Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review and shall be acceptable to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and be accepted by the director prior to the user's initiation of the changes. The director shall annually publish in the local newspaper with the largest circulation, a list of the users which were found to be in significant noncompliance with applicable pretreatment standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same

twelve (12) months. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 8, 3-9-2015).

5.10.160 - Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Program, State Disposal System Permit and/or the pretreatment programs; and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 5123 § 2 (part), 1993).

5.10.170 - Charges and fees.

The city may adopt charges and fees which may include: (1) fees for reimbursement of costs of setting up and operating the city's pretreatment program; (2) fees for monitoring inspections and surveillance procedures; (3) fees for reviewing accidental discharge procedures and constructions; (4) fees for permit applications; (5) fees for filing appeals; (6) fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards; (7) other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the city.

(Ord. 5123 § 2 (part), 1993).

Division III - Enforcement

5.10.180 - Harmful discharges.

The director may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the POTW to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The director shall reinstate the wastewater discharge permit

and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the director within fifteen (15) days of the date of the occurrence.

(Ord. 5123 § 2 (part), 1993).

5.10.190 - Revocation of permit.

Any user who commits any of the following violations of this chapter or his or her wastewater discharge permit, or violates applicable state or federal law, is subject to having his or her permit revoked: (1) failure of a user to factually report the wastewater constituents and characteristics of his or her discharge; (2) failure of the user to report significant changes in operations, or wastewater constituents and characteristics; (3) refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or (4) violation of conditions of the permit.

(Ord. 5123 § 2 (part), 1993).

5.10.200 - Notification of violation.

Whenever the director finds that any user has violated or is violating this chapter, his or her wastewater discharge permit, or any prohibition, limitation or requirement contained herein, he or she may serve upon such person a written notice stating the nature of the violation and requiring specific action on the part of the user to correct the violation within a specified period of time.

(Ord. 5123 § 2 (part), 1993).

5.10.210 - Show cause hearing.

The director may order any user which causes or contributes to violation(s) of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(Ord. 5123 § 2 (part), 1993).

5.10.220 - Civil penalty.

Any user found guilty of violating a pretreatment standard or requirement is guilty of a municipal infraction which may be punishable, upon conviction, by a civil penalty of not more than one thousand dollars (\$1,000.00) for each day the violation exists or continues. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

(Ord. 5123 § 2 (part), 1993).

5.10.230 - Injunctive relief.

Whenever a user has violated a pretreatment standard or requirement, the city may petition for injunctive relief according to the terms of Chapter 1.95.

(Ord. 5123 § 2 (part), 1993).

5.10.240 - Legal action.

If any person discharges sewage, industrial waste or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief.

(Ord. 5123 § 2 (part), 1993).

Chapter 5.12 - SEWER CONNECTION FEES

Sections:

5.12.010 - Payment required—Basis.

In addition to any other permit fee as required by the city of Council Bluffs, Iowa, no connection for property within the city limits of the city of Council Bluffs, shall be made by anyone to any sanitary sewer connected with or draining into any sanitary sewer of the city of Council Bluffs without the property owner first paying a connection fee to the city of Council Bluffs, for his or her prorated share of the original cost of installing sanitary sewers. The prorated share or connection fee shall be based on the number of front feet of the entire property for which such connection is sought to be made, multiplied by the original cost per front foot of the sewer; or in the event the property owner desires to connect a sewer into a trunk sewer this prorated share shall be based on the area to be served by connecting with said trunk sewer versus the total area capable of being served by said trunk sewer.

(Ord. 4002 § 1 (part), 1973).

5.12.020 - Portion of original cost.

The connection charge to the property to be served shall not exceed the equitable portion of the total original cost to the city of extending the sanitary facilities to the near vicinity of the property less any part of said sewer cost which has been previously assessed or paid to the city under Chapters 391, 391A or 417 of the Code of Iowa.

(Ord. 4002 § 1 (part), 1973).

5.12.030 - Payment—When due.

The connection charge shall be due and payable at the time of application for the permit, and no permit shall be issued until the connection charge is paid.

(Ord. 4002 § 1 (part), 1973).

5.12.040 - Disbursement of moneys—City contribution.

Any and all charges or fees collected under this chapter shall be remitted to the city treasurer. All moneys collected shall be disbursed to those properties which have paid assessments for the sewer being connected to unless the city has made a contribution to the project, in which case all moneys collected shall be kept in a separate and distinct part of the Sanitation Fund, to be known as the "Sewer Connection Fund," and shall only be disbursed and used for the purposes authorized in Section 393.7 of the Iowa Code.

(Ord. 4002 § 1 (part), 1973).

5.12.050 - Disbursement of moneys to property owners.

Notwithstanding any of the provisions of Section 5.12.040 hereof, after the city has been repaid for its contribution to the sewer being connected to, all moneys collected shall be disbursed to those properties which have paid assessments for said sewer.

(Ord. 4002 § 1 part), 1973).

5.12.060 - Agreement in lieu of charge.

In lieu of a connection charge and at the discretion of the city's director of public works, the applicant for a connection to an existing sewer prior to making said connection may be required to enter into an agreement with the city of Council Bluffs to pay his or her pro rata share of a new sewer when and if the new sewer is installed adjacent to applicant's property.

(Ord. 4002 § 1 (part), 1973).

5.12.070 - Penalty.

Any person, firm, partnership, corporation or any legal entity found guilty of a violation of any of the provisions of this chapter shall upon conviction be subject to a fine not exceeding one hundred dollars (\$100.00) or be imprisoned for a term not exceeding thirty (30) days. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

(Ord. 4758 § 1, 1987).

Title 5 - SEWERS*

Chapters:

Chapter 5.05 - DEFINITIONS

Sections:

5.05.010 - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases as used in this title shall have the meaning hereinafter designated:

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
- (2) "Approval authority" means the Director of the Iowa Department of Natural Resources.
- (3) "Authorized representative of industrial user" may be: (A) a principal executive officer (president, vice president, secretary, treasurer) if the industrial user is a corporation; (B) a general partner or proprietor if the industrial user is a partnership or proprietorship; (C) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. The person authorized to sign reports for industrial users must have the ability to authorize funds and personnel needed to ensure compliance with pretreatment standards or to correct issues of non-compliance.
- (4) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or sanitary sewer lateral beginning two feet outside the interface of the building wall.
- (6) "Building sewer" means a sewer conveying wastewater from within two feet of the premises of a user to the main sanitary sewer. Also known as a "sanitary sewer lateral."
- (7) "Carbonaceous biochemical oxygen demand (CBOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter performed with the addition of a nitrification inhibitor, under the standard laboratory procedure of five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (8) "Categorical standards" mean National Categorical Pretreatment Standards or Pretreatment Standards.
- (9) "City" means the city of Council Bluffs, Iowa, or the city council of Council Bluffs, Iowa.
- (10) "City engineer" means the city engineer for the city of Council Bluffs, Iowa, or the city engineer's designee.
- (11) "Control authority" shall refer to the director of public works or the director's designee.
- (12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

- (13) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Iowa.
- (14) "Director" means the director of public works of the city of Council Bluffs, Iowa, or the director's designee.
- (15) "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.
- (16) "Garbage" means solid waste from preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- (17) "Grab sample" means a sample which is taken from a water stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (18) "Hexane extractable material (HEM) means material that is extracted from a sample using EPA Method 1664 A. This material includes non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, grease, and related material.
- (19) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (20) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (21) "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (22) "Industrial waste" means the liquid waste from industrial processes as distinct from sanitary sewage.
- (23) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (A) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (B) therefore is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (24) "Local control mechanism" means any discharge permit or discharge authorization issued to a user by the control authority.
- (25) "Sanitary sewer lateral" means that portion of a sanitary sewer between the public sewer main and the structure to which such lateral(s) serves. The sanitary sewer lateral includes the connection into the sewer main or any work or fixtures related or required in making the connection.
- (26) "Main sanitary sewer" means any sewer accommodating lateral and building sewers from abutting property which carry sewage and to which storm surface and ground waters are not intentionally admitted.
- (27) "National Categorical Pretreatment Standards" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by the EPA at 40 CFR Chapter I, Subchapter N, Parts 405 and 471 in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to Section 403.5.

- (28) "National Pollution Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (29) "Natural outlet" means any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.
- (30) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that such construction meets the criteria of 40 CFR 403.3(k).
- (31) "Pass through" means a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (32) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.
- (33) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.
- (34) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (35) "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- (36) "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (37) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (38) "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
- (39) "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.
- (40) "Public sewer" means a sewer in which all owners of the abutting properties have equal rights and which is controlled by public authority.
- (41) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (42) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

- (43) "Sewer" means a pipe or conduit for carrying sewage.
- (44) "Shall" is mandatory. "May" is permissive.
- (45) Significant Industrial User.
- (A) Except as provided in subsection 42(B) of this section, the term "significant industrial user" means:
- i. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - ii. Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (B) Upon a finding that an industrial user meeting the criteria in subsection 42(a)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.
- (46) Significant Noncompliance. An industrial user is in "significant noncompliance" with the terms of its wastewater discharge permit if its violation meets one or more of the following criteria:
- (A) Chronic violation of discharge limits, which occurs when sixty-six (66) percent or more of all measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l). (B) Technical review criteria (TRC) violation, which occurs when thirty-three (33) percent or more of all measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease HEM, and 1.2 for all other pollutants except pH);
 - (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard) that causes, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - (E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (F) Failure to provide, within 30 days the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
 - (G) Failure to accurately report noncompliance;

- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.
- (47) "State" means state of Iowa.
- (48) "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (49) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- (50) "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting there from.
- (51) "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (52) "Total suspended solids (non-filterable) TSS" means the retained material on a standard glass fiber filter (typically 934-AH) after filtration of a well-mixed sample.
- (53) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (54) "User" means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.
- (55) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (56) "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently.
- (57) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- (58) "Wastewater discharge permit" is defined as set forth in Section 5.10.120 of this chapter.
- (59) "Wye or Y branch" means a prefabricated section of the main sanitary sewer or any construction or alterations to the sanitary sewer main for the purpose of connecting a sewer lateral.

(Ord. 5534 § 1, 2001).

(Ord. No. 6227, § 1, 3-9-2015).

5.05.020 - Abbreviations.

The following abbreviations shall have the designated meanings:

- (1) "BOD" means biochemical oxygen demand.
- (2) "CBOD" means carbonaceous biochemical oxygen demand.
- (3) "CFR" means Code of Federal Regulations.

- (4) "COD" means chemical oxygen demand.
- (5) "EPA" means Environmental Protection Agency.
- (6) "HEM" means hexane extractable materials.
- (7) "l" means liter.
- (8) "mg" means milligram.
- (9) "mgd" means million gallons per day.
- (10) "mg/l" means milligrams per liter.
- (11) "NPDES" means National Pollutant Discharge Elimination System.
- (12) "POTW" means publicly owned treatment works.
- (13) "SIC" means Standard Industrial Classification.
- (14) "SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (15) "USC" means United States Code.
- (16) "TSS" means total suspended solids.

(Ord. 5122 § 2 (part), 1993).

(Ord. No. 6227, § 2, 3-9-2015).

Chapter 5.10 - GENERAL RESTRICTIONS

Sections:

Sections:

Sections:

Division I - Restrictions

5.10.010 - Depositing in an unsanitary manner.

It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excretion, garbage or other objectionable waste. For the purpose of this section, an "unsanitary manner" is any manner which is not in compliance with the administrative rules established by the Department of Natural Resources for the state of Iowa.

(Ord. 5123 § 2 (part), 1993).

5.10.020 - General discharge prohibitions.

- (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

- (1) Any pollutants which create a fire or explosion hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or EPA has notified the user is a fire hazard or a hazard to the system;
- (2) Solid or viscous substances in amounts which may cause obstruction to the flow in a sewer, interference with the operations of the wastewater treatment facilities, or pass through. Such substances shall include but not be not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
- (3) Any wastewater having a pH less than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;
- (4) Any wastewater containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, to create any hazard in waters which receive treated effluent from the POTW, or to exceed the limitation set forth in a National Categorical Pretreatment Standard or local standards. Toxic wastes shall include, but are not limited to, wastes containing cyanide, chromium, cadmium, mercury, copper and nickel ions;
- (5) Any noxious or malodorous liquids, gases, or solids which are capable of creating a public nuisance or are sufficient to prevent entry into the sewers for maintenance and repair;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (7) Wastewater containing any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, and Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the state;
- (8) Any substance which will cause the POTW to violate its NPDES permit or increase the magnitude or duration of a violation;
- (9) Any wastewater containing color which is not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- (10) Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater with a temperature exceeding 104 degrees F (40 degrees C);
- (11) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (12) Any trucked or hauled industrial waste;
- (13) Any trucked or hauled septage waste, except at the designated discharge point at the POTW headworks;
- (14) Any wastewater containing any radioactive wastes or isotopes;
- (15) Any wastewater containing medical or infectious waste;

(16) Any wastewater causing a hazard to life or creating a public nuisance.

- (b) **Affirmative Defense.** An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general discharge prohibitions if it can prove that it did not know or have reason to know that its discharge would cause pass through or interference and that either: (1) the discharge was in compliance with local limits for each pollutant discharged immediately prior to and during the pass through or interference; or (2) when no such limits exist, the discharge did not substantially exceed the rate and/or concentration of its discharge during periods when the POTW was in compliance with its NPDES permit.

(Ord. 5123 § 2 (part), 1993).

5.10.030 - National Categorical Pretreatment Standards.

Industrial users subject to National Categorical Pretreatment Standards promulgated by EPA for particular industrial categories shall comply with applicable standards and requirements unless more stringent limitations are imposed under this chapter.

(Ord. 5123 § 2 (part), 1993).

5.10.040 - Specific pollutant limitations.

- (a) Industrial discharge limits for the following pollutants shall be determined by the director on a case by case basis. In no instance shall the total allocation for all industrial users exceed the maximum allowable industrial loadings as shown below:

Parameter	Maximum Allowable Industrial Loading (lbs/day)
Arsenic	2.13
Cadmium	0.16
Total Chromium	14.4
Copper	9.3
Cyanide	1.07
Lead	1.3
Mercury	.18
Molybdenum	.92

Nickel	7.19
Selenium	1.26
Silver	4.09
Zinc	12.4
BOD5	20,560
TSS	18,700

- (b) The admission into the public sewers of any waters or wastes having: (1) a five-day biochemical oxygen demand greater than three hundred fifty (350) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) containing more than one hundred (100) parts per million by weight of HEM (petroleum or mineral oil products) or (4) containing any quantity of substances having the characteristics described in Section 5.10.020, or (5) having an average daily flow greater than two per cent of the average daily sewer flow of the city shall be subject to the review and approval of the director.

The city may, where deemed necessary, set additional surcharges by ordinance as needed for higher concentrations of TSS, BOD, and HEM than previously set forth.

Where necessary in the opinion of the director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (1) reduce the biochemical oxygen demand and the suspended solids to three hundred fifty (350) parts per million and the oil and/or grease to one hundred (100) parts per million, or (2) reduce the objectionable characteristics or constituents to within the maximum limits provided or in Section 5.10.020, or (3) control the quantities or rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and of the department of health of the state of Iowa, and no constructions of such facilities shall be commenced until said approvals are obtained in writing.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 3, 3-9-2015).

5.10.050 - State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. 5123 § 2 (part), 1993).

