

CITY COUNCIL STUDY SESSION

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

**MONDAY, OCTOBER 10, 2016
3:45 P.M.**

AGENDA

- A. General Obligation Bonds, Dan Jordet
- B. Review Agenda

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETINGM OCTOBER 10, 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 26, 2016 City Council meeting minutes
 - B. Approval of agenda and tape recording of this proceeding to be incorporated into the official minutes
 - C. Resolution 16-252, fixing the date of October 24, 2017, 7:00 p.m. for a meeting on the proposition of the issuance of not to exceed \$4,370,000 General Obligation Bonds for the City of Council Bluffs, State of Iowa (for essential corporate purposes), and providing for publication of notice thereof
 - D. Resolution 16-253, fixing the date of October 24, 2016, 7:00 p.m., on the proposition of the issuance of not to exceed \$565,000 General Obligation Bonds of the City of Council Bluffs, State of Iowa (for general corporate purposes), and providing for publication of notice thereof
 - E. Resolution 16-254, fixing the date of October 24, 2016, 7:00 p.m. for a meeting on the proposition of the issuance of not to exceed \$77,500 General Obligation Bonds of the City of Council Bluffs, State of Iowa (for general corporate purposes), and providing for publication of notice thereof
 - F. Resolution 16-255, fixing the date of October 24, 2016, 7:00 p.m. for a meeting on the proposition of the issuance of not to exceed \$1,107,500 General Obligation Bonds of the City of Council Bluffs, State of Iowa (for general corporate purposes), and providing for publication of notice thereof
 - G. Resolution 16-256, fixing the date of October 24, 2016, 7:00 p.m., on the proposition of the issuance of not to exceed \$2,830,000 General Obligation Bonds of the City of Council Bluffs, State of Iowa, (for essential corporate purposes), and providing for publication of notice thereof
 - H. Resolution 16-257, intent to dispose of City property legally described as the west 16.66 feet of Lot 7 and all of Lot 8, Block 2, Thompson's Addition, and setting a Public Hearing for October 24, 2016, 7:00 p.m. (OTB-16-016)

DISCLAIMER:

If you plan on attending this meeting and require assistance please notify the City Clerk's Office three days prior to the meeting at (712) 328-4616

- I. Notices of Claim (2)

4. MAYOR'S PROCLAMATIONS

- A. Designating October 9 through 15, 2016 as "*Fire Prevention Week*"
- B. Designating October 10 through 14, 2016 as "*City Week*"

5. PUBLIC HEARINGS

- 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 (ZC-16-007)

6. ORDINANCES ON 2ND READING

- A. Ordinance 6281, establishing the Bluffs Northway Urban Revitalization Area Amendment within the City of Council Bluffs
- B. 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", 5.10.120 "Reporting Requirements for Industrial Uses"

7. RESOLUTIONS

- A. Resolution 16-258, officially designating the City Council meeting dates for the City of Council Bluffs during the 2017 calendar year
- B. Resolution 16-259, adopting the Corridor Master Plan in connection with the Reconstruction of West Broadway
- C. Resolution 16-260, authorizing execution of an Engagement Agreement with Bond Counsel for the 2016A and 2016B bond issues

8. APPLICATIONS FOR PERMITS AND CANCELLATIONS

- A. New Beer/Liquor & Wine Outdoor Permit Application:
 - 1. Kansas City BBQ, 3515 Metro Drive
- B. Renewal of Beer/Liquor/Wine and Outdoor Permit Applications:
 - 1. CB Pitchers & Pints, 154 West Broadway
 - 2. Canvas Concoctions Art Studio, 116 West Broadway
 - 3. Fareway Stores #73, 310 McKenzie Avenue
 - 4. Texas Roadhouse, 3231 South 24th Street
- C. "Native Wine" Additional Privilege Permit Applications:
 - 1. Casey's General Store #3201, 701 32nd Avenue
 - 2. Casey's General Store #2096, 2301 South 24th Street

9. CITIZENS REQUEST TO BE HEARD

10. OTHER BUSINESS

11. 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 26, 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** White and Watson 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 September 12, 2016 meeting minutes; 3C. Financial Operating Statement (August 2016), 3D. List of Bills (August 2016), 3E. Revenue and Expense Report (August 2016), Notice of Claim (1). Unanimous, 5-0 vote.
- PUBLIC HEARINGS**
- Resolution 16-243 Held Public Hearing, approving the Urban Revitalization Plan for the Bluffs Northway Urban Revitalization Area Amendment (URV-16-004). Sandau and Ringgenberg moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-244 Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 9th and 10th Street Bridges over Indian Creek Project (FY15-19). White and Head moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-245 Held Public Hearing, approving right-of-way authorization in connection with the West Broadway Reconstruction Project, Phase I (PW17-20). White and Head moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-246 Held Public Hearing, approving right-of-way authorizing in connection with the East Beltway Project. Heard from the following: Kathy Rieken-Gutshall, 5402 Taggart Circle, who inquired if the stakes placed on Eastern Hill Drive were part of the easement? Mayor Walsh indicated the phase that goes through the Hills of Cedar Creek (HOCC) is complete, the new road will go from the airport to the top of the HOCC, and the bottom of Eastern Hills Drive to Hwy. 92; Linda Hunter, 5406, Taggart Circle, who mentioned not having enough information on the matter. Mayor Walsh indicated he'd look into the matter, and they could give him a call tomorrow. Walsh also noted at the last meeting Mr. Ringgenberg mentioned it's the City's responsibility to hold a hearing, it's just a formality. Ringgenberg reported the public hearing process is required by the State; which now gives the City the opportunity to go into discussions with property owners. Ringgenberg and Head moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-247 Held Public Hearing, authorizing disposal of City property legally described as Lot 10, Aldine Court (OTB-16-014). Ringgenberg and Watson moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-248 Held Public Hearing, authorizing disposal of City property legally described as the south ½ of Lots 1 and 2 and the east 20' of the south 65' of Lot 3, Block 5, Wright's Addition (OTB-16-015). Sandau and Head moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-249 Held Public Hearing, granting an underground electrical easement to MidAmerican Energy in support of the Fieldhouse at the Mid America Center. White and Sandau moved and seconded approval. Unanimous, 5-0 vote.
- ORDINANCES ON 1ST READING**
- Ordinance 6280 White and Head moved and seconded approval, 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 and setting a Public Hearing for October 10, 2016, 7:00 p.m. (ZC-16-007). Unanimous, 5-0 vote.
- Ordinance 6281 White and Head moved and seconded approval, establishing the Bluffs Northway Urban Revitalization Area Amendment within the City of Council Bluffs. Unanimous, 5-0 vote.
- Ordinance 6282 White and Sandau moved and seconded approval, 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”. Unanimous, 5-0 vote.
- RESOLUTIONS**
- Resolution 16-250 Watson and Head moved and seconded approval, 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. Roll Call: 4 Ayes; 1 Abstention (White), my husband works for Ehrhart Griffin White added.

Resolution 16-251

White and Head moved and seconded approval, 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). Unanimous, 5-0 vote.

APPLICATIONS/PERMITS & CANCELLATIONS

Watson and Sandau moved and seconded approval of all Items 7A & 7B inclusive. Items 7A. 1-8. Renewal of Beer/Liquor/Wine and Outdoor Permit Applications. 1. Bertha's, 1322 North 16th Street, 2. Big K-Mart, 2803 East Kanesville 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; and Item 7B. "Outdoor" Special Event Permit Application for T's, 128 West Broadway. Unanimous, 5-0 vote.

CITIZENS REQUEST TO BE HEARD

No requests from citizens were heard.

Mayor Walsh mentioned when addressing the City Council please state your name and address for the record, adding you are limited to 5 minutes to share your concern.

Heard from the following: Shala Richardson, 401 Spencer Avenue, who noted neighboring states Minnesota and South Dakota have overturned their pit bull bans, along with sister city, Carter Lake; Patricia Fuller, 20514 Magnolia Road, Crescent, who spoke in support of reversing the ban; Sue Jungman, 14 Lainsou Avenue, speaking in favor of lifting breed specific bans; Head and Watson moved and seconded to Receive and File documents from Ms. Jungman. Unanimous, 5-0 vote. Former Animal Control Officer for Carter Lake, Shannon Dunlap, who also submitted photos. How you can tell if a dog's a pit bull Dunlap asked, it's the owner not the breed of the dog that's the issue; a resident from Cass County, Iowa, supporting her friends in revising the ban; and Andrea Hall, 505 South 6th Street, who requested the pit bull ban be lifted.

Heard from Al Ruby, 513 N. 27th Street, member of the Kanesville Riders Honor Guard, our group has been a part of 157 funeral services since the beginning. Ruby mentioned concern over the amount of phone calls the Mayor has received regarding their group.

