

CITY COUNCIL STUDY SESSION

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

**MONDAY, AUGUST 8, 2016
3:45 P.M.**

AGENDA

- A. Pottawattamie Arts, Culture and Entertainment (PACE)
- B. Discussion (15779 State Orchard Road)
- C. Review Agenda

COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING, AUGUST, 8, 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 July 25, 2016 City Council meeting minutes
 - B. Approval of agenda and tape recording of this proceeding to be incorporated into the official minutes
 - C. Resolution 16-205, intent to dispose of that portion of Casady Street between Fleming Avenue and Yonkerman Street vacated by Resolution No. 14-314, setting a Public Hearing for August 22, 2016, 7:00 p.m. (OTB-16-013)
 - D. Resolution 16-206, setting a Public Hearing for August 22, 2016, 7:00 p.m., in connection with the Kaneshville Boulevard (US Hwy 6) Traffic Adaptive Signal Control Project (FY15-20A)
 - E. Resolution 16-207, accepting the work of KAV Contracting as complete and authorizing the Finance Department to release the retainage fee if no claims are filed in connection with the Broadway Park Shelter Project
 - F. Mayor's Appointments
 - G. Notices of Claim (1)
- 4. PUBLIC HEARINGS**
 - A. Resolution 16-208, authorizing disposal of City property legally described as Lot 9, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition (OTB-16-012)
 - B. Resolution 16-209, to vacate and dispose of the east/west alley in Block 40 and to vacate that part of 4th Avenue abutting part of Blocks 40 and 41, all in Beer's Subdivision (SAV-16-006)
 - C. Resolution 16-210, authorizing the vacation of the east/west alley in Block 8, Bryant and Clark's Subdivision (SAV-16-007)

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

5. ORDINANCE ON 2ND READING

- A. Ordinance 6277, amending Title 1, "Administration and Personnel" by amending "Chapter 1.62.030 - Classification and Appointment" to replace the Bluffs Art Council with the Pottawattamie Arts, Culture and Entertainment "PACE" Council

6. RESOLUTIONS

- A. Resolution 16-211, granting approval to apply for Resource Enhancement and Protection funding for the Tom Hanafan River's Edge Park Woodland Restoration Project, Phase I

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS

- A. New Beer/Liquor/Wine and Outdoor Permit Application:
1. Golden Q Billiards and Sports Lounge, 807 South 21st Street
2. Underground Restaurant and Billiards, 28 South 29th Street
- B. Renewal of Beer/Liquor/Wine and Outdoor Permit Applications:
1. D & S Xpress, 1220 North 25th Street
2. D & S Xpress, 2924 North Broadway
3. Family Fare, 1801 Valley View Drive
4. Jonesy's, 1117 16th Avenue
5. The Olive Garden, 3707 Denmark Drive
6. Primos Mexican Restaurant, 930 5th Avenue
7. Queen of Apostles Church, 3304 4th Avenue
- C. "Outdoor" Special Event Beer/Liquor and Wine Permit Application:
1. LightHouse Lounge, 401 Veterans Memorial Highway