5.10.060 - City's right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to ensure proper operation of the POTW and compliance by the POTW with applicable state and federal regulations.

(Ord. 5123 § 2 (part), 1993).

5.10.070 - Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state.

(Ord. 5123 § 2 (part), 1993).

5.10.080 - Accidental discharge/slug control.

All Significant Industrial Users (SIUs) shall be evaluated by the POTW to determine the need for a slug control plan at least once or whenever a major change occurs at the facility. Where deemed necessary by the director, users shall develop and implement a plan to comply with 40 CFR 403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi). Such a plan shall be made a part of the SIU permit and shall contain at least the following elements:

- (1) Description of discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of a slug discharge or any changes at its facility affecting the potential for a slug discharges and procedures for follow-up written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response; and
- (5) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 4, 3-9-2015).

Division II - Administration

5.10.090 - Wastewater dischargers.

It shall be unlawful for an industrial user to begin a new contribution of pollutants to the POTW or to increase or change the nature of its contribution of pollutants to the POTW without prior approval of the director.

(Ord. 5123 § 2 (part), 1993).

5.10.100 - Wastewater permit application.

When requested by the director all industrial users must submit information on the nature and characteristics of their wastewater by completing a discharge permit application. The director may periodically require industrial users to update the information provided in the application. All new users must also submit a baseline monitoring report. Failure to complete either of these shall be reasonable grounds for denying or terminating service to the industrial user and shall be considered a violation of the chapter.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 5, 3-9-2015).

5.10.110 - Wastewater discharge permits.

- (a) General Permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.
- (b) Permit Application. Users required to obtain a wastewater discharge permit shall complete and file with the director a baseline monitoring report in the form prescribed. Proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the report, the user shall furnish to the director the information necessary for evaluation of the user's discharge. The user may be required to produce the following information:
 - (1) Name and address of the facility, including the name of the operator and owners;
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 5.10.020 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (4) Time and duration of contribution;
 - (5) Average daily and three minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
 - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
 - (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (B) No increment referred to in subdivision (A) of this subdivision shall exceed nine months.
 - (C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the director;
- (10) Each product produced by type, amount, process or processes and rate of production;
 - (11) Type and amount of raw materials processed (average and maximum per day);
 - (12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - (13) Any other information as may be deemed by the director to be necessary to evaluate the permit application.
- (c) Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- (d) Wastewater Discharge Permit Decisions. The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a wastewater discharge permit subject to terms and conditions provided herein.
- (e) Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:
- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (2) Limits on the average and maximum wastewater constituents and characteristics;
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities;
 - (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (6) Compliance schedules;
 - (7) Requirements for submission of technical reports or discharge reports;

- (8) Requirements for affording city representatives access to plant records relating to wastewater discharge and for maintaining and retaining such records for three years, or longer in the case of unresolved litigation or at the request of the state or EPA;
 - (9) Requirements for notification and approval of the director prior to any new introduction of wastewater constituents or substantial change in the volume or characteristic of the wastewater constituents being introduced into the wastewater treatment system, including the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12(p);
 - (10) Requirements for notification of slug discharges as per Section 5.10.120(e);
 - (11) Other conditions as deemed appropriate by the director to ensure compliance with this chapter.
- (f) **Permit Duration.** Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period not less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit.
 - (g) **Permit Modification.** The terms and conditions of the permit may be subject to modification by the director during the term of the permit as limitations or requirements identified in Section 5.10.020 are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (h) **Right to Appeal Permit Provisions.** Users who have been issued a wastewater discharge permit shall have the right to challenge or appeal specific provisions of the permit which they believe are contrary to law or an unreasonable exercise of the city's discretion under that law for a period of thirty (30) days following the effective date of the permit. Failure to exercise this right to appeal within the allotted time shall be deemed a waiver by the permittee of his or her right to challenge the terms of the permit.
 - (i) **Permit Transfer.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without prior written notification to the director and the provision of a copy of the existing wastewater discharge permit to the new owner or user. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 6, 3-9-2015).

5.10.120 - Reporting requirements for industrial users.

- (a) Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the director, in addition to the information required by Section 5.10.110(b)(1) through (13), a report which contains the information listed in subsections (1) through (5) of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director, in addition to the information required by Section 5.10.110(b)(1) through (13), a report which contains the information listed in said subsections (1) through (5). A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall give estimates of its anticipated flow and quantity of pollutants discharged.

- (1) A list of any environmental control wastewater discharge permits held by or for the facility;
 - (2) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);
 - (3) The categorical pretreatment standards applicable to each regulated process;
 - (4) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the categorical standard or by the city) of regulated pollutants in the discharge from each regulated process. Daily maximum and average concentration (or mass, where required) shall be reported. Sampling and analysis shall be performed in accordance with procedures set out in Section 5.10.120(h) and (i);
 - (5) A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements;
 - (6) Signatures and certification in accordance with Section 5.10.110(c).
- (b) Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for those process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (c) Periodic Compliance Reports.
- (1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
 - (2) The director may impose mass limitations on users to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (c)(1) of this section shall indicate the mass of regulated pollutants in the effluent of the user.
 - (3) Significant non categorical industrial users shall submit to the director during the months of June and December a report of the nature and concentration of the pollutants limited by their wastewater discharge permits and the measured or estimated average and maximum daily flows for the reporting period, unless otherwise stated in their permit.
 - (4) All periodic compliance reports required must be signed and certified in accordance with Section 5.10.110(c).
 - (5) At the discretion of the director, the sampling and analysis called for in subsections (c)(1) and (3) of this section may be performed by the POTW in lieu of the industrial user. Where the

POTW collects all the information required for periodic compliance reports, the industrial user will not be required to submit the report.

- (6) For any regulated pollutant monitored at the sampling location more frequently than required in the permit, the results of this monitoring shall be included in:
 - i. Periodic compliance and baseline monitoring reports required for CIUs
 - ii. Periodic compliance reports for any IU not subject to categorical Pretreatment Standards.
- (d) Report of Changed Conditions. All industrial users shall promptly notify the director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). No industrial user shall implement the planned change until approval of the director has been received.
- (e) Notification and Report of Accidental Discharge/Slug Load. In the case of an accidental discharge or slug load which could cause problems to the POTW, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five days following an accidental discharge or slug load, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- (f) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring of the industrial user's discharge at least once a month, or if the POTW performs sampling between the time of the industrial user's initial sampling and the time that the industrial user receives the results of this sampling.
- (g) Notification of the Discharge of Hazardous Waste. Following the requirements of 40 CFR 403.12(p), industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.
- (h) Analytical Requirements. All discharge sampling and analysis shall be performed in accordance with EPA approved methods specified in 40 CFR Part 136, unless otherwise specified in an applicable categorical standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
- (i) Sample Collection.
 - (1) Except as indicated in subdivision (2) below, the industrial user must collect wastewater samples using the sampling procedures as defined in 40 CFR 403, Appendix E. - Sampling Procedures. All samples must be obtained through flow proportional composite collection techniques; unless time -proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the IU file. Should grab samples be allowed, the Director will indicate the specific number and timing of the samples that are authorized. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 7, 3-9-2015).

5.10.130 - Monitoring facilities.

The director may require to be provided and operated at the user's own expense monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the director's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the director.

(Ord. 5123 § 2 (part), 1993).

5.10.140 - Inspection and sampling.

Representatives of the city may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations and shall have the right to copy records associated with the handling of wastes. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 5123 § 2 (part), 1993).

5.10.150 - Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limits as specified by the National Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review and shall be acceptable to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and be accepted by the director prior to the user's initiation of the changes. The director shall annually publish in the local newspaper with the largest circulation, a list of the users which were found to be in significant noncompliance with applicable pretreatment standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same

twelve (12) months. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 8, 3-9-2015).

5.10.160 - Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) Program, State Disposal System Permit and/or the pretreatment programs; and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 5123 § 2 (part), 1993).

5.10.170 - Charges and fees.

The city may adopt charges and fees which may include: (1) fees for reimbursement of costs of setting up and operating the city's pretreatment program; (2) fees for monitoring inspections and surveillance procedures; (3) fees for reviewing accidental discharge procedures and constructions; (4) fees for permit applications; (5) fees for filing appeals; (6) fees for consistent removal by the city of pollutants otherwise subject to federal pretreatment standards; (7) other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the city.

(Ord. 5123 § 2 (part), 1993).

Division III - Enforcement

5.10.180 - Harmful discharges.

The director may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the POTW to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The director shall reinstate the wastewater discharge permit

and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the director within fifteen (15) days of the date of the occurrence.

(Ord. 5123 § 2 (part), 1993).

5.10.190 - Revocation of permit.

Any user who commits any of the following violations of this chapter or his or her wastewater discharge permit, or violates applicable state or federal law, is subject to having his or her permit revoked: (1) failure of a user to factually report the wastewater constituents and characteristics of his or her discharge; (2) failure of the user to report significant changes in operations, or wastewater constituents and characteristics; (3) refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or (4) violation of conditions of the permit.

(Ord. 5123 § 2 (part), 1993).

5.10.200 - Notification of violation.

Whenever the director finds that any user has violated or is violating this chapter, his or her wastewater discharge permit, or any prohibition, limitation or requirement contained herein, he or she may serve upon such person a written notice stating the nature of the violation and requiring specific action on the part of the user to correct the violation within a specified period of time.

(Ord. 5123 § 2 (part), 1993).

5.10.210 - Show cause hearing.

The director may order any user which causes or contributes to violation(s) of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(Ord. 5123 § 2 (part), 1993).

5.10.220 - Civil penalty.

Any user found guilty of violating a pretreatment standard or requirement is guilty of a municipal infraction which may be punishable, upon conviction, by a civil penalty of not more than one thousand dollars (\$1,000.00) for each day the violation exists or continues. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

(Ord. 5123 § 2 (part), 1993).

5.10.230 - Injunctive relief.

Whenever a user has violated a pretreatment standard or requirement, the city may petition for injunctive relief according to the terms of Chapter 1.95.

(Ord. 5123 § 2 (part), 1993).

5.10.240 - Legal action.

If any person discharges sewage, industrial waste or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief.

(Ord. 5123 § 2 (part), 1993).

Chapter 5.12 - SEWER CONNECTION FEES

Sections:

5.12.010 - Payment required—Basis.

In addition to any other permit fee as required by the city of Council Bluffs, Iowa, no connection for property within the city limits of the city of Council Bluffs, shall be made by anyone to any sanitary sewer connected with or draining into any sanitary sewer of the city of Council Bluffs without the property owner first paying a connection fee to the city of Council Bluffs, for his or her prorated share of the original cost of installing sanitary sewers. The prorated share or connection fee shall be based on the number of front feet of the entire property for which such connection is sought to be made, multiplied by the original cost per front foot of the sewer; or in the event the property owner desires to connect a sewer into a trunk sewer this prorated share shall be based on the area to be served by connecting with said trunk sewer versus the total area capable of being served by said trunk sewer.

(Ord. 4002 § 1 (part), 1973).

5.12.020 - Portion of original cost.

The connection charge to the property to be served shall not exceed the equitable portion of the total original cost to the city of extending the sanitary facilities to the near vicinity of the property less any part of said sewer cost which has been previously assessed or paid to the city under Chapters 391, 391A or 417 of the Code of Iowa.

(Ord. 4002 § 1 (part), 1973).

5.12.030 - Payment—When due.

The connection charge shall be due and payable at the time of application for the permit, and no permit shall be issued until the connection charge is paid.

(Ord. 4002 § 1 (part), 1973).

5.12.040 - Disbursement of moneys—City contribution.

Any and all charges or fees collected under this chapter shall be remitted to the city treasurer. All moneys collected shall be disbursed to those properties which have paid assessments for the sewer being connected to unless the city has made a contribution to the project, in which case all moneys collected shall be kept in a separate and distinct part of the Sanitation Fund, to be known as the "Sewer Connection Fund," and shall only be disbursed and used for the purposes authorized in Section 393.7 of the Iowa Code.

(Ord. 4002 § 1 (part), 1973).

5.12.050 - Disbursement of moneys to property owners.

Notwithstanding any of the provisions of Section 5.12.040 hereof, after the city has been repaid for its contribution to the sewer being connected to, all moneys collected shall be disbursed to those properties which have paid assessments for said sewer.

(Ord. 4002 § 1 part), 1973).

5.12.060 - Agreement in lieu of charge.

In lieu of a connection charge and at the discretion of the city's director of public works, the applicant for a connection to an existing sewer prior to making said connection may be required to enter into an agreement with the city of Council Bluffs to pay his or her pro rata share of a new sewer when and if the new sewer is installed adjacent to applicant's property.

(Ord. 4002 § 1 (part), 1973).

5.12.070 - Penalty.

Any person, firm, partnership, corporation or any legal entity found guilty of a violation of any of the provisions of this chapter shall upon conviction be subject to a fine not exceeding one hundred dollars (\$100.00) or be imprisoned for a term not exceeding thirty (30) days. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

(Ord. 4758 § 1, 1987).

ORDINANCE NO. 6282

ORDINANCE TO AMEND TITLE 5 – SEWERS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 5.05.010 - DEFINITIONS, 5.10.040 - SPECIFIC POLLUTANT LIMITATIONS, 5.10.080 - ACCIDENTAL DISCHARGE/SLUG CONTROL, 5.10.120 - REPORTING REQUIREMENTS FOR INDUSTRIAL USERS.