Heard from Patricia Lawson, 38 Dillman Drive, who's concerned about the residents living at Colonial Plaza; Theresa Jacoby, 38 Dillman Drive, who noted City Hall has been very helpful but there are still concerns with the condition of the apartment complex; photos were submitted by Ms. Jacoby. Jacoby also voiced a concern of elder abuse at the facility, the condition of the facility as well; and the non-use of the community room. Mayor Walsh indicated the Building Division has previously made inspections of the facility; adding the community room is off limits because the room wasn't sprinkled. White and Watson moved and seconded to Receive and File photos from Ms. Jacoby. Unanimous, 5-0 vote.

Council Member Watson encouraged everyone to watch the most anticipated presidential debate this evening; please do your part and vote.

Council Member White mentioned there are two sets of documents remaining to Receive & File, Head and White moved to accept both submittals. Unanimous, 5-0 vote.

Council Member Ringgenberg mentioned the Mayor and I both attended a ceremony last week honoring the Vietnam Veterans in our community. At that meeting Mayor Walsh noted as well as the President of the Vietnam Association, on how much things have changed for the better for veterans in the community.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:56 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

Council Communication

Department: Finance Case/Project No.: Submitted by: Daniel Jordet	Resolution No. <u>16-252</u>	Council Action: 10/10/2016
Subject/Title		
Resolution fixing the date of October 24, 2016 for a meeting on the proposition of the issuance of not to exceed \$ 4,370,000 in General Obligation Bonds for essential corporate purposes and providing for the publication of notice thereof.		
Background/Discussion		
<p>This action establishes a public hearing to be held on Monday, October 24, 2016 to consider an authorization to issue essential corporate purpose bonds in the amount of \$ 4,242,500 to fund street and water infrastructure projects, replacement of an ambulance, construction of the improvements in Rivers Edge Park, and funding of the emerald ash borer treatment and protection program.</p> <p>This action only calls for the public hearing. During the study session prior to the meeting, the Director of Finance will present an overview of the proposed bond issue, how it came to be calculated, what options were considered, what the impact is expected to be on the levy, and what sections may be subject to reverse referendum.</p>		
Recommendation		
It is requested that the City Council favorably consider calling this public hearing.		

Dan Jordet, Finance Director

Matthew J. Walsh, Mayor

RESOLUTION 16-252

ITEMS TO INCLUDE ON AGENDA FOR OCTOBER 10, 2016

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$4,370,000 General Obligation Bonds.

- Resolution fixing date for a meeting on the proposition to issue.

**NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.**

October 10, 2016

The City Council of the City of Council Bluffs, State of Iowa, met in _____
session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at
_____.M., on the above date. There were present Mayor _____, in the
chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$4,370,000 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$4,370,000 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, State of Iowa, should issue General Obligation Bonds, to the amount of not to exceed \$4,370,000, as authorized by Section 384.25, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential corporate purpose projects as hereinafter described; and

WHEREAS, before the Bonds may be issued, it is necessary to comply with the provisions of the Code, and to publish a notice of the proposal to issue such bonds and of the time and place of the meeting at which the Council proposes to take action for the issuance of the Bonds and to receive oral and/or written objections from any resident or property owner of the City to such action.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the 24th day of October, 2016, for the purpose of taking action on the matter of the issuance of not to exceed \$4,370,000 General

Obligation Bonds, for essential corporate purposes, the proceeds of which bonds will be used to provide funds to pay the costs of:

- a) opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds; the construction, reconstruction, and repairing of any street improvements; the acquisition, installation, and repair of sidewalks, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices, and the acquisition of any real estate needed for any of the foregoing purposes;
- b) acquisition of ambulances and ambulance equipment;
- c) demolition of abandoned, dangerous or dilapidated buildings, structures or properties;
- d) acquisition, construction, reconstruction, enlargement, improvement, and repair of bridges, culverts, retaining walls, viaducts, underpasses, grade crossing separations, and approaches thereto;
- e) acquisition, construction, reconstruction, and improvement of all waterways, and real and personal property, useful for the protection or reclamation of property situated within the corporate limits of cities from floods or high waters, and for the protection of property in cities from the effects of flood waters, the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements;
- f) rehabilitation and improvement of parks already owned, including the removal, replacement and planting of trees in the parks, and facilities, equipment, and improvements commonly found in city parks; and
- g) acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance.

Section 2. To the extent any of the projects or activities described in this resolution may be reasonably construed to be included in more than one classification under Division III of Chapter 384 of the Code of Iowa, the Council hereby elects the "essential corporate purpose" classification and procedure with respect to each such project or activity, pursuant to Section 384.28 of the Code of Iowa.

Section 3. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than four clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 4. The notice of the proposed action to issue bonds shall be in substantially the following form:

(To be published on or before: October 13, 2016)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA, ON THE
MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$4,370,000 GENERAL OBLIGATION BONDS OF
THE CITY (FOR ESSENTIAL CORPORATE PURPOSES),
AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing on the 24th day of October, 2016, at _____ .M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$4,370,000 General Obligation Bonds, for essential corporate purposes, to provide funds to pay the costs of:

- a) opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys and public grounds; the construction, reconstruction, and repairing of any street improvements; the acquisition, installation, and repair of sidewalks, storm sewers, sanitary sewers, water service lines, street lighting, and traffic control devices, and the acquisition of any real estate needed for any of the foregoing purposes;
- b) acquisition of ambulances and ambulance equipment;
- c) demolition of abandoned, dangerous or dilapidated buildings, structures or properties;
- d) acquisition, construction, reconstruction, enlargement, improvement, and repair of bridges, culverts, retaining walls, viaducts, underpasses, grade crossing separations, and approaches thereto;
- e) acquisition, construction, reconstruction, and improvement of all waterways, and real and personal property, useful for the protection or reclamation of property situated within the corporate limits of cities from floods or high waters, and for the protection of property in cities from the effects of flood waters, the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements;
- f) rehabilitation and improvement of parks already owned, including the removal, replacement and planting of trees in the parks, and facilities, equipment, and improvements commonly found in city parks; and

g) acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Council will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

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

Dated this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(End of Notice)

PASSED AND APPROVED this 10th day of October, 2016.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF PUBLIC HEARING
(Not to Exceed \$4,370,000 General Obligation Bonds)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2016.

WITNESS my official signature this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(SEAL)

01284374-1\10342-134

Council Communication

Department: Finance Case/Project No.: Submitted by: Daniel Jordet	Resolution No. <u>16-253</u>	Council Action: <u>10/10/2016</u>
Subject/Title		
Resolution fixing the date of October 24, 2016 for a meeting on the proposition of the issuance of not to exceed \$ 565,000 in General Obligation Bonds for general corporate purposes and providing for the publication of notice thereof.		
Background/Discussion		
<p>This action establishes a public hearing to be held on Monday, October 24, 2016 to consider an authorization to issue general corporate purpose bonds in the amount of \$ 565,000 to fund repairs and renovations to the Public Library including carpet replacement, replacement of doors, restroom renovations and replacement of tables and chairs.</p> <p>This action only calls for the public hearing. During the study session prior to the meeting, the Director of Finance will present an overview of the proposed bond issue, how it came to be calculated, what options were considered, what the impact is expected to be on the levy, and what sections may be subject to reverse referendum.</p>		
Recommendation		
It is requested that the City Council favorably consider calling this public hearing.		

Daniel Jordet, Finance Director

Matthew J. Walsh, Mayor

RESOLUTION 16-253

ITEMS TO INCLUDE ON AGENDA FOR OCTOBER 10, 2016

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$565,000 General Obligation Bonds.

- Resolution fixing date for a meeting on the proposition to issue.

**NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.**

October 10, 2016

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$565,000 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR GENERAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$565,000 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR GENERAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, State of Iowa, should issue General Obligation Bonds, to the amount of not to exceed \$565,000, as authorized by Section 384.26, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out general corporate purpose projects as hereinafter described; and

WHEREAS, the Issuer has a population of more than 5,000 but not more than 75,000, and the Bonds for these purposes do not exceed \$700,000; and

WHEREAS, before the Bonds may be issued, it is necessary to comply with the provisions of Chapter 384 of the Code of Iowa, and to publish a notice of the proposal to issue such Bonds and the right to petition for an election.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the 24th day of October, 2016, for the purpose of taking action on the matter of the issuance of not to exceed \$565,000 General

Obligation Bonds, for general corporate purposes, the proceeds of which bonds will be used to provide funds to pay the costs of construction, reconstruction, enlargement, improvement, furnishing and equipping of the public library and shall bear interest at a rate not exceeding the maximum specified in the attached notice.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 3. The notice of the proposed action to issue bonds shall be in substantially the following form:

(To be published on or before: October 13, 2016)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA, ON THE
MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$565,000 GENERAL OBLIGATION BONDS OF THE
CITY (FOR GENERAL CORPORATE PURPOSES), AND THE
HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing on the 24th day of October, 2016, at _____ .M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$565,000 General Obligation Bonds, for general corporate purposes, bearing interest at a rate of not to exceed nine (9%) per centum per annum, the Bonds to be issued to provide funds to pay the costs of construction, reconstruction, enlargement, improvement, furnishing and equipping of the public library.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the City, may be filed with the Clerk of the City in the manner provided by Section 362.4 of the Code of Iowa, pursuant to the provisions of Section 384.26 of the Code of Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Council will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 384.26 of the Code of Iowa.