8. CITIZENS REQUEST TO BE HEARD

9. OTHER BUSINESS

10. ADJOURNMENT

- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor, Matthew J. Walsh on Monday, July 25, 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 Head 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 July 11, 2016 meeting minutes; 3C. Resolution 16-189, setting a Public Hearing for August 8, 2016, 7:00 p.m., on the intent to dispose of City property legally described as Lot 9, McGee’s Subdivision of Block 21, Hughes and Doniphan’s Addition (OTB-16-012); 3D. Resolution 16-190, setting a Public Hearing for August 8, 2016, 7:00 p.m., on the intent to vacate the east/west alley in Block 40 and that part of 4th Avenue abutting part of Blocks 40 and 41, all in Beer’s Subdivision (SAV-16-006); 3E. Resolution 16-191, setting a Public Hearing for August 8, 2016, 7:00 p.m., on the intent to vacate the east/west alley in Block 8 Bryant and Clark’s Subdivision (SAVE-16-007); 3F. Financial Operating Statement (June 2016); 3G. List of Bills (June 2016), 3H. Revenue and Expense Report (June 2016); 3I. Mayor’s Appointments; and 3J. Notices of Claim (2) Unanimous, 5-0 vote.
- CERTIFICATE OF APPRECIATION** Mayor Walsh recognized Mr. Robert “Bob” Wege as an exceptional volunteer; on behalf of the City of Council Bluffs, the City Council, the citizens of Council Bluffs and myself thank you for serving on the Citizen/Police Advisory Board for thirty years, please accept this certificate as our thanks. Mr. Wege was also recognized by House of Representative, David Young, for his many years of service and volunteerism. Heard from Mr. Wege, who thanked the board members and his wife Mary Ann, for attending tonight; today is our 68th wedding anniversary. You have an appreciation being on the board, and by the way you have a great Police Chief. And, when you pass a Police Officer on the street give them a friendly wave.
- PUBLIC HEARINGS**
 Resolution 16-192 Held Public Hearing, to release a perpetual and permanent easement located across the vacated east/west alley abutting Lots 79-83 and 102-106, Belmont Addition (MIS-16-001). Heard from Patrick Medinger, 1502 Jones Street, Omaha, NE. Ringgenberg and Watson moved and seconded approval. Watson thanked Medinger for his continued investment in Council Bluffs. Unanimous, 5-0 vote.
- Resolution 16-193 Held Public Hearing, authorizing disposal of City property legally described as Lots 9 and 10, Block 16, Wright’s Addition (OTB-16-010). Ringgenberg and Head moved and seconded approval. Unanimous, 5-0 vote.
- Resolution 16-194 Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the Walnut Grove Elementary (2920 Avenue J) Demolition and Restoration Project. Ringgenberg and Head moved and seconded approval. Watson mentioned this was a fabulous project that will help increase learning opportunities for our community; and Ringgenberg reported he was pleased with the volume of available affordable housing. Unanimous, 5-0 vote.
- ORDINANCE ON 1ST CONSIDERATION**
 Ordinance 6277 White and Sandau moved and seconded approval, amending Title 1, “Administration and Personnel” by amending “Chapter 1.62.030 – Classification and Appointment” to replace the Bluffs Arts Council with the Pottawattamie Arts, Culture and Entertainment “PACE” Council. Unanimous, 5-0 vote.
- RESOLUTIONS**
 Resolution 16-166 (postponed from 6/27/2016) Head and White moved and seconded approval of the Capital Improvement Program (CIP) for fiscal years 2016-2017 through 2020-2021. I’ve expressed concerns before Ringgenberg said, noting that not all projects are funded, although this document compliments the budget approval process. Adding, there’s been a commitment to move forward in a couple weeks on the next fiscal plan; in agreement Watson would like to give input towards the 5-year plan. Unanimous, 5-0 vote.
- Resolution 16-176 (postponed from 7/11/2016) Ringgenberg and Head moved and seconded approval, vacating and disposing of that portion of North 13th Street lying north of the north line of Avenue K (SAV-16-004). Heard from Tyler Brunow, 139 Brentwood Heights. You’re helping the area Watson mentioned; and I respect your willingness to protect your investment Ringgenberg added. Unanimous, 5-0 vote.

- Resolution 16-195 White and Watson moved and seconded approval, vacating and disposing of that portion of North 14th Street lying north of the north line of Avenue M, and amending Resolution No. 16-84, adopted and approved on April 11, 2016 to correct the legal description indicated for this property (SAV-15-008). Unanimous, 5-0 vote.
- Resolution 16-196 White and Ringgenberg moved and seconded approval, adopting the Planned Commercial Development Plan for property legally described as Lot 2, Bluffs Vision II Subdivision, Replat 1(PC-16-002). Unanimous, 5-0 vote.
- Resolution 16-197 White and Head moved and seconded approval, authorizing the Mayor to execute an Iowa Department of Transportation Federal Aid Agreement No. 2016-E-201 for the Eastern Hills Drive and Cedar Lane Construction Project (PW17-16A). White reported this development has been in the works for years so it's nice to see progress; and future development. Unanimous, 5-0 vote.
- Resolution 16-198 Watson and White moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Bluffs Paving and Utility Co., Inc. for the ICAAP Project (FY15-20B), East Broadway Realignment at Kanessville Boulevard (US Hwy 6). We'll see more federal mandates Sandau mentioned; on the upside there will be legal right turns on red Watson added; and the traffic pattern will be more aligned. Unanimous, 5-0 vote.
- Resolution 16-199 White and Head moved and seconded approval, authorizing the Mayor to negotiate an agreement with Hoefer Wysocki Architecture for design and related services during the design, development, bidding, construction and commission phases of a new Police Headquarters Building. Unanimous, 5-0 vote.
- Resolution 16-200 Sandau and Ringgenberg moved and seconded approval, authorizing a joint application to the Iowa Economic Development Authority by the City of Council Bluffs and Future Foam, Inc. for benefits under the Targets Jobs Withholding Tax Credit program. Mayor Walsh mentioned the State requirement for benefits were approved. Unanimous, 5-0 vote.
- Resolution 16-201 White and Watson moved and seconded approval, confirming the City's commitment to extend its funding agreement with Advance Southwest Iowa Corporation for an addition 42 months subject to a similar commitment from Pottawattamie County. Watson mentioned this is a fantastic partnership; it's only right we show our support by continuing our funding commitment to the board. Watson also thanked Council Member White for her time and service in leading the Board. Unanimous, 5-0 vote.
- Resolution 16-202 Watson and Head moved and seconded by approving the information resolution regarding a complaint of an open meetings law violation made to the Iowa Public Information Board (IPIB) and authorizing the City Council Members to execute said resolution. Unanimous, 5-0 vote.
- Resolution 16-203 White and Ringgenberg moved and seconded approval, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Quarhouse, Inc. Unanimous, 5-0 vote.
- Resolution 16-204 Sandau and Head moved and seconded approval, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from B & R Stores, Inc. d/b/a Super Saver #12. Unanimous, 5-0 vote.
- APPLICATIONS/PERMITS & CANCELLATIONS** White and Head moved and seconded approval inclusive of the Renewal of Beer/Liquor/Wine & Outdoor Permit Applications for Items 7A (1-5). 1. Ameristar Casino, 2200 River Road (2), 2. Bucky's, 7 North 16th Street, 3. Casey's General Store #3201, 701 32nd Avenue, 4. Lipstix, 1501 North 16th Street, 5. Pilot Travel Center, 2627 South 24th Street; and Item 7B. 2016-2017 Salvage Yard License (1). Unanimous, 5-0 vote.