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

SECTION 1. That Chapter 5.05 “Definitions” of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 5.05.010 to read as follows:

5.05.010 - Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases as used in this title shall have the meaning hereinafter designated:

- (1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
- (2) "Approval authority" means the Director of the Iowa Department of Natural Resources.
- (3) "Authorized representative of industrial user" may be: (A) a principal executive officer (president, vice president, secretary, treasurer) if the industrial user is a corporation; (B) a general partner or proprietor if the industrial user is a partnership or proprietorship; (C) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. The person authorized to sign reports for industrial users must have the ability to authorize funds and personnel needed to ensure compliance with pretreatment standards or to correct issues of non-compliance.
- (4) "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or sanitary sewer lateral beginning two feet outside the interface of the building wall.
- (6) "Building sewer" means a sewer conveying wastewater from within two feet of the premises of a user to the main sanitary sewer. Also known as a "sanitary sewer lateral."
- (7) "Carbonaceous biochemical oxygen demand (CBOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter performed with the addition of a nitrification inhibitor, under the standard laboratory procedure of five days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

- (8) "Categorical standards" mean National Categorical Pretreatment Standards or Pretreatment Standards.
- (9) "City" means the city of Council Bluffs, Iowa, or the city council of Council Bluffs, Iowa.
- (10) "City engineer" means the city engineer for the city of Council Bluffs, Iowa, or the city engineer's designee.
- (11) "Control authority" shall refer to the director of public works or the director's designee.
- (12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (13) "Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the state of Iowa.
- (14) "Director" means the director of public works of the city of Council Bluffs, Iowa, or the director's designee.
- (15) "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.
- (16) "Garbage" means solid waste from preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- (17) "Grab sample" means a sample which is taken from a water stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (18) "Hexane extractable material (HEM) means material that is extracted from a sample using EPA Method 1664 A. This material includes non-volatile hydrocarbons, vegetable oils, animal fats, waxes, soaps, grease, and related material.
- (19) "Holding tank waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (20) "Indirect discharge" means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (21) "Industrial user" means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (22) "Industrial waste" means the liquid waste from industrial processes as distinct from sanitary sewage.
- (23) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (A) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (B) therefore is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- (24) "Local control mechanism" means any discharge permit or discharge authorization issued to a user by the control authority.
- (25) "Sanitary sewer lateral" means that portion of a sanitary sewer between the public sewer main and the structure to which such lateral(s) serves. The sanitary sewer lateral includes the connection into the sewer main or any work or fixtures related or required in making the connection.
- (26) "Main sanitary sewer" means any sewer accommodating lateral and building sewers from abutting property which carry sewage and to which storm surface and ground waters are not intentionally admitted.
- (27) "National Categorical Pretreatment Standards" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by the EPA at 40 CFR Chapter I, Subchapter N, Parts 405 and 471 in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to Section 403.5.
- (28) "National Pollution Discharge Elimination System" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (29) "Natural outlet" means any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.
- (30) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that such construction meets the criteria of 40 CFR 403.3(k).
- (31) "Pass through" means a discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (32) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.
- (33) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.
- (34) "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- (35) "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
- (36) "Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be

obtained by physical, chemical, or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

- (37) "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (38) "Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
- (39) "POTW treatment plant" means that portion of the POTW designed to provide treatment to wastewater.
- (40) "Public sewer" means a sewer in which all owners of the abutting properties have equal rights and which is controlled by public authority.
- (41) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- (42) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (43) "Sewer" means a pipe or conduit for carrying sewage.
- (44) "Shall" is mandatory. "May" is permissive.
- (45) Significant Industrial User.
 - (A) Except as provided in subsection 42(B) of this section, the term "significant industrial user" means:
 - i. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
 - ii. Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (B) Upon a finding that an industrial user meeting the criteria in subsection 42(a)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

- (46) Significant Noncompliance. An industrial user is in "significant noncompliance" with the terms of its wastewater discharge permit if its violation meets one or more of the following criteria:
- (A) Chronic violation of discharge limits, which occurs when sixty-six (66) percent or more of all measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l). (B) Technical review criteria (TRC) violation, which occurs when thirty-three (33) percent or more of all measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease HEM, and 1.2 for all other pollutants except pH);
 - (C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long term average, instantaneous limit, or narrative standard) that causes, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
 - (E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (F) Failure to provide, within 30 days the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
 - (G) Failure to accurately report noncompliance;
 - (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.
- (47) "State" means state of Iowa.
- (48) "Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (49) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
- (50) "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting there from.
- (51) "Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

- (52) "Total suspended solids (non-filterable) TSS" means the retained material on a standard glass fiber filter (typically 934-AH) after filtration of a well-mixed sample.
- (53) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (54) "User" means any person who contributes, causes or permits the contribution of wastewater into the city's POTW.
- (55) "Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (56) "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently.
- (57) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.
- (58) "Wastewater discharge permit" is defined as set forth in Section 5.10.120 of this chapter.
- (59) "Wye or Y branch" means a prefabricated section of the main sanitary sewer or any construction or alterations to the sanitary sewer main for the purpose of connecting a sewer lateral.

(Ord. 5534 § 1, 2001).

(Ord. No. 6227, § 1, 3-9-2015).

SECTION 2. That Chapter 5.10 "General Restrictions" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 5.05.040 to read as follows:

5.10.040 - Specific pollutant limitations.

- (a) Industrial discharge limits for the following pollutants shall be determined by the director on a case by case basis. In no instance shall the total allocation for all industrial users exceed the maximum allowable industrial loadings as shown below:

Parameter	Maximum Allowable Industrial Loading (lbs/day)
Arsenic	2.13
Cadmium	0.16
Total Chromium	14.4
Copper	9.3

Cyanide	1.07
Lead	1.3
Mercury	.18
Molybdenum	.92
Nickel	7.19
Selenium	1.26
Silver	4.09
Zinc	12.4
BOD5	20,560
TSS	18,700

(b) The admission into the public sewers of any waters or wastes having: (1) a five-day biochemical oxygen demand greater than three hundred fifty (350) parts per million by weight, or (2) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (3) containing more than one hundred (100) parts per million by weight of HEM (petroleum or mineral oil products) or (4) containing any quantity of substances having the characteristics described in Section 5.10.020, or (5) having an average daily flow greater than two per cent of the average daily sewer flow of the city shall be subject to the review and approval of the director.

The city may, where deemed necessary, set additional surcharges by ordinance as needed for higher concentrations of TSS, BOD, and HEM than previously set forth.

Where necessary in the opinion of the director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (1) reduce the biochemical oxygen demand and the suspended solids to three hundred fifty (350) parts per million and the oil and/or grease to one hundred (100) parts per million, or (2) reduce the objectionable characteristics or constituents to within the maximum limits provided or in Section 5.10.020, or (3) control the quantities or rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and of the department of health of the state of Iowa, and no constructions of such facilities shall be commenced until said approvals are obtained in writing.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 3, 3-9-2015).

SECTION 3. That Chapter 5.10 “General Restrictions” of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 5.10.080 to read as follows:

5.10.080 - Accidental discharge/slug control.

All Significant Industrial Users (SIUs) shall be evaluated by the POTW to determine the need for a slug control plan at least once or whenever a major change occurs at the facility. Where deemed necessary by the director, users shall develop and implement a plan to comply with 40 CFR 403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi). Such a plan shall be made a part of the SIU permit and shall contain at least the following elements:

- (1) Description of discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of a slug discharge or any changes at its facility affecting the potential for a slug discharges and procedures for follow-up written notification within five days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response; and
- (5) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 4, 3-9-2015).

SECTION 4. That Chapter 5.10 “General Restrictions” of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Section 5.10.120 to read as follows:

5.10.120 - Reporting requirements for industrial users.

- (a) Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the director, in addition to the information required by Section 5.10.110(b)(1) through (13), a report which contains the information listed in subsections (1) through (5) of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director, in addition to the information required by Section 5.10.110(b)(1) through (13), a report which contains the information listed in said subsections (1) through (5). A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall give estimates of its anticipated flow and quantity of pollutants discharged.
 - (1) A list of any environmental control wastewater discharge permits held by or for the facility;

- (2) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);
 - (3) The categorical pretreatment standards applicable to each regulated process;
 - (4) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the categorical standard or by the city) of regulated pollutants in the discharge from each regulated process. Daily maximum and average concentration (or mass, where required) shall be reported. Sampling and analysis shall be performed in accordance with procedures set out in Section 5.10.120(h) and (i);
 - (5) A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements;
 - (6) Signatures and certification in accordance with Section 5.10.110(c).
- (b) Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical pretreatment standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for those process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (c) Periodic Compliance Reports.
- (1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the director, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
 - (2) The director may impose mass limitations on users to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (c)(1) of this section shall indicate the mass of regulated pollutants in the effluent of the user.
 - (3) Significant non categorical industrial users shall submit to the director during the months of June and December a report of the nature and concentration of the pollutants limited by their wastewater discharge permits and the measured or estimated average and maximum daily flows for the reporting period, unless otherwise stated in their permit.

- (4) All periodic compliance reports required must be signed and certified in accordance with Section 5.10.110(c).
- (5) At the discretion of the director, the sampling and analysis called for in subsections (c)(1) and (3) of this section may be performed by the POTW in lieu of the industrial user. Where the POTW collects all the information required for periodic compliance reports, the industrial user will not be required to submit the report.
- (6) For any regulated pollutant monitored at the sampling location more frequently than required in the permit, the results of this monitoring shall be included in:
 - i. Periodic compliance and baseline monitoring reports required for CIUs
 - ii. Periodic compliance reports for any IU not subject to categorical Pretreatment Standards.
- (d) Report of Changed Conditions. All industrial users shall promptly notify the director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). No industrial user shall implement the planned change until approval of the director has been received.
- (e) Notification and Report of Accidental Discharge/Slug Load. In the case of an accidental discharge or slug load which could cause problems to the POTW, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five days following an accidental discharge or slug load, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- (f) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring of the industrial user's discharge at least once a month, or if the POTW performs sampling between the time of the industrial user's initial sampling and the time that the industrial user receives the results of this sampling.
- (g) Notification of the Discharge of Hazardous Waste. Following the requirements of 40 CFR 403.12(p), industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.
- (h) Analytical Requirements. All discharge sampling and analysis shall be performed in accordance with EPA approved methods specified in 40 CFR Part 136, unless otherwise specified in an applicable categorical standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(i) Sample Collection.

- (1) Except as indicated in subdivision (2) below, the industrial user must collect wastewater samples using the sampling procedures as defined in 40 CFR 403, Appendix E. - Sampling Procedures. All samples must be obtained through flow proportional composite collection techniques; unless time -proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the IU file. Should grab samples be allowed, the Director will indicate the specific number and timing of the samples that are authorized. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.

(Ord. 5123 § 2 (part), 1993).

(Ord. No. 6227, § 7, 3-9-2015).

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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 7. 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 _____, 2016.
APPROVED

MATTHEW J. WALSH Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: 9/26/2016
Second Consideration: 10/10/2016
Public Hearing: n/a
Third Consideration:

Council Communication

<p>Department: Community Development</p> <p>Case No. #PR-16-003</p> <p>Applicant: Brinshore Development, LLC Attn: Todd Lieberman 666 Dundee Road, Suite 1102 Northbrook, IL 60062</p> <p>Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503</p>	<p>Resolution No. <u>16-250</u></p>	<p>City Council: 09/26/16</p> <p>Planning Commission: 09/13/16</p>
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Subject

Request: Append a Planned Residential Overlay and adopt the associated development plan for West Broadway Village on property legally described as Block 12, Bryant and Clark's Subdivision.

Location: South of First Avenue between South 28th and South 29th Streets.

Background/Discussion

On February 22, 2016, the Council Bluffs City Council approved Resolution No. 16-40 which selected Brinshore Development, LLC as the preferred developer to construct a new 49-unit, mixed-income senior housing project on property legally described above. The subject property measures approximately 2.5 acres and is owned by the City of Council Bluffs. The proposed West Broadway Village will provide subsidized and market rate housing for seniors aged 55 years and older. The development will consist of a three-story 39-unit apartment building, two triplexes and two duplexes. A total of 59 off-street parking spaces will be provided to the tenants. The triplexes and duplexes will have a pitched roof and cottage style design for compatibility with the adjacent residential neighborhood along 2nd Avenue. The apartment building will be an elongated structure with a flat roof that is designed to have an urban appearance consistent with the design recommendations stated in the West Broadway Corridor Plan. Landscape plantings will be provided along all property frontages and internally within the development for design aesthetics and compatibility with the surrounding area. A letter of intent and development plans for the proposed West Broadway Village are included with this report as Attachments 'A' and 'B'.

Current Zoning & Land Use

The subject property is a former industrial site that was acquired by the City of Council Bluffs in August 2013. All former industrial buildings have been demolished in order to redevelop the site with new residential uses. The subject property is zoned R-3/Low Density Multi-Family Residential District (Case #ZC-15-020, Ordinance No. 6262) and is partially located within a designated Corridor Design Overlay (CDO). Surrounding zoning includes I-1/Light Industrial District to the east, R-3 District to the south and C-2/Commercial District to the north and west (see Attachment 'C'). Surrounding land uses includes vacant/undeveloped property to the west, retail/commercial uses to the north, a welding shop and vacant property to the east and single family residential uses to the south.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as High Density Residential. The West Broadway Corridor Plan shows the property being developed with single-family residential dwellings on the south-half of the block (facing 2nd Avenue) and two multi-family apartment buildings on the north-half of the block facing 1st Avenue (see Attachment 'D'). The proposed senior housing development is consistent with all adopted land use plans for this area of the City.

Comments

Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs Zoning Ordinance states "the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located".

The applicant has requested to apply a Planned Residential Overlay (PR) to the subject 2.5 acre parcel. The proposed PR Overlay will limit the use of the subject property to the approved development plan and provide the applicant flexibility to design the senior housing development in a manner that is consistent with the West Broadway Corridor Plan. The following development standards shall apply to the subject property.

1. Site Development

- a) The minimum tract of land required for a PR Overlay is 1.5 acres. The subject property contains 2.5 acres which exceeds the minimum PR Overlay lot size requirement.
- b) All site access shall be limited to the South 28th and South 29th Streets. No direct access onto 1st Avenue and/or 2nd Avenue shall be allowed. All proposed on-street parking shall be approved by the Council Bluffs Public Works Department prior to construction.
- c) The subject property is comprised of an entire subdivision block (Block 12, Bryant and Clark's Subdivision) and therefore has frontage on all sides. Building setbacks in this development are based on design recommendations stated in the West Broadway Corridor Plan and compatibility with the surrounding area. The following minimum building setbacks shall apply:

Triplex & duplex buildings

Adjacent to South 28th & South 29th Street ROW line – 15 feet

Adjacent to 2nd Avenue ROW line – 22 feet

Apartment building

Adjacent to South 28th & South 29th Street ROW line – 15 feet

Adjacent to 1st Avenue ROW line – 10 feet

Building Setback Notes

1. *The apartment building foundation shall be constructed 10 feet from the property line adjacent to 1st Avenue right-of-way in order to achieve the design recommendations stated in the West Broadway Corridor Plan.*
 2. *Porches, balconies, canopies, architectural accents/features shall be allowed to encroach a maximum of four feet into a required setback provided said features do not negatively impact the health, safety and well-being of the public and does cause sight distance issues for vehicular and/or pedestrian traffic.*
- d) The maximum lot coverage for property zoned R-3/Low Density Residential District is 45%, as per Section 15.10.050, *Site Development Regulations*, of the Council Bluffs Zoning Ordinance. Based on the submitted site plan layout the proposed development will comply with this requirement.

- e) The maximum height for all structures shall comply with R-3/Low Density Residential District development standards.
- f) All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster.
- g) All proposed fencing shall comply with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
- h) Several concrete architectural knee walls (maximum four feet height) are shown on the site layout plan. An additional wall shall be extended from the northwest corner of the apartment building to the 15 setback line along the west property line, adjacent to South 29th Street. A minimum five-foot wide pedestrian access point shall be provided within this wall expansion. No walls shall encroach into the public right-of-way or project over any property line.
- i) A minimum five foot-wide concrete pedestrian way shall be provided from the adjacent public sidewalk and interior parking lot to all buildings.
- j) No outdoor lighting is shown on the development plans. Any proposed outdoor light poles shall be painted or finished aluminum or steel. Wood poles are not allowed. The maximum height shall not exceed 30 feet. All outdoor lights shall be arranged in such a manner that light is directed away from neighboring properties and the vision of passing motorists and pedestrians.
- k) The proposed development shall comply with all applicable building and fire codes as deemed required by the Council Bluffs Building Division and Fire Department.

2. Corridor Design Overlay

- a) A portion of the subject property (Lots 1, 8, 9 and 16, Block 12, Bryant and Clark's Subdivision) is located within a designed Corridor Design Overlay. All development activity on said lots shall comply with Chapter 15.32, *Corridor Design Overlay*, of the Council Bluffs Zoning Ordinance.