Dated this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(End of Notice)

PASSED AND APPROVED this 10th day of October, 2016.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

01284406-1\10342-134

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF PUBLIC HEARING
(Not to Exceed \$565,000 General Obligation Bonds)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2016.

WITNESS my official signature this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

01284406-1\10342-134

Council Communication

Department: Finance Case/Project No.: Submitted by: Daniel Jordet	Resolution No. <u>16-254</u>	Council Action: <u>10/10/2016</u>
Subject/Title		
Resolution fixing the date of October 24, 2016 for a meeting on the proposition of the issuance of not to exceed \$77,500 in General Obligation Bonds for general corporate purposes and providing for the publication of notice thereof.		
Background/Discussion		
This action establishes a public hearing to be held on Monday, October 24, 2016 at 7:00 PM to fund improvements to the walking/hiking/biking trails around the City.		
This action only calls for the public hearing. During the study session prior to the meeting, the Director of Finance will present an overview of the proposed bond issue, how it came to be calculated, what options were considered, what the impact is expected to be on the levy, and what sections may be subject to reverse referendum.		
Recommendation		
It is requested that the City Council favorably consider calling this public hearing.		

Daniel Jordet, Finance Director

Matthew J. Walsh, Mayor

RESOLUTION 16-254

ITEMS TO INCLUDE ON AGENDA OCTOBER 10, 2016

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$77,500 General Obligation Bonds.

- Resolution fixing date for a meeting on the proposition to issue.

**NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.**

October 10, 2016

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$77,500 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR GENERAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$77,500 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR GENERAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, State of Iowa, should issue General Obligation Bonds, to the amount of not to exceed \$77,500, as authorized by Section 384.26, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out general corporate purpose projects as hereinafter described; and

WHEREAS, the Issuer has a population of more than 5,000 but not more than 75,000, and the Bonds for these purposes do not exceed \$700,000; and

WHEREAS, before the Bonds may be issued, it is necessary to comply with the provisions of Chapter 384 of the Code of Iowa, and to publish a notice of the proposal to issue such Bonds and the right to petition for an election.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the 24th day of October, 2016, for the purpose of taking action on the matter of the issuance of not to exceed \$77,500 General

Obligation Bonds, for general corporate purposes, the proceeds of which bonds will be used to provide funds to pay the costs of acquisition, construction, reconstruction, enlargement, and improvement of recreation grounds, including trails, and the acquisition of real estate therefor and shall bear interest at a rate not exceeding the maximum specified in the attached notice.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 3. The notice of the proposed action to issue bonds shall be in substantially the following form:

(To be published on or before: October 13, 2016)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA, ON THE
MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$77,500 GENERAL OBLIGATION BONDS OF THE
CITY (FOR GENERAL CORPORATE PURPOSES), AND THE
HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing on the 24th day of October, 2016, at _____ .M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$77,500 General Obligation Bonds, for general corporate purposes, bearing interest at a rate of not to exceed nine (9%) per centum per annum, the Bonds to be issued to provide funds to pay the costs of acquisition, construction, reconstruction, enlargement, and improvement of recreation grounds, including trails, and the acquisition of real estate therefor.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the City, may be filed with the Clerk of the City in the manner provided by Section 362.4 of the Code of Iowa, pursuant to the provisions of Section 384.26 of the Code of Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Council will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 384.26 of the Code of Iowa.

Dated this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(End of Notice)

PASSED AND APPROVED this 10th day of October, 2016.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

01284415-1\10342-134

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF PUBLIC HEARING
(Not to Exceed \$77,500 General Obligation Bonds)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2016.

WITNESS my official signature this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(SEAL)

01284415-1\10342-134

Council Communication

Department: Finance Case/Project No.: Submitted by: Daniel Jordet	Resolution No. <u>16-255</u>	Council Action: <u>10/10/2016</u>
Subject/Title		
Resolution fixing the date of October 24, 2016 for a meeting on the proposition of the issuance of not to exceed \$ 1,107,500 in General Obligation Bonds for general corporate purposes and providing for the publication of notice thereof.		
Background/Discussion		
<p>This action establishes a public hearing to be held on Monday, October 24, 2016 to consider an authorization to issue general corporate purpose bonds in the amount of \$ 1,107,500 to fund repairs and rehabilitation activities for Station 6 and the Central Fire Station, improvement of the fire alerting system, and improvements to the automation system at the UP Museum, owned by the City of Council Bluffs.</p> <p>This action only calls for the public hearing. During the study session prior to the meeting, the Director of Finance will present an overview of the proposed bond issue, how it came to be calculated, what options were considered, what the impact is expected to be on the levy, and what sections may be subject to reverse referendum.</p>		
Recommendation		
It is requested that the City Council favorably consider calling this public hearing.		

Daniel Jordet, Finance Director

Matthew J. Walsh, Mayor

RESOLUTION 16-255

ITEMS TO INCLUDE ON AGENDA FOR OCTOBER 10, 2016

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$1,107,500 General Obligation Bonds.

- Resolution fixing date for a meeting on the proposition to issue.

**NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.**

October 10, 2016

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$1,107,500 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR GENERAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$1,107,500 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR GENERAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, State of Iowa, should issue General Obligation Bonds, to the amount of not to exceed \$1,107,500, as authorized by Section 384.26, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out general corporate purpose projects as hereinafter described; and

WHEREAS, the Issuer has a population of more than 5,000 but not more than 75,000, and the Bonds for these purposes do not exceed \$700,000; and

WHEREAS, before the Bonds may be issued, it is necessary to comply with the provisions of Chapter 384 of the Code of Iowa, and to publish a notice of the proposal to issue such Bonds and the right to petition for an election.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the 24th day of October, 2016, for the purpose of taking action on the matter of the issuance of not to exceed \$1,107,500 General

Obligation Bonds, for general corporate purposes, the proceeds of which bonds will be used to provide funds to pay the costs of construction, reconstruction, enlargement, improvement, and equipping of city buildings, including fire stations and the Union Pacific Museum, and the acquisition of any real estate needed for such purposes and shall bear interest at a rate not exceeding the maximum specified in the attached notice.

Section 2. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 3. The notice of the proposed action to issue bonds shall be in substantially the following form:

(To be published on or before: October 13, 2016)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA, ON THE
MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$1,107,500 GENERAL OBLIGATION BONDS OF
THE CITY (FOR GENERAL CORPORATE PURPOSES), AND
THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing on the 24th day of October, 2016, at _____ .M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$1,107,500 General Obligation Bonds, for general corporate purposes, bearing interest at a rate of not to exceed nine (9%) per centum per annum, the Bonds to be issued to provide funds to pay the costs of construction, reconstruction, enlargement, improvement, and equipping of city buildings, including fire stations and the Union Pacific Museum, and the acquisition of any real estate needed for such purposes.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the City, may be filed with the Clerk of the City in the manner provided by Section 362.4 of the Code of Iowa, pursuant to the provisions of Section 384.26 of the Code of Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Council will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 384.26 of the Code of Iowa.

Dated this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(End of Notice)

PASSED AND APPROVED this 10th day of October, 2016.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF PUBLIC HEARING
(Not to Exceed \$1,107,500 General Obligation Bonds)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2016.

WITNESS my official signature this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

Council Communication

Department: Finance Case/Project No.: Submitted by: Daniel Jordet	Resolution No. <u>16-256</u>	Council Action: <u>10/10/2016</u>
Subject/Title		
Resolution fixing the date of October 24, 2016 for a meeting on the proposition of the issuance of not to exceed \$ 2,830,000 in General Obligation Bonds for essential corporate purposes and providing for the publication of notice thereof.		
Background/Discussion		
This action establishes a public hearing to be held on Monday, October 24, 2016 to consider an authorization to issue essential corporate purpose bonds in the amount of \$ 2,830,000 to fund property acquisitions in connection with the West Broadway Urban Renewal Plan.		
This action only calls for the public hearing. During the study session prior to the meeting, the Director of Finance will present an overview of the proposed bond issue, how it came to be calculated, what options were considered, what the impact is expected to be on the levy, and what sections may be subject to reverse referendum.		
Recommendation		
It is requested that the City Council favorably consider calling this public hearing.		