3. Landscaping

- a) The submitted landscaping plan is generally acceptable with the following modifications:
 - 1. Specify the type, height and size of all proposed landscaping on a revised plan. All proposed landscape plantings shall comply with the minimum size requirements stated in the Corridor Design Overlay Plant List, as per Chapter 15.32 of the Council Bluffs Zoning Ordinance.
 - 2. All landscaping plantings along the frontages of South 28th and South 29th Street shall comply Section 15.32.060, Planting, *Corridor Design Overlay* of the Council Bluffs Zoning Ordinance.
 - 3. Ground cover plantings for disturbed areas are not identified on the proposed landscaping plan. All disturbed areas shall be seeded or sodded with grass turf.
 - 4. All landscape areas shall be irrigated with an automatic underground irrigation system.
 - 5. All proposed trees within the City's right-of-way shall be reviewed and approved by the Council Bluffs Public Works Department prior to installation. *Note: Trees planted in the City's right-of-way along South 28th and South 29th Streets shall not be used to comply with required CDO landscaping requirements.*

4. Architecture

- a) The triplex and duplex buildings will be single-story structures with a pitched roof and cottage-style architectural design. The proposed building materials are generally acceptable and include brick masonry, cement fiberboard siding, vinyl windows and asphalt shingles. The proposed architectural renderings show these structures will be constructed with a residential appearance that is compatible with the adjacent residential area. At-grade mechanical units are proposed for each building. All mechanical units shall be screened using landscaping, fencing, architectural features and/or combination thereof.

- b) The apartment will be an elongated three-story structure with a flat roof and recessed walls to give the building an urban architectural appearance. The proposed building materials are generally acceptable and include brick masonry, fiber cement board siding, vinyl and storefront windows, cast-in-place concrete knee walls, and prefinished metal railings. Roof-top mechanical units are proposed for this building. All roof-mounted equipment shall be screened from view using architectural features.
- c) Balconies, canopies and other decorative architectural features may be allowed on the apartment building façade provided they do not project more than four feet into a required yard and have a minimum eight-foot vertical clearance above traveled pedestrian ways.

5. Off-Street Parking

- a) Off-street parking is based on the two-family and multi-family dwelling standards stated in Section 15.23.060, *Parking spaces required* of the Council Bluffs Zoning Ordinance. The development consists of 30 one-bedroom units and 19 two-bedroom units. A total of 59 parking spaces are required for the development. The submitted site plan shows 59 parking spaces will be provided.
- b) All parking/loading areas, driveways and drive aisles shall be design and constructed in accordance with Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
- c) All off-street parking lots shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d) Landscaping within and along the perimeter of the parking lot shall be provided in accordance with the proposed landscaping plan.

6. Signage

- a) One attached wall sign is shown on the north façade of the apartment building. The size and dimensions of said sign are unknown at this time. No detached signage is proposed at this time. All proposed signage for this development shall comply with Section 15.33.160(03), *PR/Planned Residential District Signs* of the Council Bluffs Zoning Ordinance.

7. Utilities

- a) Water, natural gas, electricity, phone and cable television service lines are available and/or can be extended to service the development. A water main extension to service the apartment building is required, as per the Council Bluffs Water Works. Mid-American Energy stated that overhead power lines may need to be relocated in order to accommodate the proposed development. All costs to relocate, modify and/or extend utilities to the subject property shall be the responsibility of the developer; unless a separate agreement between the developer and City is approved by City Council. *Note: City staff is proposing a development agreement with the applicant which contemplates using HOME Funds, tax increment financing, workforce housing tax credits and the reconstruction of 1st Avenue between South 28th and South 29th Streets.*
- b) Sanitary sewer is available to service the proposed development.
- c) Stormwater management shall be handled via underground storage and/or by shallow swales. The Council Bluffs Public Works Department stated the subject property is located within a developed watershed with an outfall to the Missouri River that occasionally is closed. The developer shall continue to work with the Public Works Department to create a stormwater management plan that addresses all City requirements.
- d) All utilities within the subject property shall be installed underground.

The following attachments are included with the case report

Attachment A: Letter of intent

Attachment B: Proposed development plans

Attachment C: Location/zoning map

Attachment D: West Broadway Corridor Plan – design rendering of the 2800 Block of 2nd Avenue.

All City Departments and local utility companies were notified of the proposed request. The following comments were received:

Council Bluffs Public Works Department:

1. Public Works notes the submittal of the geotechnical report, drainage study, and concept drawings. Public works will continue to work with the applicant and project engineer concerning all site improvements related to paving, stormwater, and sanitary. The proposed development is within a developed watershed with an outfall to the Missouri River that occasionally is closed; therefore stormwater management for the site shall be addressed to the full extent for water quality and quantity.

Council Bluffs Building Division

1. No comments regarding the proposed development plan.

Council Bluffs Water Works:

1. A water main extension to service the proposed apartment building must be completed.

Council Bluffs Fire Department

1. No concerns with the proposed development. The project shall be developed in accordance with all fire codes as per the 2009 International Fire Code.

MidAmerican Energy Company

1. MidAmerican Energy Company has overhead facilities located in the vicinity of the proposed request. The applicant must contact MidAmerican Energy to discuss any proposed service pole relocations.

Recommendation

The Community Development recommends approval to append a Planned Residential Overlay and to adopt the associated development plan for West Broadway Village, on property legally described as Block 12, Bryant and Clark's Subdivision, as shown on the attachments, subject to compliance with all comments and conditions stated in the above staff report.

Public Hearing

Speakers in favor:

1. Todd Lieberman, 666 Dundee Road, Suite 1102, Northbrook, IL 60062

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval to append a Planned Residential Overlay and to adopt the associated development plan for West Broadway Village, on property legally described as Block 12, Bryant and Clark's Subdivision, as shown on the attachments, subject to compliance with all comments and conditions stated in the above staff report.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 3 Motion: Carried

<p>Attachment A: Letter of intent Attachment B: Proposed development plans Attachment C: Location/zoning map Attachment D: West Broadway Corridor Plan – design rendering of the 2800 Block of 2nd Avenue.</p>
<p>Prepared by: Christopher N. Gibbons, AICP, Planner</p>

BRINSHORE DEVELOPMENT L.L.C

666 Dundee Rd. Suite 1102 Northbrook, IL 60062
Telephone 847-562-9400 Fax 847-562-9401

August 15th, 2016

Don Gross, AICP
Director, Community Development
City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, Iowa 51503

Re: West Broadway Village Development Application

Don,

Brinshore Development, LLC plans the construction of a 49 unit mixed-income development for seniors age 55 and older. The development will include a 3-story elevator building and four multi-unit 1-story cottages. Site improvements include 59 on-site parking stalls, ample open space and an on-site stormwater retention pond area.

Brinshore is anticipating the following construction timeline. This timeline is dependent on successful receipt of a Low-Income Housing Tax Credit allocation from the Iowa Finance Authority. Brinshore is applying to IFA in November 2016.

Construction Commencement	August 2017
Construction Completion	June/July 2018

We are pleased to submit the enclosed Development Application in association with West Broadway Village. Should you have any questions, feel free to contact me at 224/927-5061.

Thank you,



Todd Lieberman
Senior Vice President
Brinshore Development, LLC

6.A.



- COMMERCIAL/
INDUSTRIAL
- ZONED R-3, USED AS
INDUSTRIAL
- RESIDENTIAL
- SCHOOLS/PARKS

-123-

BRINSHORE



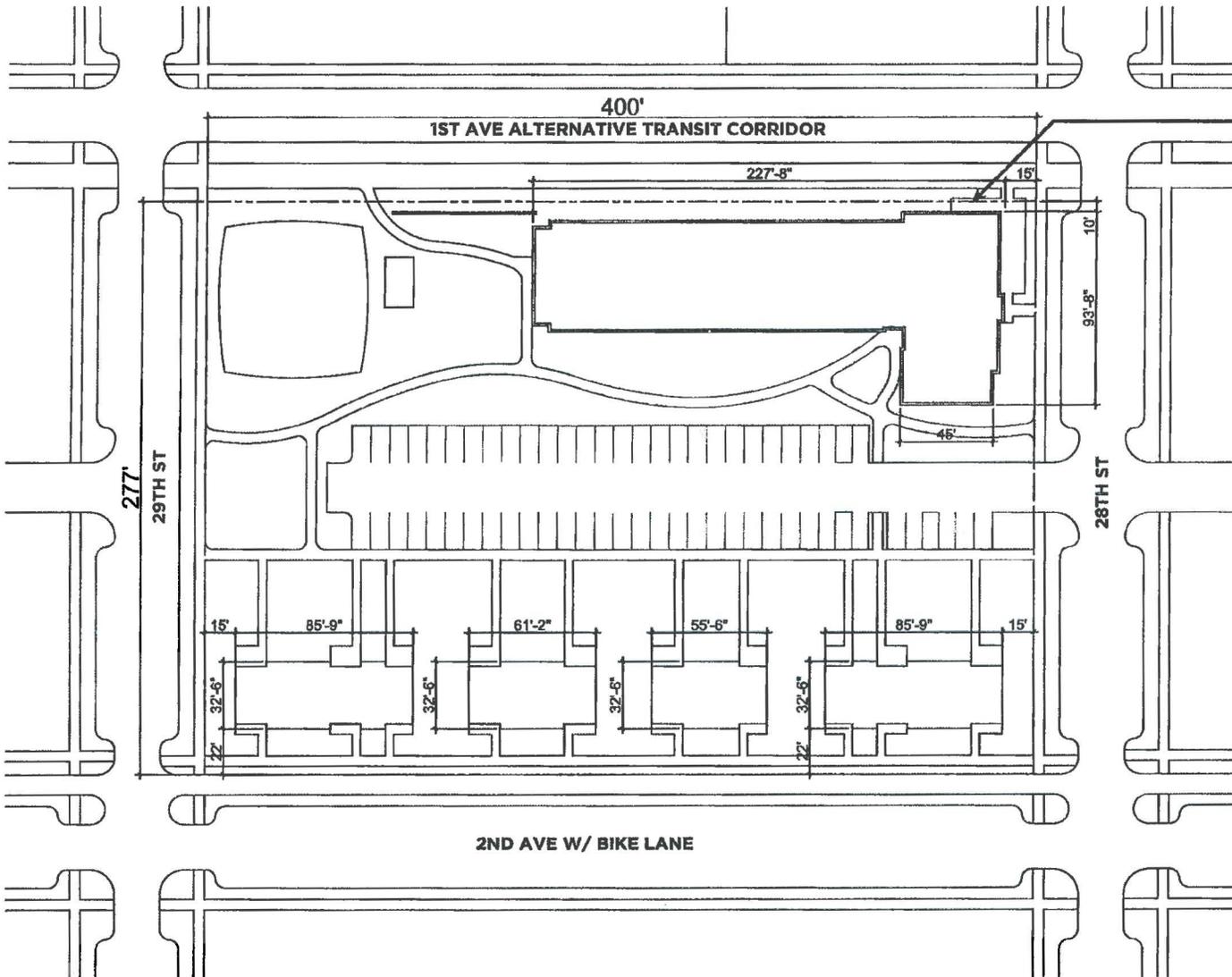
LOCATION MAP
NOT TO SCALE

WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

CASE #PR-16-003 ATTACHMENT B

6.A.

-124-



PROPOSED LOT

SETBACKS

ALL MEASUREMENTS ARE TO FOUNDATIONS. PORCHES, PROJECTIONS, BALCONIES AND CANOPIES PROJECT NO FURTHER THAN 4' MAXIMUM INTO ANY SETBACK.

EXACT MEASUREMENTS WILL BE DETERMINED WITH FINAL DESIGN



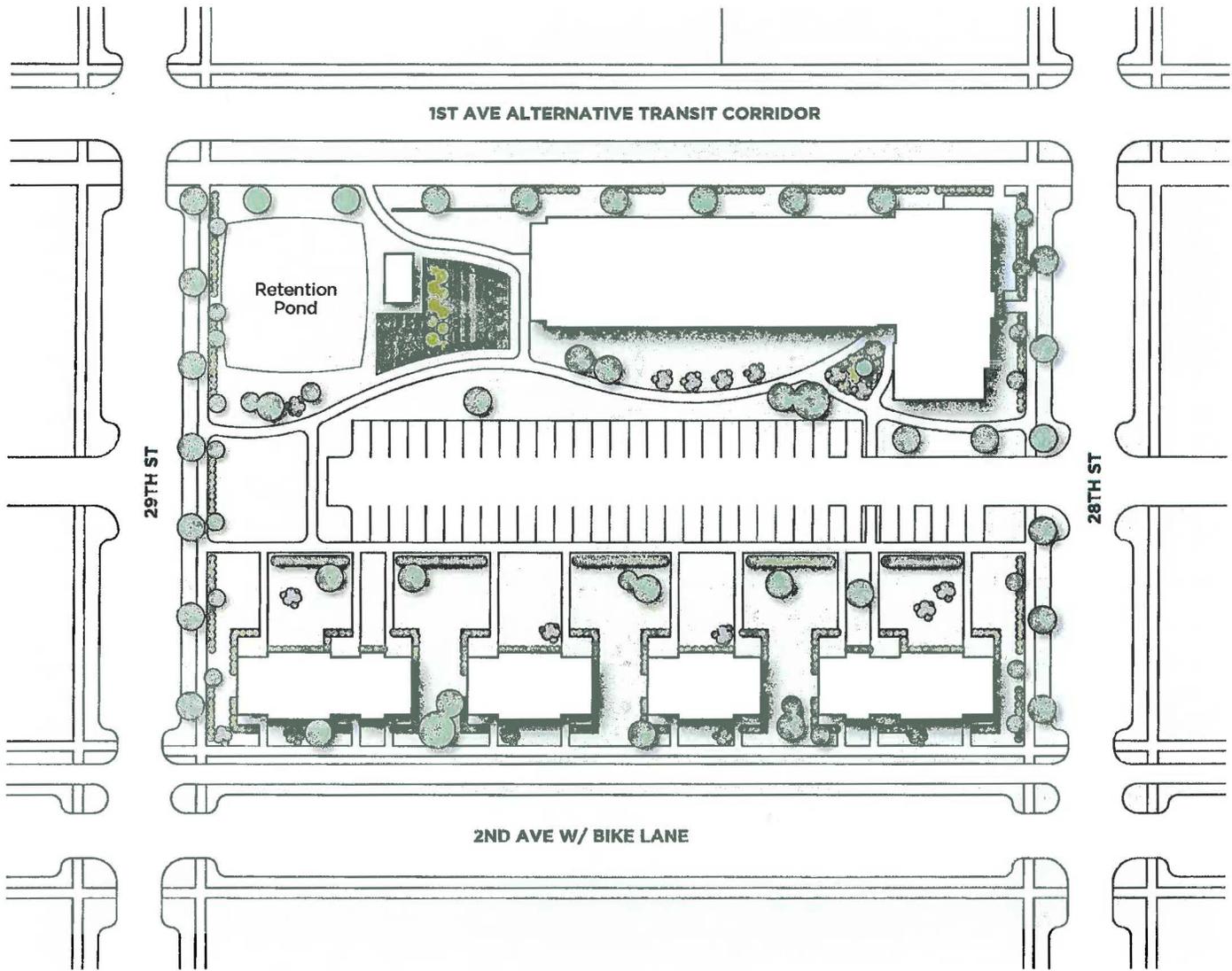
LOT PLAN
1" = 50'

WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

BRINSHORE

6.A.

-125-



TYPICAL PLANTING SPECIES

- STREET TREES**
 - Red Oak - *Quercus Borealis*
 - Burr Oak - *Quercus Macrocarpa*
- TREES**
 - Common Hackberry - *Celtis Occidentalis*
- SHRUBS**
 - Savin Juniper - *Juniperous Sabina*
- DECORATIVE**
 - Clove Currant - *Ribes Odoratum*
 - Coralberry - *Symphorocarpos Albus*
 - Amur Maple - *Acer Ginnala*
- COMMUNITY GARDEN PLOT**

* Suggested species were selected based on their appearance, maintenance, and tolerance to urban conditions. Final selections and placement will comply with section 15.32.060.