Daniel Jordet, Finance Director

Matthew J. Walsh, Mayor

RESOLUTION 16-256

ITEMS TO INCLUDE ON AGENDA FOR OCTOBER 10, 2016

CITY OF COUNCIL BLUFFS, IOWA

Not to Exceed \$2,830,000 General Obligation Bonds.

- Resolution fixing date for a meeting on the proposition to issue.

**NOTICE MUST BE GIVEN PURSUANT TO IOWA CODE
CHAPTER 21 AND THE LOCAL RULES OF THE CITY.**

October 10, 2016

The City Council of the City of Council Bluffs, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

Vacant: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$2,830,000 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION FIXING DATE FOR A MEETING ON THE PROPOSITION OF THE ISSUANCE OF NOT TO EXCEED \$2,830,000 GENERAL OBLIGATION BONDS OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 87-570, adopted December 14, 1987, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the West Broadway Urban Renewal Plan (the "Plan") for the West Broadway Urban Renewal Plan Area (the "Area" or "Urban Renewal Area"), which Plan is on file in the office of the Recorder of Pottawattamie County, Iowa; and

WHEREAS, by Resolution 15-284, adopted October 26, 2015, this Council approved and adopted the 2015 Amendment to the West Broadway Urban Renewal Plan, which Amendment added additional property to the Area and confirmed and added urban renewal projects proposed to be undertaken within the Area; and

WHEREAS, it is deemed necessary and advisable that the City of Council Bluffs, State of Iowa, should issue General Obligation Bonds, to the amount of not to exceed \$2,830,000, as authorized by Sections 384.25 and 403.12, of the Code of Iowa, for the purpose of providing funds to pay costs of carrying out essential corporate purpose projects as hereinafter described; and

WHEREAS, before bonds may be issued, it is necessary to comply with the procedural requirements of Chapters 384 and 403 of the Code of Iowa, and to publish a notice of the proposal to issue such bonds and the right to petition for an election.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ .M., on the 24th day of October, 2016, for the purpose of taking action on the matter of the issuance of not to exceed \$2,830,000 General Obligation Bonds, for essential corporate purposes, the proceeds of which bonds will be used to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403 in the West Broadway Urban Renewal District, including the acquisition of land for redevelopment.

Section 2. To the extent any of the projects or activities described in this resolution may be reasonably construed to be included in more than one classification under Division III of Chapter 384 of the Code of Iowa, the Council hereby elects the "essential corporate purpose" classification and procedure with respect to each such project or activity, pursuant to Section 384.28 of the Code of Iowa.

Section 3. That the Clerk is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the City. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Bonds.

Section 4. The notice of the proposed action to issue bonds shall be in substantially the following form:

(To be published on or before: October 13, 2016)

NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF COUNCIL BLUFFS, STATE OF IOWA, ON THE
MATTER OF THE PROPOSED ISSUANCE OF NOT TO
EXCEED \$2,830,000 GENERAL OBLIGATION BONDS OF
THE CITY (FOR ESSENTIAL CORPORATE PURPOSES),
AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing on the 24th day of October, 2016, at _____ .M., in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take additional action for the issuance of not to exceed \$2,830,000 General Obligation Bonds, for essential corporate purposes, to provide funds to pay the costs of aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403 in the West Broadway Urban Renewal District, including the acquisition of land for redevelopment.

At any time before the date of the meeting, a petition, asking that the question of issuing such Bonds be submitted to the legal voters of the City, may be filed with the Clerk of the City in the manner provided by Section 362.4 of the Code of Iowa, pursuant to the provisions of Sections 384.24(3)(q), 384.25 and 403.12 of the Code of Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of the City to the above action. After all objections have been received and considered, the Council will at the meeting or at any adjournment thereof, take additional action for the issuance of the Bonds or will abandon the proposal to issue said Bonds.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Chapters 384 and 403 of the Code of Iowa.

Dated this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(End of Notice)

PASSED AND APPROVED this 10th day of October, 2016.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

01284400-1\10342-142

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned, do hereby certify that I am now and was at the times hereinafter mentioned, the duly qualified and acting Clerk of the City of Council Bluffs, in the County of Pottawattamie, State of Iowa, and that as such Clerk and by full authority from the Council of the City, I have caused a

NOTICE OF PUBLIC HEARING
(Not to Exceed \$2,830,000 General Obligation Bonds)

of which the clipping annexed to the publisher's affidavit hereto attached is in words and figures a correct and complete copy, to be published as required by law in the "Daily Nonpareil", a legal newspaper published at least once weekly, printed wholly in the English language, published regularly and mailed through the post office of current entry for more than two years and which has had for more than two years a bona fide paid circulation recognized by the postal laws of the United States, and has a general circulation in the City, and that the Notice was published in all of the issues thereof published and circulated on the following date:

_____, 2016.

WITNESS my official signature this _____ day of _____, 2016.

City Clerk, City of Council Bluffs, State of
Iowa

(SEAL)

01284400-1\10342-142

Council Communication

<p>Department: Community Development</p> <p>Case #OTB-16-016</p> <p>Applicant: New Vision Homeless Services Attn: Rev. Harry H. Waller, Sr. 1435 North 15th Street Council Bluffs, IA 51501</p>	<p>Resolution of Intent No. <u>16-257</u></p> <p>Resolution to Dispose No. _____</p>	<p>Set Public Hearing: 10/10/16</p> <p>Public Hearing: 10/24/16</p>
Subject/Title		
<p>Request of New Vision Homeless Services, represented by Rev. Harry H. Waller, Sr., to purchase the West 16.66 feet of Lot 7 and all of Lot 8, Block 2, Thompson's Addition, formerly known as 1428 Avenue M.</p>		
Background/Discussion		
<p>Rev. Harry H. Waller, Sr., on behalf of New Vision Homeless Services, has submitted an offer to purchase the City owned property formerly known as 1428 Avenue M, legally described as the West 16.66 feet of Lot 7 and all of Lot 8, Block 2, Thompson's Addition. It is zoned R-3/Low Density Multi-Family Residential and measures 49 feet wide by 129 feet deep for a total of 6,364 square feet. New Vision Homeless Services abuts the property on the north at 1435 North 15th Street and have used the vacant lot during the past several years as a garden.</p> <p>The City obtained title to this property through a 657A process in January, 2008 and the residential structure was removed. The property has remained vacant since that time. As per the Inventory and Disposal Policy for Surplus City Property, buildable properties on the disposal list longer than 24 months may be sold as a non-buildable remnant to the abutting property owners. Even though the lot itself is considered buildable, it is being treated as a remnant parcel and considered unbuildable because of the time it has been owned by the City.</p> <p>The price is established by the most recent fee schedule for street/alley vacations. This property contains 6,364 sq ft which calculates to \$1,462.00 (\$75.00 for first 300 sq ft + \$.15 psf for the next 4,700 sq ft + \$0.50 psf above 5,000 sq ft.). The applicants are to pay \$50.00 (already paid as the down payment) with a mortgage and promissory note to be signed on the remaining \$1,412 which would be forgiven over a two year period.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of the West 16.66 feet of Lot 7 and all of Lot 8, Block 2, Thompson's Addition, formerly known as 1428 Avenue M as outlined above.</p>		
<p>Attachment: Location map Prepared By: Rebecca Sall, Assistant Planner, Community Development Department</p>		



Case #OTB-16-016

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. 16-257

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS THE WEST 16.66 FEET OF LOT 7 AND ALL OF LOT 8, BLOCK 2, THOMPSON’S ADDITION.

WHEREAS, the City has received, from New Vision Homeless Services, represented by Rev. Harry H. Waller, Sr., an offer to buy the property legally described as the West 16.66 feet of Lot 7 and all of Lot 8, Block 2, Thompson’s Addition, formerly known as 1428 Avenue M; and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property.

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

That the City does hereby express its intent to dispose of City property legally described as the West 16.66 feet of Lot 7 and all of Lot 8, Block 2, Thompson’s Addition, formerly known as 1428 Avenue M, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for October 24, 2016.

ADOPTED
AND
APPROVED:

October 10, 2016

Matthew J. Walsh Mayor

ATTEST:

Marcia L. Worden City Clerk

(Case #OTB-16-016)

Fx 712-322-9255

Pmadsen

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-PK-1808

NOTICE OF CLAIM/LOSS

712-435 9668

NAME OF CLAIMANT: Pam madsen
ADDRESS: 3549 Linn Ave Co. Bluffs IA 51501

DAY PHONE: 402-384 2520
DOB: 2-11-1980

DATE & TIME OF LOSS/ACCIDENT: August 23, 2016 approx 10:30pm

LOCATION OF LOSS/ACCIDENT: 3549 Linn Ave CB IA 51501

DESCRIPTION OF LOSS/ACCIDENT: city tree fell on roof & porch of my home due to wind causing damage.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ _____

WITNESS(ES) (Name(s), Address(es), Phone No(s)): MA Both myself & Chad Watson were at home at the time

WAS POLICE REPORT FILED YES NO

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

MA

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

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

OTHER RELEVANT INFORMATION: damaged outer shingles on roof, damaged door slightly, damaged fence slightly.

LIST INSURANCE PROVIDER AND COVERAGE: Allied (Nationwide) - \$2500 deductible

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

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

9/29/16
DATE

Pam Madsen
CLAIMANT'S SIGNATURE

CLERK RCVD

30 SEP 15

PM2:49

SEP 30 2016
CITY OF COUNCIL BLUFFS

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

CITY CLAIM NO. _____

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Tammy Nelson DAY PHONE: 712-310-3738

ADDRESS: 2205 Ave. A Council Bluffs IA 51501 DOB: 10-09-72

DATE & TIME OF LOSS/ACCIDENT: Sept 14th, 2016 11^{am}-12^{noon}

LOCATION OF LOSS/ACCIDENT: 2205 Ave. A C.B.

DESCRIPTION OF LOSS/ACCIDENT: Scratch + chip of paint to drivers side hood of car.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 1,709.27

WITNESS(ES) (Name(s), Address(es), Phone No(s)) Guy Barnes 2205 Ave A C.B., IA 51501 712-355-1372

WAS POLICE REPORT FILED YES NO

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

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? N/A YES NO

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

OTHER RELEVANT INFORMATION: Police was raiding the house on the north-west side of the street from me. An officer knoaled down next to my car and had his rifle extended across the carhood.

LIST INSURANCE PROVIDER AND COVERAGE: _____

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

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

9-22-16
DATE

Tammy M Nelson
CLAIMANT'S SIGNATURE

Sept 15 2016

CLERK RCVD
30 SEP 18
PM 12:24

City of Council Bluffs Iowa

Office of the Mayor

Proclamation

- WHEREAS,** the city of Council Bluffs, Iowa is committed to ensuring the safety and security of all those living in and visiting Council Bluffs; and
- WHEREAS,** fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire; and
- WHEREAS,** U.S. fire departments responded to 369,500 home fires in 2014, according to the National Fire Protection Association (NFPA); and
- WHEREAS,** U.S. home fires resulted in 2,745 civilian deaths in 2014, representing the majority (84 percent) of all U.S. fire deaths; and
- WHEREAS,** in one-fifth of all homes with smoke alarms, the smoke alarms are not working; and
- WHEREAS,** three out of five home fire deaths result from fires in properties without smoke alarms (38 percent) or with no working smoke alarms (21 percent); and
- WHEREAS,** working smoke alarms cut the risk of dying in reported home fires in half; and
- WHEREAS,** many Americans don't know how old the smoke alarms in their homes are, or how often they need to be replaced; and
- WHEREAS,** all smoke alarms should be replaced at least once every ten years; and
- WHEREAS,** the age of a smoke alarm can be determined by the date of its manufacture, which is marked on the back of the smoke alarm; and
- WHEREAS,** Council Bluffs first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and
- WHEREAS,** Council Bluffs residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and
- WHEREAS,** the 2016 Fire Prevention Week theme, "Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years" effectively serves to educate the public about the vital importance of replacing the smoke alarms in their homes at least every ten years, and to determine the age of their smoke alarms by checking the date of manufacture on the back of the alarms.

NOW, THEREFORE, I,

**Matthew J. Walsh, Mayor
of the
City of Council Bluffs, Iowa
do hereby proclaim**

October 9 through October 15, 2016

As

FIRE PREVENTION WEEK

in the City of Council Bluffs, Iowa and encourage all residents to find out how old the smoke alarms in their homes are, to replace them if they're more than 10 years old, and to participate in the many public safety activities and efforts of Council Bluffs fire and emergency services during Fire Prevention Week 2016.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Council Bluffs, Iowa to be affixed this 10th day of October, in the year Two Thousand Sixteen.



Matthew J. Walsh, Mayor

4.A.

City of Council Bluffs Iowa

Office of the Mayor

Proclamation

- WHEREAS,** city government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and
- WHEREAS,** city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and
- WHEREAS,** city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and
- WHEREAS,** City Week Iowa is a very important time to recognize the important role played by city government in our lives; and
- WHEREAS,** this week offers an important opportunity to spread the word to all the citizens of Iowa that they can shape and influence the level of government which is closest to the people; and
- WHEREAS,** the Iowa League of Cities and its member cities have joined together to teach students and other citizens about municipal government through a variety of different informational publications and projects; and
- WHEREAS,** City Week Iowa offers an important opportunity to convey to all citizens of Iowa that they can shape and influence government through their civic involvement.

NOW, THEREFORE, I,

Matthew J. Walsh, Mayor
of the
City of Council Bluffs, Iowa
do hereby proclaim

October 10 through October 14, 2016

As

CITY WEEK IOWA

in the City of Council Bluffs, Iowa and encourage all citizens to support the celebration and corresponding activities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Council Bluffs, Iowa to be affixed this 10th day of October, in the year Two Thousand Sixteen.


Matthew J. Walsh, Mayor

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

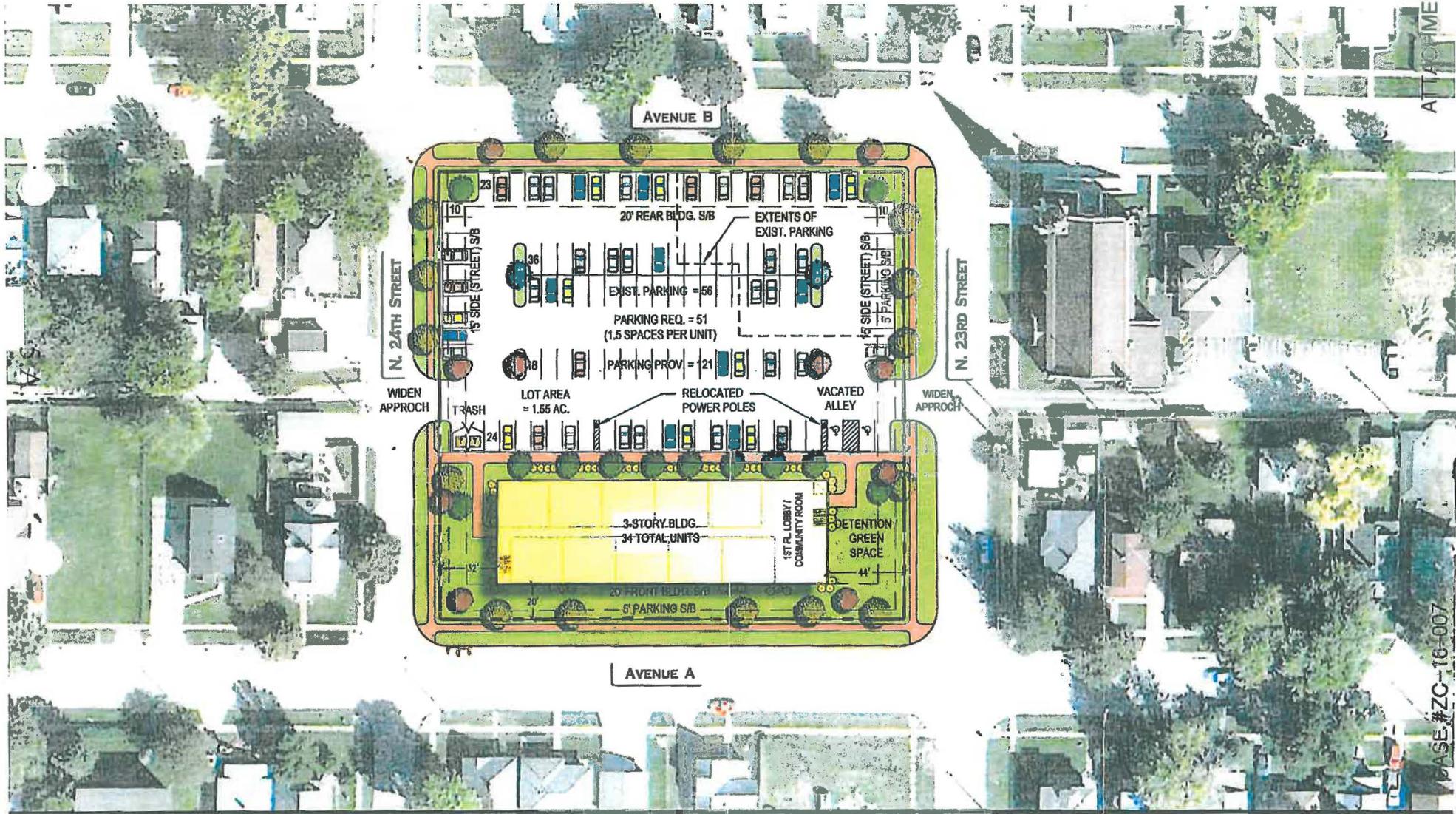
Prepared By: Rose E. Brown, AICP, Planning Coordinator



CASE #ZC-16-007



5.A.