** Refer to civil drawings for exact size and location of retention pond



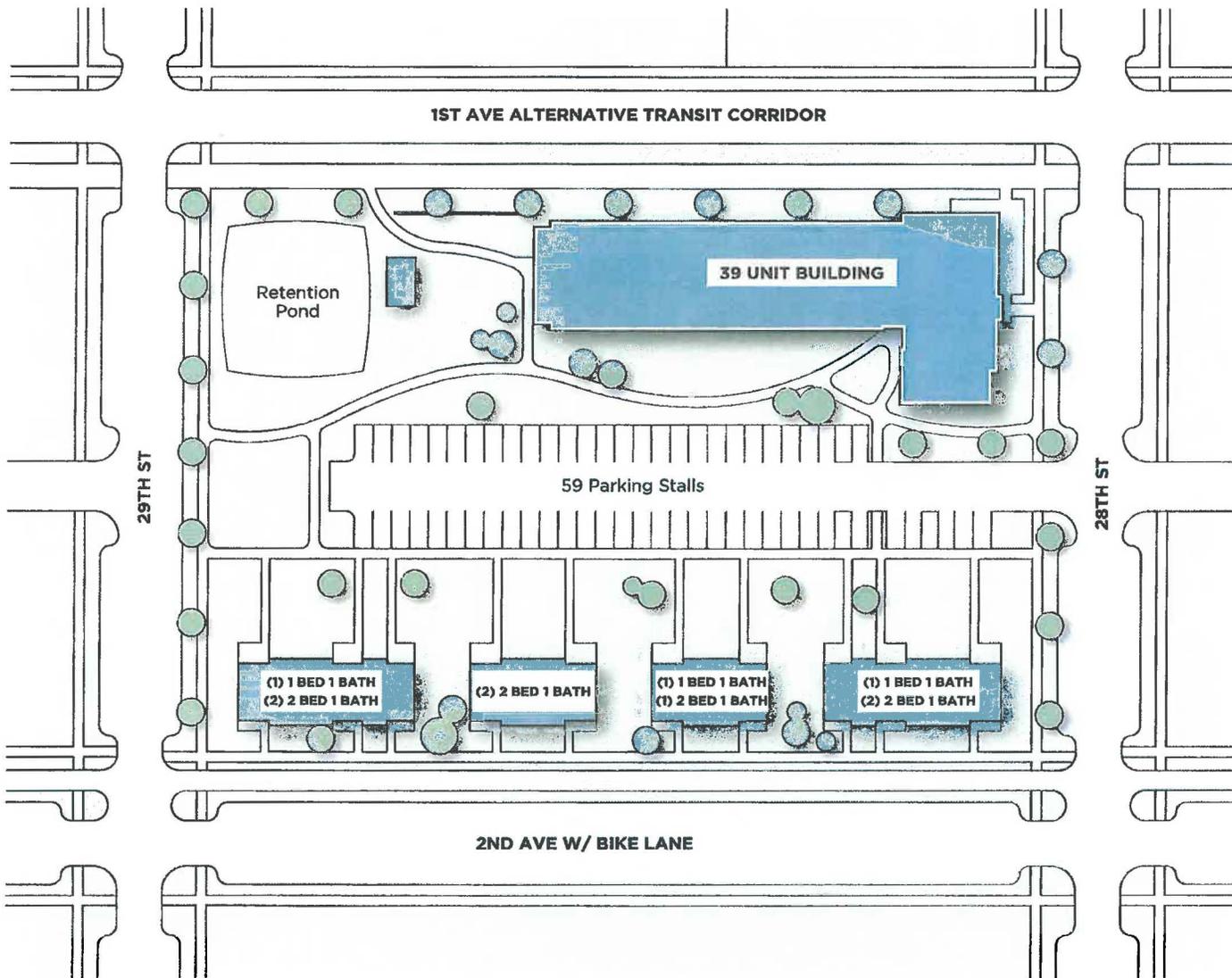
LANDSCAPE PLAN
1" = 50'

BRINSHORE

WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

6.A.

-126-



MAIN BUILDING - 3 STORIES

39 Units
27 - 1 Bed 1 Bath
12 - 2 Bed 1 Bath

COTTAGES

10 Units
3 - 1 Bed 1 Bath
7 - 2 Bed 1 Bath

49 Total Units

61% 1 Bed 1 Bath
39% 2 Bed 1 Bath

AMENITIES

Community Gardens,
Courtyards and Patios

Community Lounge &
Veranda

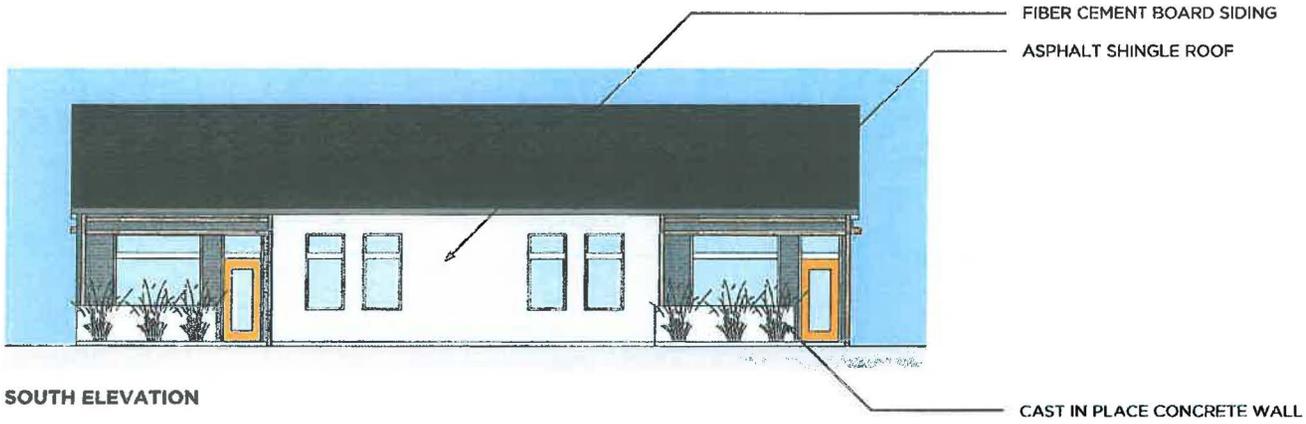
Cottage Porches



SITE PLAN
1" = 50'

BRINSHORE

ALLEY • POYNER • MACCHIETTO ARCHITECTURE



SOUTH ELEVATION

TYPICAL BUILDING MATERIALS
 FIBER CEMENT BOARD SIDING
 ASPHALT SHINGLE ROOF
 CAST IN PLACE CONC
 VINYL WINDOWS
 WOOD SHADE STRUCTURES
 4" NOMINAL BRICK

6.A.



NORTH ELEVATION

CONCEPTUAL RENDERING
 DUPLEX COTTAGES

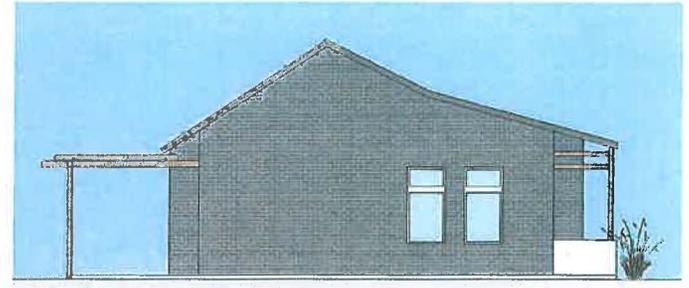
WEST BROADWAY VILLAGE

ALLEY • POYNER • MACCHIETTO ARCHITECTURE

BRINSHORE



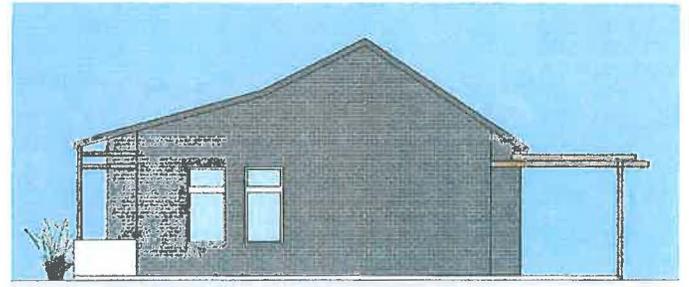
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

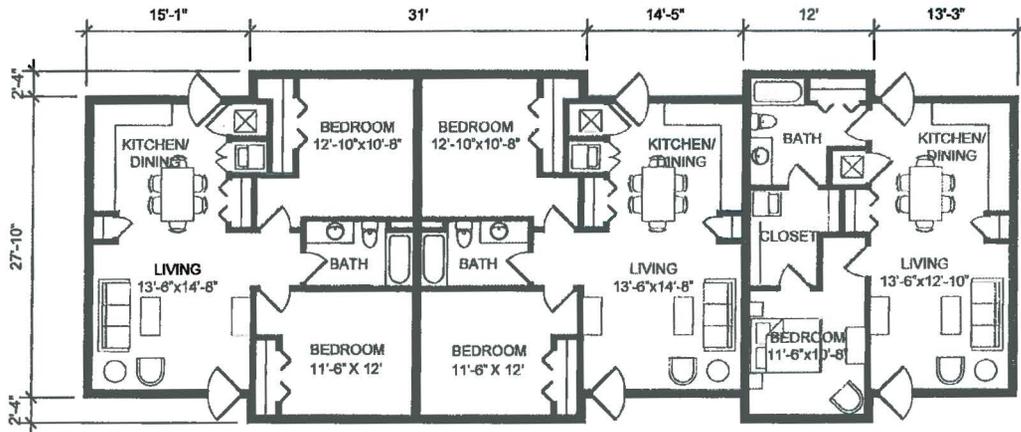
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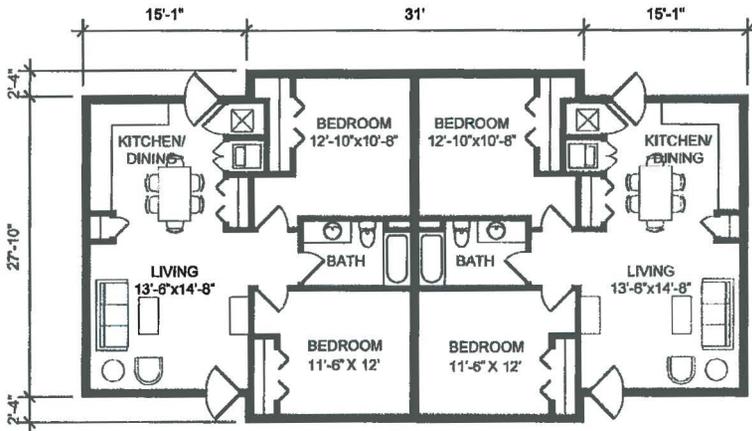
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**CONCEPTUAL RENDERING
TRIPLEX COTTAGES**

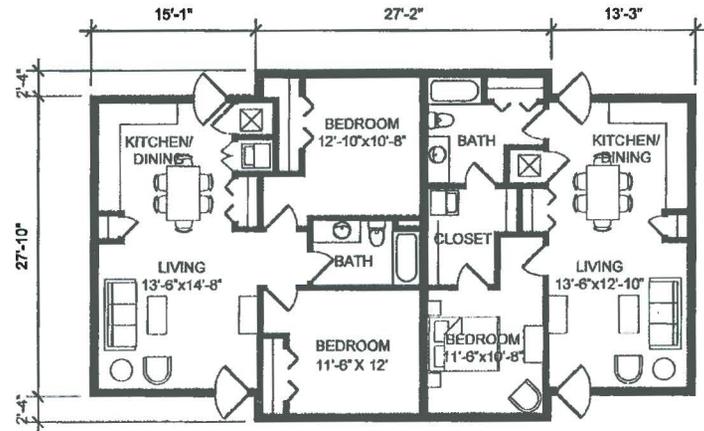
WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE



(1) 1 BED 1 BATH COTTAGE
 (2) 2 BED 1 BATH COTTAGES



(2) 2 BED 1 BATH COTTAGES



(1) 1 BED 1 BATH COTTAGE
 (1) 2 BED 1 BATH COTTAGE

FLOOR PLANS
 3/32" = 1'-0"

WEST BROADWAY VILLAGE

ALLEY · POYNER · MACCHIETTO ARCHITECTURE

6.A.



TYPICAL BUILDING MATERIALS

FIBER CEMENT BOARD SIDING
WOOD LOOK FIBER CEMENT BOARD
EPDM ROOF
CAST IN PLACE CONC
STOREFRONT
VINYL WINDOWS
4" NOMINAL BRICK
PREFIN METAL RAILINGS

MECHANICAL UNITS

MULTIFAMILY BUILDING WILL HAVE
ROOFTOP MECHANICAL UNITS

COTTAGES WILL HAVE ON GRADE
MECHANICAL UNITS. APPROPRIATE
SCREENING WILL BE PROVIDED.

CONCEPTUAL RENDERING
*FINAL DESIGN WILL COMPLY WITH SECTION 15.32.090

WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

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6.A.



CONCEPTUAL RENDERING
*FINAL DESIGN WILL COMPLY WITH SECTION 15.32.090

WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

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CONCEPTUAL RENDERING
*FINAL DESIGN WILL COMPLY WITH SECTION 15.32.090

WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

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6.A.

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-133-

CONCEPTUAL RENDERING
*FINAL DESIGN WILL COMPLY WITH SECTION 15.32.090
WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

6.A.



CONCEPTUAL RENDERING
*FINAL DESIGN WILL COMPLY WITH SECTION 15.32.090

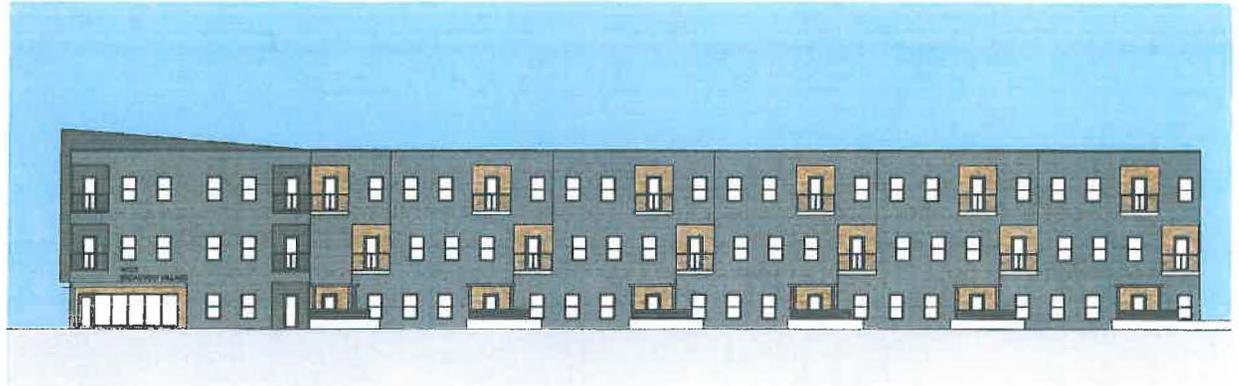
WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

BRINSHORE

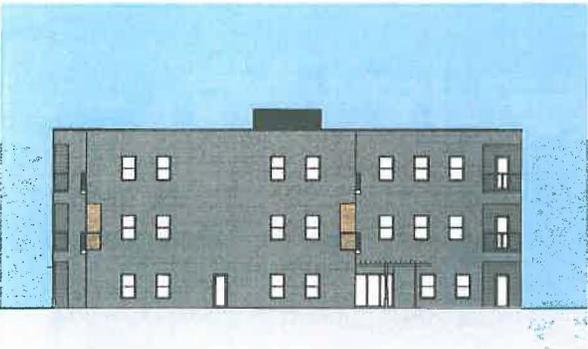
-134-



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

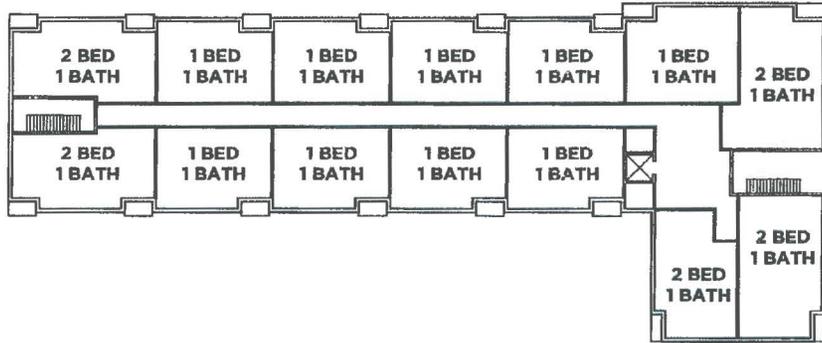


SOUTH ELEVATION

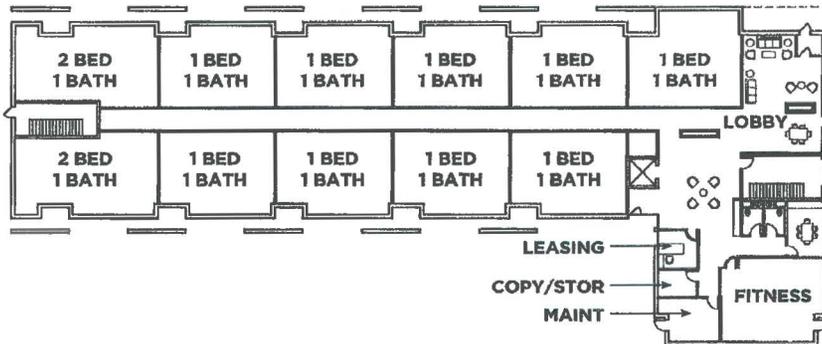
6.A.

-135-

6.A.



LEVEL 2
(LEVEL 3 SIMILAR)



LEVEL 1



FLOOR PLANS
SCALE: 1/32" = 1'-0"

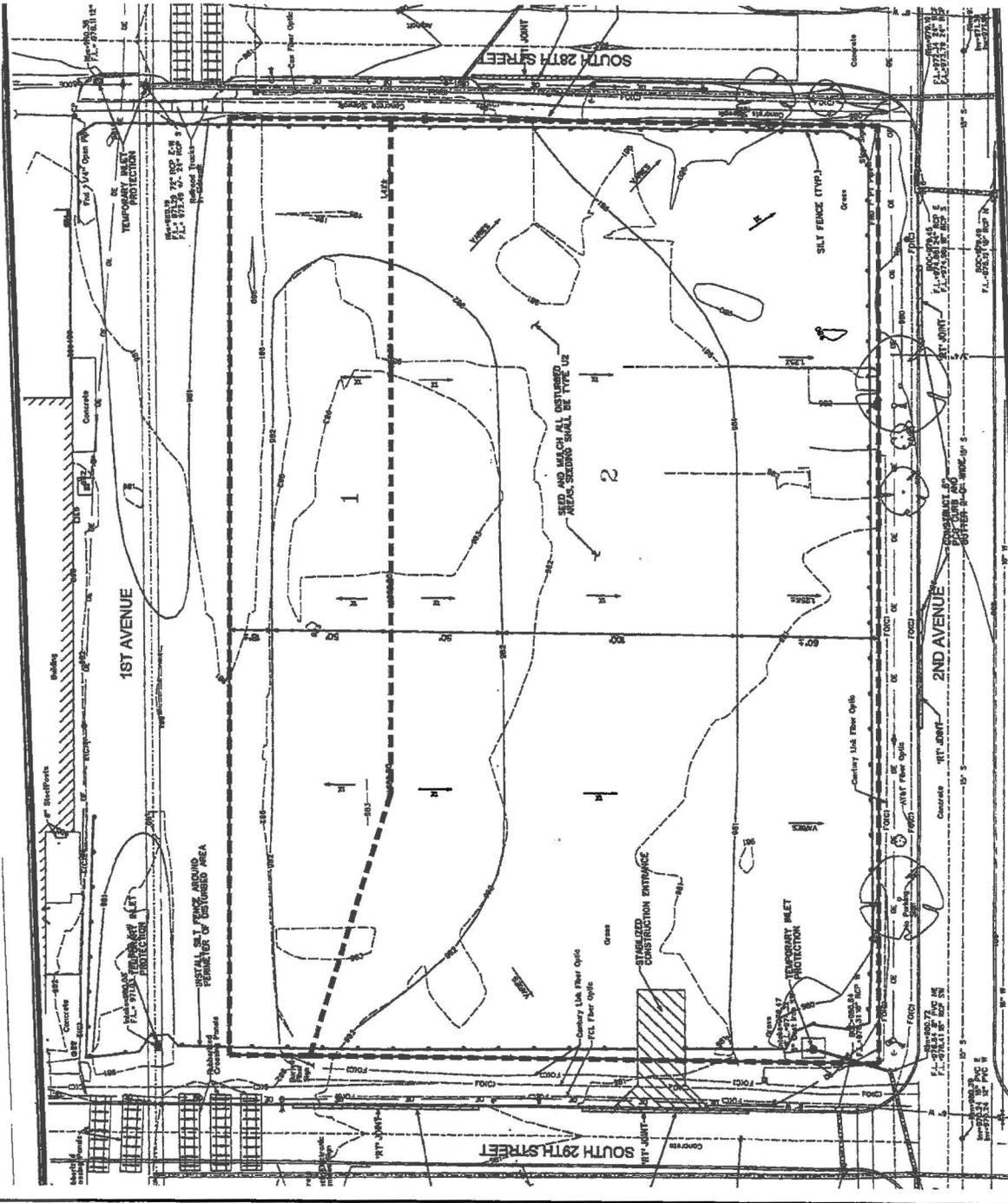
WEST BROADWAY VILLAGE
ALLEY • POYNER • MACCHIETTO ARCHITECTURE

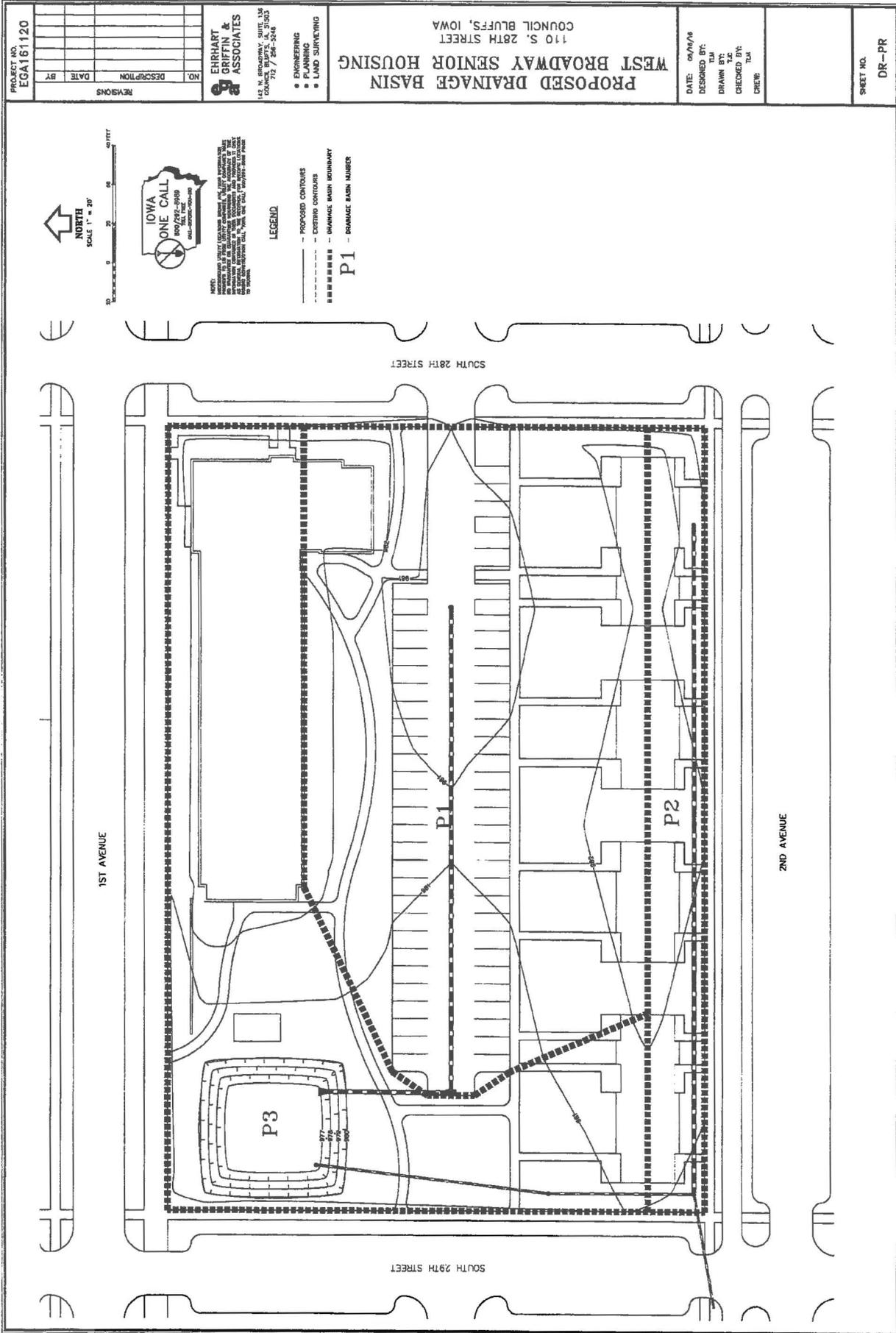
BRINSHORE

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NO.	DESCRIPTION	DATE	BY											



- LEGEND:**
- PROPERTY LINE
 - - - EXISTING CONTOURS
 - ===== DRAINAGE BASIN BOUNDARY
 - 1 DRAINAGE BASIN NUMBER
 - DRAINAGE FLOW ARROWS





PROJECT NO. EGA161120

NO.	DESCRIPTION	DATE	BY

**FURHART
CRIBARI
&
ASSOCIATES**

143 N. BROADWAY, SUITE 130
COUNCIL BLUFFS, IA 51503
712 / 284-5046

- ENGINEERING
- PLANNING
- LAND SURVEYING

PROPOSED DRAINAGE BASIN
WEST BROADWAY SENIOR HOUSING
110 S. 28TH STREET
COUNCIL BLUFFS, IOWA

DATE: 06/11/16
DESIGNED BY: TJM
DRAWN BY: TJM
CHECKED BY: TJM
DWR:

SHEET NO. DR-PR



NOTE: THIS PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.

- LEGEND:**
- PROPOSED CONTOURS
 - - - EXISTING CONTOURS
 - ▬ DRAINAGE BASIN BOUNDARY
 - P1 - DRAINAGE BASIN NUMBER

DATE PLOTTED: 06/11/16 10:00 AM

PROJECT NO. EGA161120	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> <th style="width: 10%;">BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	DATE	BY																																									EHRLHART OFFIN & ASSOCIATES 142 West Broadway Council Bluffs, Iowa 51503 Phone: 319-333-1111 Fax: 319-333-5544 ● ENGINEERING ● SURVEYING ● LAND SURVEYING	SITE GRADING PLAN WEST BROADWAY SENIOR HOUSING 110 S. 28TH STREET COUNCIL BLUFFS, IOWA	DATE: 06/18/16 DESIGNED BY: TUM DRAWN BY: SC CHECKED BY: TUM CREW:	SHEET NO. C2.1
NO.	DESCRIPTION	DATE	BY																																														

↑ NORTH

SCALE 1" = 70'