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

AUGUST 16, 2016



simonson
 simonson & associates architects llc
 1329 ingersoll avenue suite 112 des moines ia 50309
 502 275 444 5426 www.simonsonaac.com

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S.A.



ATTACHMENT C

CASE #ZC-16-007

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

AUGUST 16, 2016



563 34101
DRAWN BY: AVG

simonson

simonson & associates architects llc
 1313 ingersoll avenue suite 113 des moines ia 50309
 562 319 448 3036 www.simonsonaia.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:

Council Communication

Department: Community Development		Planning Commission: 9-13-16 Resolution of Intent: 8-22-16
Case No.: URV-16-004	Resolution No.: <u>16-243</u> Ordinance <u>6281</u>	Public Hearing & First Reading: 9-26-16 Second Reading: 10-10-16 Third Reading: Request to Waive
Applicant: Community Development Department		

Subject/Title

Adoption of the Bluffs Northway Urban Revitalization Plan and Area Amendment

Location

1702 North 16th Street

Background/Discussion

Background

Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.

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.

Discussion

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.

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).

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.

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.

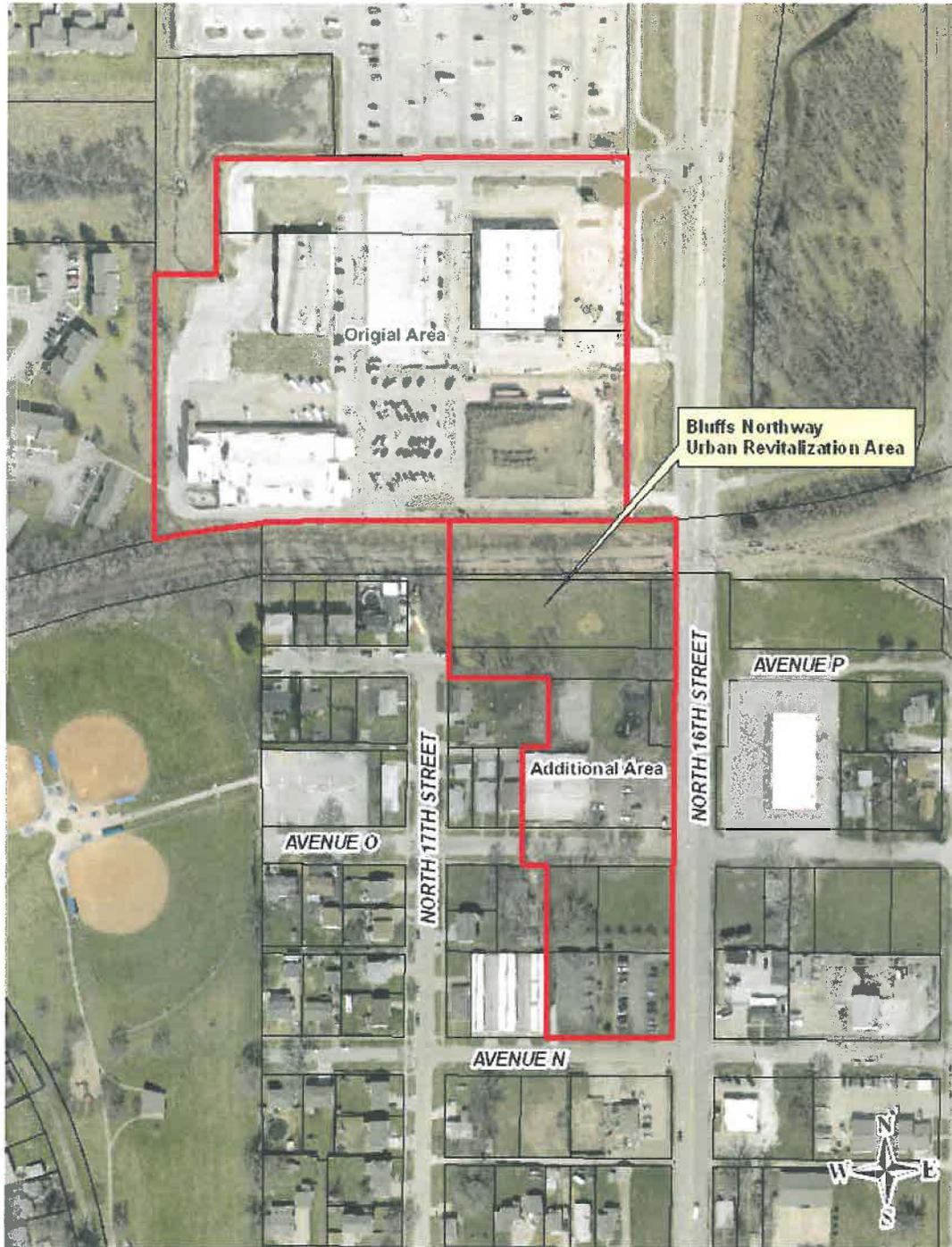
VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 3 VACANCY 0 Motion: Carried

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/sludge 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), the daily maximum limit or the average limit for the same pollutant parameter;
 - (B) Technical review criteria (TRC) violation, which occurs when thirty-three (33) percent or more of all measurements for each 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) daily maximum limit or the average limit 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 Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) effluent limit (daily maximum-or, long-or-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	2.75 <u>2.13</u>
Cadmium	0.27 <u>0.16</u>
Total Chromium	13.67 <u>14.4</u>
Copper	9.5 <u>9.3</u>
Cyanide	0.92 <u>1.07</u>
Lead	1.84 <u>1.3</u>
Mercury	0.23 <u>.18</u>

Molybdenum	26.32 <u>.92</u>
Nickel	6.57 <u>7.19</u>
Selenium	7.77 <u>1.26</u>
Silver	3.73 <u>4.09</u>
Zinc	17.84 <u>12.4</u>
BOD5	19,287 <u>20,560</u>
TSS	22,860 <u>18,700</u>

(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/slugs 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). ~~Pretreatment Streamlining Rule.~~ 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 ~~promptly-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 flow-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 the event flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.~~ 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

Department: City Clerk Applicant: Marcia L. Worden	Ordinance No. Resolution No. <u>16-258</u>	Council Action: <u>10/10/2016</u>
Subject/Title		
Resolution setting City Council meeting dates for the 2017 Calendar Year.		
Background/Discussion		
<p>The City Council meetings are held twice a month and set for the second and fourth Monday's of the month.</p> <p>It should be noted however, there is an exception to this rule. Due to the Christmas holiday there is only one meeting held in December; this meeting has been scheduled for the third Monday of the month.</p> <p>Setting the date of December 18th allows for the potential of last minute items to be approved by the City Council.</p>		
Recommendation		
Approval of Resolution.		

Department Head Signature

Mayor Signature

2017 City Council Meeting Dates

January						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- City Council Meeting Dates
- Holiday's Observed by the City

RESOLUTION NO. 16-258

A RESOLUTION OFFICIALLY DESIGNATING THE CITY COUNCIL MEETING DATES FOR THE CITY OF COUNCIL BLUFFS DURING THE 2017 CALENDAR YEAR.

WHEREAS, City Council meetings are held on the second and fourth Monday of each month; and

WHEREAS, due to the Christmas holiday there is only one meeting held in December; the meeting has been scheduled for the third Monday of the month ; and

WHEREAS, the meeting dates are scheduled and listed below; and

NOW THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That approval of this resolution sets the official schedule for the 2017 City Council meeting dates.

January 9th & 23rd

May 8th & 22nd

September 11th & 25th

February 13th & 27th

June 12th & 26th

October 9th & 23rd

March 13th & 27th

July 10th & 24th

November 13th & 27th

April 10th & 24th

August 14th & 28th

December 18th

ADOPTED
AND
APPROVED:

October 10, 2016

Matthew J. Walsh,

Mayor

ATTEST:

Marcia L. Worden,

City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading October 10, 2016
Case/Project No.: _____ Resolution No. 16-259
Applicant: Matthew Cox, City Engineer

SUBJECT/TITLE

Council consideration of a resolution adopting the Corridor Master Plan in connection with the Reconstruction of West Broadway.