IOWA

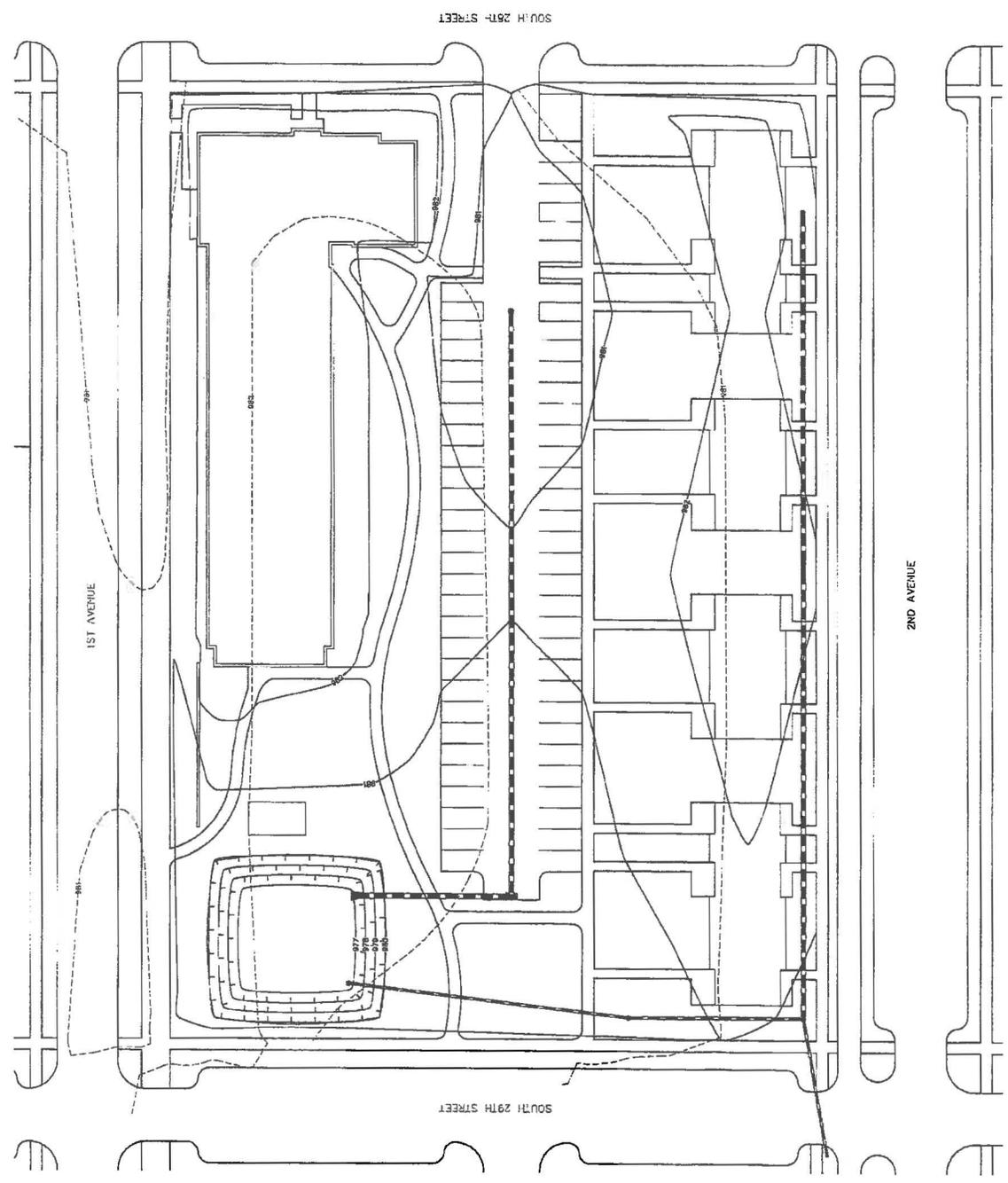
ONE CALL

800-4-A-SHIELD

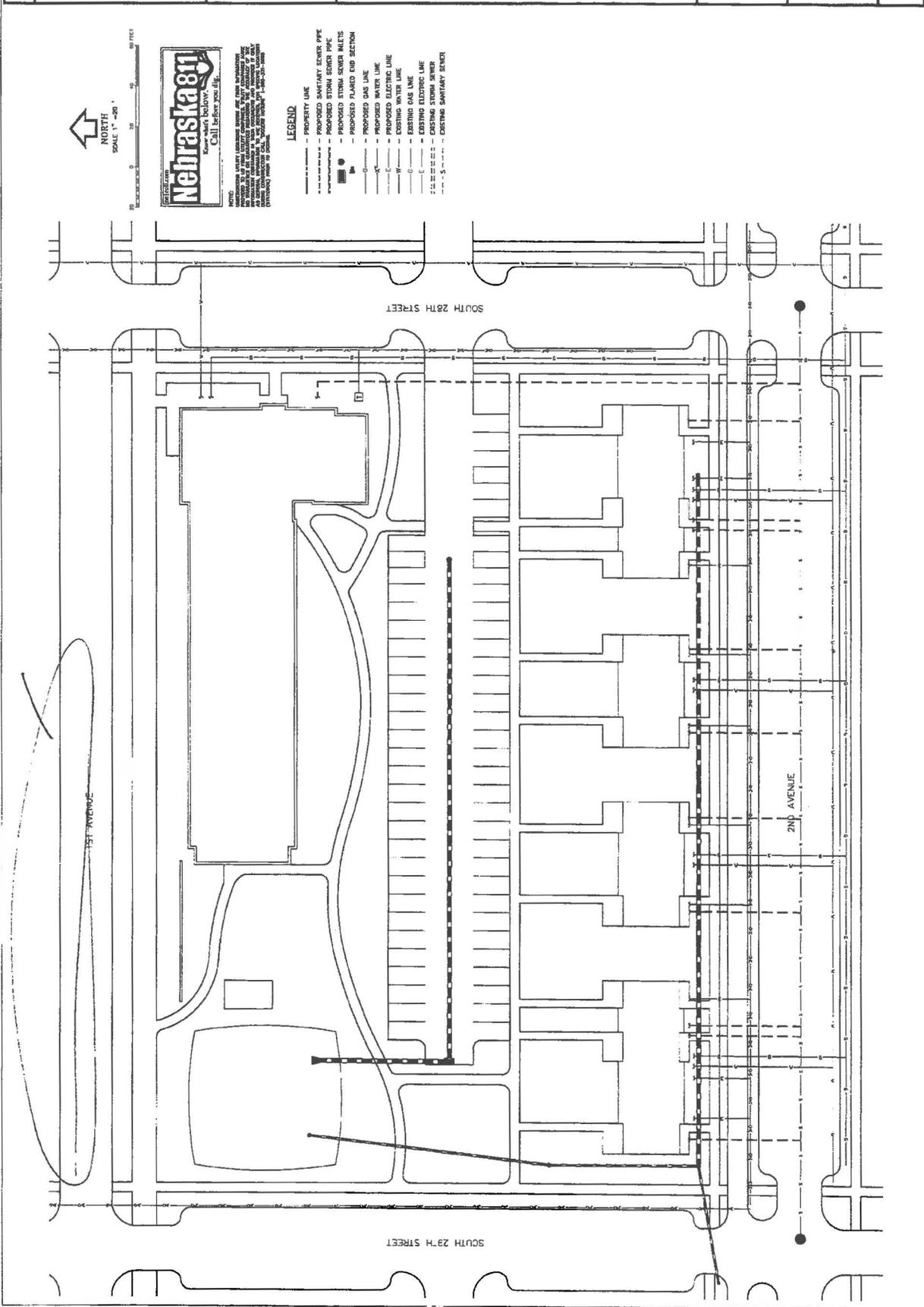
NOTED: EXISTING UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEYING. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES TO REMAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PROTECTING ALL UTILITIES TO REMAIN.

LEGEND

- EXISTING CENTER PIPE
- EXISTING CENTER LINE
- PROPOSED CENTER



PROJECT NO. EGAI161120	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> <th style="width: 10%;">BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	DATE	BY																																									EHPHART & GRIFFIN & ASSOCIATES ENGINEERING 142 S. Broadway Council Bluffs, Iowa 51503 712 / 258-2616	PRELIMINARY SITE UTILITY PLAN WEST BROADWAY SENIOR HOUSING 110 S. 28TH STREET COUNCIL BLUFFS, IOWA	DATE: 09/11/16 DESIGNED BY: TJA DRAWN BY: TJC CHECKED BY: TJA CREW:	SHEET NO. C4.1
NO.	DESCRIPTION	DATE	BY																																														

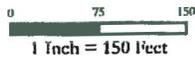


CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION LOCATION/ZONING MAP CASE #PR-16-003

Map Legend

Case #PR-16-003 Subject Property

- Corridor Design Overlay
- Parcel
- Lots
- Address



2016 Aerial Photograph



Note: Subject property highlighted in red.



Last Amended: 8/17/16



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

DISCLAIMER

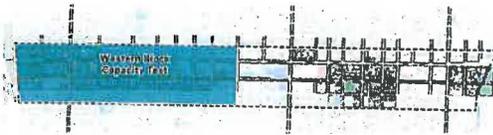
This map is prepared and compiled from City documents, if any such other public records exist. Users of this map are hereby notified that the City expressly disclaims any and all responsibility for errors, if any, in the information contained on this map. The user should verify the accuracy of information before relying on this map for any purpose. The City assumes no legal liability for the information contained on this map.



6.A.

Development Quantities

The following pages quantify the amounts of development that are feasible on each of the opportunity sites. In some cases, more development is shown in these illustrations than is market feasible in initial phases. These should be considered maximum development potentials. Phasing will be explored in greater detail in the Implementation section. The capacity of the western half of the study area appears on this page, and the eastern blocks can be found on the following page.



	Block	Acreage	Single-Family	Apartments	Townhouses	Commercial	Hotels	Required Parking	Parking	
Western Gateway	A36	1.34			17		0	34	48	
	C38	1.48		48				60	80	
	A35	3.8		14	8	12,376	100	205	204	
	B35	5.32		28		16,600	120	250	248	
	C35	.54		8		2,000		24	24	
	A34	2.14		43	3	6,500		97	98	
	B34	5.33		24		89,000		209	223	
	C34	4.24		60	17	4,000		132	134	
	B33	4.07		52		11,000		139	186	
	C33	2.83		26	24	11,500		138	143	
	C32	2.53		33	22			88	108	
	Subtotal	33.62		388	91	132,976	220		1,484	
Thomas Jefferson	B30	3.21		54		21,000		188	162	
	C30	2.64	10	64				88	92	
	C31	2.64	8	34				59	72	
	B29	0.43		10				13	14	
	C29	2.64	7	35				58	72	
	C28	2.64	6	34				58	72	
	B27	1.23		24				30	30	
	C27	.58		18				23	24	
	A24	3.32		24	15	15,620		150	151	
		Subtotal	19.34	33	287	15	36,620			689



Western Block Capacity Test

RESOLUTION NO. 16-250

A RESOLUTION TO APPLY A PR/PLANNED RESIDENTIAL OVERLAY AND ADOPT THE ASSOCIATED DEVELOPMENT PLAN FOR WEST BROADWAY VILLAGE ON PROPERTY LEGALLY DESCRIBED AS BLOCK 12, BRYANT AND CLARK'S SUBDIVISION

WHEREAS, The City of Council Bluffs has selected Brinshore Development, LLC to construct a new 49-unit, mixed-income senior housing project located on 2.5 acres South of First Avenue between South 28th and South 29th Streets, legally described as Block 12, Bryant and Clark's Subdivision; and

WHEREAS, The following development standards shall apply to the subject property:

1. **Site Development**

- a) All site access shall be limited to the South 28th and South 29th Streets. No direct access onto 1st Avenue and/or 2nd Avenue shall be allowed. All proposed on-street parking shall be approved by the Council Bluffs Public Works Department prior to construction.
- b) The following minimum building setbacks shall apply:

Triplex & duplex buildings

Adjacent to South 28th & South 29th Street ROW line – 15 feet
Adjacent to 2nd Avenue ROW line – 22 feet

Apartment building

Adjacent to South 28th & South 29th Street ROW line – 15 feet
Adjacent to 1st Avenue ROW line – 10 feet

Building Setback Notes

- 1. *The apartment building foundation shall be constructed 10 feet from the property line adjacent to 1st Avenue right-of-way in order to achieve the design recommendations stated in the West Broadway Corridor Plan.*
 - 2. *Porches, balconies, canopies, architectural accents/features shall be allowed to encroach a maximum of four feet into a required setback provided said features do not negatively impact the health, safety and well-being of the public and does cause sight distance issues for vehicular and/or pedestrian traffic.*
- c) The maximum height for all structures shall comply with R-3/Low Density Residential District development standards.
 - d) All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary

building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster.

- e) All proposed fencing shall comply with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
- f) Several concrete architectural knee walls (maximum four feet height) are shown on the site layout plan. An additional wall shall be extended from the northwest corner of the apartment building to the 15 setback line along the west property line, adjacent to South 29th Street. A minimum five-foot wide pedestrian access point shall be provided within this wall expansion. No walls shall encroach into the public right-of-way or project over any property line.
- g) Outdoor light poles shall be painted or finished aluminum or steel. Wood poles are not allowed. The maximum height shall not exceed 30 feet. All outdoor lights shall be arranged in such a manner that light is directed away from neighboring properties and the vision of passing motorists and pedestrians.
- h) The proposed development shall comply with all applicable building and fire codes as deemed required by the Council Bluffs Building Division and Fire Department.
- i) A minimum five foot-wide concrete pedestrian way shall be provided from the adjacent public sidewalk and interior parking lot to all buildings.

2. **Corridor Design Overlay**

- a) A portion of the subject property (Lots 1, 8, 9 and 16, Block 12, Bryant and Clark's Subdivision) is located within a designed Corridor Design Overlay. All development activity on said lots shall comply with Chapter 15.32, *Corridor Design Overlay*, of the Council Bluffs Zoning Ordinance.

3. **Landscaping**

- a) The submitted landscaping plan is generally acceptable with the following modifications:
 - 1. Specify the type, height and size of all proposed landscaping on a revised plan. All proposed landscape plantings shall comply with the minimum size requirements stated in the Corridor Design Overlay Plant List, as per Chapter 15.32 of the Council Bluffs Zoning Ordinance.
 - 2. All landscaping plantings along the frontages of South 28th and South 29th Street shall comply Section 15.32.060, Planting, *Corridor Design Overlay* of the Council Bluffs Zoning Ordinance.

3. Ground cover plantings for disturbed areas are not identified on the proposed landscaping plan. All disturbed areas shall be seeded or sodded with grass turf.
 4. All landscape areas shall be irrigated with an automatic underground irrigation system.
 5. All proposed trees within the City's right-of-way shall be reviewed and approved by the Council Bluffs Public Works Department prior to installation. *Note: Trees planted in the City's right-of-way along South 28th and South 29th Streets shall not be used to comply with required CDO landscaping requirements.*
4. **Architecture**
- a) The triplex and duplex buildings will be single-story structures with a pitched roof and cottage-style architectural design. The proposed building materials are generally acceptable and include brick masonry, cement fiberboard siding, vinyl windows and asphalt shingles. The proposed architectural renderings show these structures will be constructed with a residential appearance that is compatible with the adjacent residential area. At-grade mechanical units are proposed for each building. All mechanical units shall be screened using landscaping, fencing, architectural features and/or combination thereof.
 - b) The apartment will be an elongated three-story structure with a flat roof and recessed walls to give the building an urban architectural appearance. The proposed building materials are generally acceptable and include brick masonry, fiber cement board siding, vinyl and storefront windows, cast-in-place concrete knee walls, and prefinished metal railings. Roof-top mechanical units are proposed for this building. All roof-mounted equipment shall be screened from view using architectural features.
 - c) Balconies, canopies and other decorative architectural features may be allowed on the apartment building façade provided they do not project more than four feet into a required yard and have a minimum eight-foot vertical clearance above traveled pedestrian ways.
5. **Off-Street Parking**
- a) Off-street parking is based on the two-family and multi-family dwelling standards stated in Section 15.23.060, *Parking spaces required* of the Council Bluffs Zoning Ordinance. The development consists of 30 one-bedroom units and 19 two-bedroom units. A total of 59 parking spaces are required for the development. The submitted site plan shows 59 parking spaces will be provided.

- b) All parking/loading areas, driveways and drive aisles shall be design and constructed in accordance with Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
- c) All off-street parking lots shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d) Landscaping within and along the perimeter of the parking lot shall be provided in accordance with the proposed landscaping plan.

6. **Signage**

- a) One attached wall sign is shown on the north façade of the apartment building. The size and dimensions of said sign are unknown at this time. No detached signage is proposed at this time. All proposed signage for this development shall comply with Section 15.33.160(03), *PR/Planned Residential District Signs* of the Council Bluffs Zoning Ordinance.

7. **Utilities**

- a) Water, natural gas, electricity, phone and cable television service lines are available and/or can be extended to service the development. A water main extension to service the apartment building is required, as per the Council Bluffs Water Works. Mid-American Energy stated that overhead power lines may need to be relocated in order to accommodate the proposed development. All costs to relocate, modify and/or extend utilities to the subject property shall be the responsibility of the developer; unless a separate agreement between the developer and City is approved by City Council. *Note: City staff is proposing a development agreement with the applicant which contemplates using HOME Funds, tax increment financing, workforce housing tax credits and the reconstruction of 1st Avenue between South 28th and South 29th Streets.*
- b) Sanitary sewer is available to service the proposed development.
- c) Stormwater management shall be handled via underground storage and/or by shallow swales. The Council Bluffs Public Works Department stated the subject property is located within a developed watershed with an outfall to the Missouri River that occasionally is closed. The developer shall continue to work with the Public Works Department to create a stormwater management plan that addresses all City requirements.
- d) All utilities within the subject property shall be installed underground; and

WHEREAS, The Community Development recommends approval to apply a Planned Residential Overlay and to adopt the associated development plan for West Broadway Village, on property legally described as Block 12, Bryant and Clark's Subdivision, as shown on the attachments, subject to compliance with all comments and conditions stated in the above staff report.