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 reconstruction project will completely rebuild West Broadway from 36th Street to 15th Street including the replacement of pavement, traffic signals, street lights, sidewalks, sanitary sewers, and storm sewers with drainage improvements as a major objective.
- The implementation of additional streetscape features are also planned for the corridor. The master plan includes: decorative pedestrian lights, brick paver bands behind the curb and at intersections, a private property landscape initiative, ornamental fence, ornamental arms for street lights, raised medians with plantings, concrete pavers in crosswalks, decorative paving in the center turn lane and at key intersections, and neighborhood masonry columns.
- The importance of this project requires a planning and coordination effort beyond the typical process. Prior to starting design a several month process was undertaken by City staff, members of the community and the design team with the purpose of developing a corridor master plan. The overarching goal is to preserve and increase the economic vitality of Council Bluffs by transforming the "front door" of the community into a more viable and visually appealing transportation corridor.
- The 27-page document includes discussion on streetscape design, environmental conditions, traffic recommendations, construction phasing, and public communications. It will guide the designs for each of the five segments planned for reconstruction.

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

RESOLUTION
NO 16-259

**RESOLUTION ADOPTING THE CORRIDOR MASTER PLAN
IN CONNECTION WITH THE RECONSTRUCTION OF WEST BROADWAY**

- WHEREAS, the City wishes to make enhancements to West Broadway that will preserve and increase the economic vitality of the City by transforming the existing roadway into a more viable and visually appealing transportation corridor; and
- WHEREAS, a planning process has resulted in a master plan document that identifies specific project goals and objectives intended to address infrastructure problems, improve traffic and pedestrian safety, and enhance the appearance and function of the corridor; and
- WHEREAS, the city council deems approval of said plan to be in the best interest of the City of Council Bluffs.

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

That the West Broadway Corridor Master Plan is hereby authorized and adopted for the purpose of creating a vision and directing the future reconstruction of the corridor by identifying design goals and objectives for a streetscape composed of consistent decorative features and functional attributes.

ADOPTED
AND
APPROVED

October 10, 2016

Matthew J. Walsh, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

Council Communication

Department: Finance Case/Project No.: Submitted by: Daniel Jordet	Resolution No. <u>16-260</u>	Council Action: <u>10/10/2016</u>
Subject/Title		
Resolution Authorizing Bond Counsel Engagement Agreement		
Background/Discussion		
<p>In the past the City has retained bond counsel services by simply calling the bond counsel and asking for his cooperation. Following the issuance of the bonds, the bond counsel has mailed the City a bill for services rendered.</p> <p>Under new regulations promulgated by the Municipal Securities Rulemaking Board (MSRB) and person or firm providing advice and/or counsel to a municipal government on the sale or management of municipal securities must represent the client in a fair manner. In order to provide documentation of fair treatment, municipal advisors, such as Ahlers & Cooney, PC, are now requesting Engagement agreements. The Agreements spell out the terms and conditions of the services provided on a case by case basis to ensure that fair and proper advisory services are provided.</p> <p>As this is a new regulation from MSRB, this will be the first such agreement we will establish with Ahlers & Cooney, PC for bond counsel services. The agreement details the services to be provided in assisting in the issuance of the 2016A and 2016B bonds and the fees associated with providing those services. The total charge for services on the two issues is \$ 18,300 plus reimbursable costs incurred by them not expected to exceed \$ 600.00.</p>		
Recommendation		
It is recommended that the City Council give positive consideration to the accompanying Resolution		

Daniel Jordet, Finance Director

Matthew J. Walsh, Mayor

ENGAGEMENT AGREEMENT

The purpose of this Engagement Agreement (the "Agreement") is to disclose and memorialize the terms and conditions under which services will be rendered by Ahlers and Cooney, P.C., in its capacity as Bond Counsel, to the City of Council Bluffs, Iowa (the "Issuer") in connection with the issuance of not to exceed \$6,120,000 General Obligation Bonds, Series 2016A and not to exceed \$2,830,000 Taxable General Obligation Bonds, Series 2016B (collectively, the "Bonds").

SCOPE OF ENGAGEMENT

In the role of Bond Counsel, we will provide the following services:

1. Prepare and review documents related to the authorization, issuance and delivery of the Bonds (the "Proceedings").
2. After proper approval and execution of the Proceedings, render our legal opinion (the "Bond Opinion") regarding the validity and enforceability of the Bonds, the source of payment with regard to the legality of the security pledged, and the excludability of interest on the Bonds from gross income for federal tax purposes, as applicable.
3. Review those sections of any offering or disclosure documents (the "Offering Documents") to be disseminated in connection with the sale of the Bonds related solely to the description of the Bonds, the legal basis for the security pledged, the tax-exempt status of the Bonds, and excerpts, summaries or copies of the Bond Opinion; and in the event Issuer retains separate Disclosure Counsel we will coordinate with said Disclosure Counsel in regards to the above-identified information we are reviewing in the Offering Documents.
4. Upon request, assist the Issuer in presenting information to bond rating organizations and providers of credit enhancement relating to the issuance of Bonds.
5. Prepare procedure to advertise and direct the sale of Bonds when we are advised that a particular issue of Bonds will be sold at public sale, and prepare procedure accepting a proposal to purchase the Bonds when we are advised that the sale of a particular issue of Bond will accomplished by negotiated sale.
6. Draft the Continuing Disclosure Certificate of the Issuer, if applicable.
7. Prepare an IRS Form 8038-G or 8038-GC, when applicable.

As Bond Counsel, our examination will extend to the actions and approvals necessary to authorize the issuance and initial delivery of the Bonds to the purchaser thereof. Our Bond Opinion does not extend to any re-offering of the Bonds by the original purchaser thereof or other persons, and will be delivered by us on the date the Bonds are exchanged for their purchase price (the "Closing").

The Bond Opinion will be based on facts and law existing as of its date. In rendering our Bond Opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the Issuer with applicable laws

relating to the Bonds. During the course of this engagement, we will rely on the Issuer, and authorized officials, to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds and their security.

Our duties in this engagement are limited to those expressly set forth above. This Engagement Agreement does not include the following services, or any other matter not required to render our Bond Opinion:

- a. Except as described in paragraph (3) above, assisting in the preparation or review of the Offering Documents with respect to the Bonds, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the Offering Documents do not contain any untrue statement of material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading. This engagement does not include the services of Disclosure Counsel.
- b. Preparing requests for tax rulings from the Internal Revenue Service, or “no action” letters from the Securities and Exchange Commission.
- c. Drafting state constitutional or legislative amendments.
- d. Pursuing test cases or other litigation, such as contested validation proceedings.
- e. Except as described in paragraph (6) above, assisting in the preparation of, or opinion on, a continuing disclosure undertaking pertaining to the Bonds, or after Closing, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking, including monitoring Issuer’s continued compliance with the undertaking.
- f. Representing the Issuer in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations.
- g. After Closing a particular issue of Bonds, providing continuing advice to the Issuer or any other party concerning actions necessary to assure that interest paid on that issue of Bonds will continue to be excludable from gross income for federal income tax purposes (e.g. this Bond Counsel engagement for the Bonds does not include rebate calculations, nor continuing post-issuance compliance activities).

We will provide one or more of the services listed in (a)–(g) upon your request, however, a separate, written Engagement Agreement will be required before we assume one or more of the above duties.

Services listed in subparts (h)–(k), below, are not included in this Engagement Agreement, nor will they be provided at any time.

- h. Acting as an underwriter, or otherwise marketing the Bonds.
- i. Acting in a financial advisory role.
- j. Preparing blue sky or investment surveys with respect to the Bonds.
- k. Making an investigation or expressing any view as to the creditworthiness of the Issuer or of the Bonds.

ATTORNEY-CLIENT RELATIONSHIP

Upon our receipt of notification that Bond Counsel services are requested under this Engagement Agreement, the Issuer will be our client and an attorney-client relationship will exist between us as outlined above. We assume that all other parties to each such transaction will retain such counsel as they deem necessary and appropriate to represent their interests. We further assume that all parties understand that in each such transaction we represent only the Issuer, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as Bond Counsel are limited to those contracted for in this letter; the Issuer's execution of this engagement agreement will constitute an acknowledgement of those limitations. Our representation of the Issuer will not affect, however, our responsibility to render an objective Bond Opinion.

Each representation of the Issuer and the attorney-client relationship for the Bonds created by this Engagement Agreement will be concluded upon issuance of that respective issue of Bonds. Nevertheless, subsequent to Closing, we will mail the appropriate Internal Revenue Service Form 8038, and prepare and distribute to the participants in the transaction a transcript of the proceedings pertaining to the Bonds.

FEES

We will charge a flat fee of \$11,000 regarding the General Obligation Bonds, Series 2016A issue and a flat fee of \$7,300 for the Taxable General Obligaion Bonds, Series 2016B issue for services rendered under this Agreement. It is not anticipated that it will be necessary for us to personally attend meetings in order to provide the Bond Counsel services outlined above, but we will do so in the event that circumstances require. If, at any time, we believe that an adjustment of our flat fee is necessary during an engagement as Bond Counsel for a particular issuance of Bonds, we will advise you. Such adjustment might be necessary in the event: (a) the principal amount of Bonds to be issued differs significantly from the amount stated at the time we advise you of our fee; (b) there are material changes in the structure, security or opinion from the description of the Bonds after we advise you of our fee; or (c) unusual or unforeseen circumstances arise which require a significant increase in the services rendered, such as personal attendance at meetings, significant travel, or unexpected revision of the issuance documents at the request of the Issuer, any agent acting on your behalf (such as a financial advisor), the purchaser, a bond insurer, other counsel providing services with respect to issuance of a particular issuance of Bonds.

In addition to the flat fee, we will bill you for all expenses incurred on your behalf, such as travel cost reimbursement, photocopying, deliveries, long distance telephone charges, telecopier charges, filing fees, computer-assisted research, bond printing, and other related expenses. Generally these expenses will not exceed \$600. We will contact you prior to incurring expenses that exceed that amount.

Our statement for services and expenses will be sent after each particular issue of Bonds have been closed and is due and payable within thirty (30) days of receipt.

If, for any reason, you terminate the engagement on a particular issue of Bonds covered by this Agreement before closing a particular issue of Bonds are not issued for any reason, or the Bonds are issued without the delivery of our Bond Opinion, we will bill you for the services rendered on your behalf up to that point. These services will be billed at the normal hourly rates for those attorneys and legal assistants who have performed such services. We will also then bill you for all expenses we have incurred as outlined above. My current hourly rate is \$310. Work performed by associates will be billed at \$210 per hour. Services performed on your behalf by legal assistants will be billed at \$115 per hour.

RECORDS

At your request, papers and property furnished by you will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this engagement.

[THIS SPACE INTENTIONALLY LEFT BLANK]

APPROVAL

Please carefully review the terms and conditions of this Agreement. **If the above correctly reflects the terms of this engagement, please obtain approval by your governing body, and execute, date and return to me the enclosed copy of this Agreement. Please retain the original for your file.**

If you have questions regarding any aspect of the above or our representation as Bond Counsel, please do not hesitate to write or call.

It has been a pleasure to serve you in the past, and we look forward to our continued relationship.

Very truly yours,

R. Mark Cory
FOR THE FIRM

Accepted:

City of Council Bluffs State of Iowa*

By: _____ Date: _____

*Approved by Motion or Resolution No. _____ of the governing body on _____, 2016.

01284757-1\10342-134

RESOLUTION NO. 16-260

A RESOLUTION AUTHORIZING EXECUTION OF AN ENGAGEMENT AGREEMENT WITH
BOND COUNSEL FOR THE 2016A AND 2016B BOND ISSUES

WHEREAS, the City of Council Bluffs must approve certain business transactions of the city government and designate by resolution those individuals authorized by the governing body to transact that business on behalf of the city.

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

That the following Engagement Agreement proposed in the attached document by Ahlers & Cooney, PC for providing bond counsel services to the City of Council Bluffs in the issuance of the 2016A and 2016B General Obligation bonds be approved and that the Mayor be authorized to execute said document on behalf of the City of Council Bluffs.

ADOPTED
AND
APPROVED:

October 10, 2016

Matthew J. Walsh, Mayor

ATTEST:

Marcia L. Worden, City Clerk



<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
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Applicant BW_V_68882, Kansas City BBQ, 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): S & H LUO, LLC (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Kansas City BBQ

Address of Premise: 3515 Metro Dr.

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 256-1221 Cell / Home Phone: _____

Same Address

Mailing Address: 2530 Hancock St.

Mailing Address Line 2: _____

City: Bellevue State: Nebraska

Zip: 68005

Contact Name: Henry Luo

Phone: (402) 881-1245 Email Address: hrluo@yahoo.com

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CITY CLERK
(712) 328-4616

**Liquor Licenses
City Council Agenda
Monday, October 10, 2016**

Listed below are locations set for City Council approval.
Please note no "Calls for Service" occurred during the last licensing period.

New Application:

- Kansas City BBQ, 3515 Metro Drive

Renewals Applications:

- CB Pitchers & Pints, 154 West Broadway
- Canvas Concoctions Art Studio, 116 West Broadway
- Fareway Stores #73, 310 McKenzie Avenue
- Texas Roadhouse, 3231 South 24th Street

Native Wine Privilege Applications:

- Casey's General Stores #3201, 7091 2nd Avenue
- Casey's General Store #2096, 2301 South 24th Street





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Applicant LE0002054, Casey's General Store #3050, Council Bluffs

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

Corporation Name/Sole Proprietor Name/Partnership Name(s): Casey's Marketing Company (Role: Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Casey's General Store #3050

Address of Premise: 510 23rd Ave

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 747-0640 Cell / Home Phone:

Same Address

Mailing Address: PO Box 3001

Mailing Address Line 2:

City: Ankeny State: IA

Zip: 50021-8045

Contact Name: JESSICA FISHER, Store Operations

Phone: (515) 448-8404 Email Address: JESSICA.FISHER@caseys.c

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Applicant LC_V_61473, CB Pitchers & Pints, 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): Nathanial E Ellis (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): CB Pitchers & Pints

Address of Premise: 154 W Broadway

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51503

Business Phone: (712) 256-5734 Cell / Home Phone: _____

Mailing Address: Same Address

Mailing Address Line 2: _____

City: Council Bluffs State: owa

Zip: 51503

Contact Name: Nathanial E Ellis Email Address: nate.ellis@rockwell.com

Phone: (702) 306-6071

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Applicant BW0094985, Canvas Concoctions Art Studio, 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): Canvas Concoctions Art Studio (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Canvas Concoctions Art Studio

Address of Premise: 116 W Broadway

Address Line 2:

City: Council Bluffs

County: Iowa

Zip: 51505

Business Phone: (712) 256-0721

Cell / Home Phone: (402) 221-0708

Same Address

Mailing Address: 116 W Broadway

Mailing Address Line 2:

City: Council Bluffs

State: Iowa

Zip: 51505

Contact Name: Jodi Quakenbush

Phone: (402) 321-0708

Email Address: quakenbush@cox.net

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Applicant LE0001591, Fareway Stores, Inc. #073, 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): Fareway Stores, Inc. (Cole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Fareway Stores, Inc. #073

Address of Premise: 310 McKenzie Avenue

Address Line 2: _____

City: Council Bluffs

County: Pottawattomie

Zip: 51503

Business Phone: (712) 320-4176 Cell / Home Phone: _____

Same Address

Mailing Address: 2300 Industrial Park Road

Mailing Address Line 2: PO Box 70

City: Boone State: Iowa

Zip: 50036

Contact Name: Tracey Wilson Email Address: twilson@farewaystores.com

Phone: (515) 433-5336

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Applicant LC0037971, Texas Roadhouse, 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): Texas Roadhouse Holdings L (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Texas Roadhouse

Address of Premise: 3231 South 24th Street

Address Line 2: _____

City: Council Bluffs

County: Iowa

Zip: 51503

Business Phone: (502) 426-5984

Cell / Home Phone: _____

State Address

Mailing Address: 8040 Dutchmans Lane

Mailing Address Line 2: Attn: Licensing

City: Louisville

State: Kentucky

Zip: 40205

Contact Name: Katie McCullum

Phone: (502) 855-5512

Email Address: katie.mccullum@texasroadhouse.com

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- ▶ Privilege Carryout Native Wine
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Carryout Native Wine Privilege **BC0030023,** **CASEY'S GENERAL STORE #3201, 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.
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A class B native wine permit allows commercial establishments to sell native wine at retail in original unopened containers for consumption off the premises. This application is to be used only if adding carryout native wine privilege after the license has been issued. If carryout native wine privilege is requested at license renewal, mark the appropriate box under "privileges".

Effective Date: MM/DD/YYYY

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- Local Endorse

Carryout Native Wine Privilege **LE0002538,** **Casey's General Store #2096, 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.

A class B native wine permit allows commercial establishments to sell native wine at retail in original unopened containers for consumption off the premises. This application is to be used only if adding carryout native wine privilege after the license has been issued. If carryout native wine privilege is requested at license renewal, mark the appropriate box under "privileges".

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