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

That the Planned Residential Development Plan for West Broadway Village, on property legally described as Block 12, Bryant and Clark's Subdivision is hereby approved.

ADOPTED
AND
APPROVED

September 26, 2016

MATTHEW J. WALSH Mayor

Attest:

MARCIA L. WORDEN City Clerk

COUNCIL COMMUNICATION

Department: <u>Public Works</u>	Ordinance No. _____	First Reading <u>September 26, 2016</u>
Case/Project No.: <u>PW16-06B</u>	Resolution No. <u>16-251</u>	
Applicant: <u>Matthew Cox, City Engineer</u>		

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Valley Corporation in the amount of \$326,558.10 for the Levee Certification Project, Geotechnical MR_7. Project # PW16-06B.

BACKGROUND/DISCUSSION

- On September 15, 2016 bids were received in the office of the city clerk as follows:

	Division I <u>General</u>	Division VIII <u>Misc.</u>	<u>Total</u>
Valley Corporation, Valley, NE	\$64,154.90	\$262,403.20	\$326,558.10
Eriksen Construction Co., Inc., Blair, NE	\$129,335.00	\$266,081.00	\$395,416.00
Judds Bros. Construction Co., Lincoln, NE	\$66,780.00	\$358,109.00	\$424,889.00
Michels Corporation, Brownsville, WI	\$195,155.00	\$545,436.00	\$740,591.00
Engineer's Opinion (JEO)	\$119,000.00	\$351,000.00	\$470,000.00

- The City of Council Bluffs owns or sponsors multiple levee segments which encompass the City Federal Levee System, providing flood protection from the Missouri River, Mosquito Creek, and Indian Creek. These levee systems are currently shown on FEMA floodplain maps as being accredited and are identified as providing protection from the 100-year flood or 1% annual chance flood event.
- In order to maintain the level of protection identified on the FEMA Flood Insurance Rate Map, it is necessary to provide documentation to FEMA that complies with the requirements of 44 CFR 65.10. If the levees are not certified, they will be de-accredited and FEMA will begin the process of updating maps. Areas previously protected by the levees will be identified as flood-prone. In order to meet the criteria for levee certification, improvements to each of the levee systems will be necessary. The purpose of the Geotechnical MR_7 project is to resolve seepage deficiencies along the Missouri River levee. The project will replace the existing relief wells with new relief wells and provide a seepage berm along the dry side of the levee.
- This FY16 CIP included \$1,695,000 funded by the Iowa Flood Mitigation Program and \$3,305,000 in Sales Tax Funds programmed for levee improvements. The budget for this project is \$600,000.
- The project schedule is as follows:

Construction Start	Oct.\Nov. 2016
Construction End	March 2017

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director



**RESOLUTION
NO 16-251**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
VALLEY CORPORATION FOR THE
LEVEE CERTIFICATION PROJECT, GEOTECHNICAL MR_7
PROJECT #PW16-06B**

WHEREAS, the plans, specifications, and form of contract for the Levee Certification Project, Geotechnical MR_7 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 June 27, 2016, and the plans, specifications and form of contract were approved; and

WHEREAS, Valley Corporation has submitted a low bid in the amount of \$326,558.10 for this contract.

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

That the bid of Valley Construction in the amount of \$326,558.10 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Levee Certification Project, Geotechnical MR_7; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Valley Corporation 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.

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

September 26, 2016

Matthew J. Walsh, Mayor

ATTEST:

Marcia L. Worden, City Clerk



CITY CLERK
(712) 328-4616

**Liquor Licenses
City Council Agenda
Monday, September 26, 2016**

Listed below are locations set for City Council approval.
Please note the "calls for service" that occurred during the last licensing period.

Renewals Applications:

- Big K-Mart, 2803 East Kanessville Boulevard
- Council Bluffs Sinclair, 1305 North 25th Street
- Hy-Vee C-Store #1, 21 South 25th Street
- LPL's, 1707 Harry Langdon Boulevard
- Lakeside Ampride, 4040 South Expressway
- Mo Fish, 2403 Nash Boulevard
- Thunderbowl & McCoy's on the Bluffs, 1900 Madison Avenue

Outdoor Special Event Application:

- T'z, 128 West Broadway

Renewal Applications w/Violation:

- Bertha's, 1322 North 16th Street
 - * Aggravated Domestic Assault w/Bodily Injury, 16-020233 (5/21/2016)





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POLICE <u>PHB</u>	Local Amt _____	
FIRE <u>PHB</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>SE</u>	Expires _____	
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- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logout

- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership - Names
- > Ownership - Interests
- > Criminal History
- > Violations
- > Premises
- > General Premises
- > Applicant Signature
- > Dram Cert
- > Local Endorse
- > History

Applicant LC0037970, Bertha's, Council

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Puhner LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Bertha's

Address of Premise: 1322 North 16th Street

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-2476

Cell / Home Phone: (308) 227-9195

Same Address

Mailing Address: 1322 North 16th Street

Mailing Address Line 2: _____

City: Council Bluffs

Zip: 51501

State: Iowa

Contact Name: Craig Steppuhn

Phone: (308) 227-9195

Email Address: goforthgirls@netscape.net

Pre

Next

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1918 SE Hulsizer Road, Ankeny, IA 50021
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FIRE <u>1/3</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>8</u>	Expires _____	
ZONING <u>25</u>		

- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logout

- License
- Privileges
- Applicant
- Status Of Business
- Ownership - Names
- Ownership - Interests
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Local Endorse
- History

Applicant BC0027014, Big K Mart (#3097), Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Big K Mart Corporation [Sole Proprietorship, Partnership, Corporation, etc.]

Name of Business (D/B/A): Big K Mart (#3097)

Address of Premise: 2003 E Kanesville Blvc

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51503-0000

Business Phone: (712) 325-0930

Cell / Home Phone: (248) 436-1000

Same Address

Mailing Address: 3333 Beverly Road

Mailing Address Line 2: B2-113A

City: Huffman Estates

Zip: 50179

State: Illinois

Contact Name: Crystal Dulcaak

Phone: (847) 286-3559

Email Address: crystal.dulcaak@searshc.com

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ZONING <u>PS</u>		

Please be advised:
The Iowa Alcoholic Beverages Division will be conducting routine maintenance on our E-Licensing site from Thursday, August 25th at 4:30 p.m. through Tuesday, August 30th at 3:00 a.m. During this time the site will not be available. Please direct any questions to licensing@iowaabd.com

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- » License
- » Privileges
- » Applicant
- » Status Of Business
- » Ownership - Names
- » Ownership - Interests
- » Criminal History
- » Premises
- » General Premises
- » Applicant Signature
- » Bond Cert
- » Local Endorse
- » History

Applicant LE0002516, Council Bluffs Sinclair, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Shiv Shakti LLC (Cole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Council Bluffs Sinclair

Address of Premise: 1305 N 25th Street

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 328-9281 Cell / Home Phone: (712) 490-8054

Same Address

Mailing Address: 4305 48th Street

Mailing Address Line 2: _____

City: Sioux City State: Iowa

Zip: 51108

Contact Name: Nick Patel Phone: (712) 490-8054 Email Address: sincc1.14@gmail.com

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BUILDING <u>8</u>	Expires _____	
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- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logoff

- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership - Names
- > Ownership - Interests
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Local Endorse
- > History

Applicant BC0030204, Hy-Vee C-Store #1, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Hy-Vee, Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Hy-Vee C-Store #1

Address of Premise: 21 South 25th Street

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 328-5792 Cell / Home Phone: _____

Same Address

Mailing Address: 4920 Westown Pkwy

Mailing Address Line 2: _____

City: West Des Moines State: Iowa

Zip: 50266

Contact Name: Danae Egin Email Address: degin@hy-vee.com

Phone: (515) 267-2874

Prev

Next

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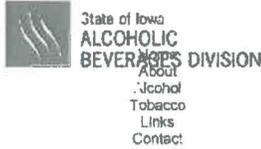


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ZONING <u>RS</u>		

- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logoff

- License
- Privileges
- Applicant
- Status Of Business
- Ownership - Names
- Ownership - Interests
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Dram Cert
- Local Endorse
- History

Applicant LC0037930, LPL's, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Tri-Ten LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): LPL's

Address of Premise: 1707 Harry Langdon Blvd

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 325-9617 Cell / Home Phone: (712) 323-5296

Same Address

Mailing Address: 1707 Harry Langdon Blvd

Mailing Address Line 2: _____

City: Council Bluffs State: Iowa

Zip: 51503

Contact Name: Roger Stormo

Phone: (712) 323-5296 Email Address: Tri-Ten@ccx.net

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BUILDING <u>LB</u>	Expires _____	
ZONING <u>LB</u>		

- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logout

- > License
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership - Names
- > Ownership - Interests
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Local Endorse
- > History

Applicant BC0030203, Lakeside Ampride, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Heartland CO-OP (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Lakeside Ampride

Address of Premise: 4040 South Expressway

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 323-7107

Cell / Home Phone:

Same Address

Mailing Address: PO Box 69

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51502

Contact Name: Gary Fellman

Phone: (712) 323-7107

Email Address: gfellman@heartlandcoop.com

Pre:

Next

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Iowa Alcoholic Beverages Division
1919 SE Hulsizer Road, Ankeny, IA 50021
Toll Free 866.Iowa.ABD (866.469.2222)
Local 515.281.7400

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<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>MB</u>	Local Amt _____	
FIRE <u>RS</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>SR</u>	Expires _____	
ZONING <u>RS</u>		

- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logout

- License
- Privileges
- Applicant
- Status Of Business
- Ownership - Names
- Ownership - Interests
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Dram Cert
- Local Endorse
- History

Applicant BB0029805, Mo Fish, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor Name/Partnership Name(s): Mo Fish, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business: (D/B/A): Mo Fish

Address of Premise: 2403 Nash Blvd

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-4000

Call / Home Phone: (712) 256-8081

Mailing Address: Same Address

Mailing Address Line 2: _____

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Don Mulvania

Phone: (712) 256-4000

Email Address: don.mulvania087@gmail.com

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<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>173</u>	Local Amt _____	
FIRE <u>23</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>SL</u>	Expires _____	
ZONING <u>ES</u>		

- Help
- License Search
- License List
- On-Demand Reporting
- Key Registration Search
- User Profile
- Logout

- License
- Privileges
- Applicant
- Status Of Business
- Ownership - Names
- Ownership - Interests
- Criminal History
- Premises
- General Premises
- Applicant Signature
- Dram Cert
- Local Endorse
- History

Applicant LC0040387, Thunderbowl & McCoy's on the Bluff, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

Corporation Name/Sole Proprietor: BSCD, LLC (Sole Proprietorship, Partnership, Corporation, etc.)
 Name/Partnership Name(s): _____
 Name of Business (D/B/A): Thunderbowl & McCoy's on the Bluff
 Address of Premise: 1900 Madison Ave
 Address Line 2: _____
 City: Council Bluffs
 County: Pottawattamie
 Zip: 51503
 Business Phone: (712) 328-2374 Cell / Home Phone: (402) 650-1777
 Same Address
 Mailing Address: 1900 Madison Ave
 Mailing Address Line 2: _____
 City: Council Bluffs State: Iowa
 Zip: 51503
 Contact Name: Connie Ratliff Email Address: cratliff1@cox.net
 Phone: (402) 650-1777

Prev

Next

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About
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Links
Contact

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POLICE <u>AB</u>	Local Amt _____	
FIRE <u>RS</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>X</u>	Expires _____	
ZONING <u>RS</u>		

- Help
- License Search
- License List
- On-Demand Reporting
- Keg Registration Search
- User Profile
- Logoff

- Privilege Outdoor Service
- Applicant Signature
- Dram Cert
- Local Endorse

Outdoor Service Privilege LC0036142, T'z, Council Bluffs

After completion click on the NEXT link to continue to the next screen, or the BACK link to return to the previous screen. The navigation links on the top may also be used to move around the application.

An Outdoor Service Area is a designated area that is adjacent to the licensed premises. The Application is to be used only if adding Outdoor Service Area Privilege after the original license has been issued. If Outdoor Service Area Privilege is requested at license renewal, mark the appropriate box on the renewal Privileges screen.

After approval the Iowa Alcoholic Beverages Division, an amended license will be mailed to the Local Official.

Outdoor Service area dates (must fall within license period)

From: MM/DD/YYYY
 To: MM/DD/YYYY

Submit to the Local Authority the Outdoor Service Area Dram Shop Endorsement. Endorsement dates must correspond with the requested outdoor service dates. (Accord certificates are not accepted).

Explain how the boundaries of the Outdoor Service Area are designated (fence, barricades, etc.)

Submit a sketch to the Local Authority on 8 1/2 x 11" white paper of the outdoor service area showing its relationship to the licensed premises. If a tapper wagon, beer truck etc. is being used, attach a copy of the rental receipt.

[Prev](#)

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Google Maps 128 W Broadway **Fenced in Area**



Map data ©2016 Google 20 ft



128 W Broadway
Council Bluffs, IA 51503

Jodi Quakenbush

From: noreply@civicplus.com
Sent: Thursday, September 08, 2016 2:12 PM
To: Jodi Quakenbush; Marcy Worden
Subject: Online Form Submittal: Special Event Application

Special Event Application

City Clerk's Office
(712) 328-4616

First Name Trent Tiessen
Last Name 100 Block
Address1 128 W. Broadway
Address2 *Field not completed.*
City Council Bluffs
State Ia
Zip 51503
Phone Number 712-256-0097
Event Name 100 Block Bags Tourney
Event Location Back Parking Lot directly behind 128 W. Broadway
Estimate of Number of Participants 51-100
Type of Event Other: _____
*Acknowledgement to Proceed I Agree
Date of Event 10/8/2016
Time of Event Noon
Set Up Date 9am
Date Taken Down 10/8/2018
Brief Description of the Event The Event is a Cornhole Tournament (bags) like we held last year... We roughly use half of the parking lot that sits directly behind T'z Sports Pub

(128 W. Broadway) so we can extend the liquor license from the premisis.. Double Elimination 2 person tournament...

Additional permits required with event includes: *Field not completed.*

Traffic Control *Field not completed.*

Explain Police Assistance Needs *Field not completed.*

Street Closures Request Street Closure (Must include Map)

Upload File (Map, Street Closure Permission, etc.) 100 Block Bags Map.pdf

Upload File (Map, Street Closure Permission, etc.) *Field not completed.*

Please check any of the following boxes that apply to this event. using any public area, there will be alcoholic beverages being served, there will be a fee/charge to take part in this event

If you checked any of the boxes above, please give a brief description below: Using the parking lot behind the 100 Block We will be extending the liquor License from T'z Sports Pub We charge \$20/team which covers the cost of the permit.. with proceeds going to the 100 Block Event Fund Last year we needed 4 barricades... 2 for the alley way and 2 for the parking lot I will Have Brocker Karns send you my insurance information and Extension of my liquor license

Insurance Requirements:
An Insurance Certificate is required in the amount of \$1,000,000, for Liability coverage, listing the City of Council Bluffs as an additional insured, for all events.

Insurance Requirements *Field not completed.*

PLEASE NOTE:
This request form must be submitted or returned to the City Clerk's Office, 209 Pearl Street, at least 10 business days prior to the event. If not returned within 10 business days the event will be denied. If you have any questions, please contact the City Clerk's Office (712) 328-4616