**CITIZENS REQUEST
TO BE HEARD**

White and Head moved to deny the request to waive the rental registration penalty fees for Colonial Plaza. Heard from Theresa Jacoby, 38 Dillman Drive, resident of Colonial Plaza, who shared many concerns of Colonial residents. Council Member Head mentioned all we were aware of was the request to waive the penalty fees. Mayor Walsh indicated the situation is under review; Council Member Watson thanked Ms. Jacoby for her courage in taking a stand and speaking up for herself and other residents. Unanimous, 5-0 vote.

Heard from Bruce Kelly, 864 McKenzie Avenue, who requested a bike trail on Highway 6; Kelly also mentioned the weeds were terrible on the XLT property located at South 24th Street, Mayor Walsh indicated the Health Department posted a weed notice and the company was notified. Kelly also shared concerns with all the volunteer tree growth around Lookout Point at Fairmount Park.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:45 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

<p>Department: Community Development</p> <p>Case #OTB-16-013</p> <p>Applicant: Kurt A. Larsen 803 Hillcrest Avenue Council Bluffs, IA 51503</p>	<p>Resolution of Intent No. <u>16-205</u></p> <p>Resolution to Dispose No.</p>	<p>Set Public Hearing: 08/08/16</p> <p>Public Hearing: 08/22/16</p>
Subject/Title		
<p>Request of Kurt A. Larsen to purchase that part of Casady Street right-of-way lying north of Fleming Avenue and south of Yonkerman Street and abutting Block 3, Mynster's Benton Street Addition.</p>		
Background/Discussion		
<p>In September, 2014, Kurt Larsen submitted an application to vacate the above described street right-of-way which abuts his property at 803 Hillcrest Avenue so he could acquire it as he owns the property abutting on both sides of the right-of-way. This portion of Casady Street measures 40 feet wide (except where it widens slightly at the south end) and runs north from the north right-of-way of Fleming Avenue for 393.75 feet to the south right-of-way line of Yonkerman Street. It contains approximately 17,430 square feet and has never been improved as a City street. Mr. Larsen was informed when he submitted the application that the purchase price would be \$6,890.00. The City Council approved the vacation request on December 15, 2014 by Resolution 14-314, authorizing disposal for the sum of \$6,890, which is the price established by the most recent fee schedule for street/alley vacations.</p> <p>On August 31, 2015, the Community Development Department mailed a letter to Mr. Larsen requesting payment for the vacated right-of-way, as required by Resolution 14-314, so that the property could be conveyed to him. The payment was never received.</p> <p>Mr. Larsen has now submitted an Offer to Buy the vacated right-of-way for the sum of \$1,000. As per the offer to buy application, he is applying to purchase the property because he owns property on both sides of the road and he would like to fence it in. He has maintained it for 5 years. Based on the total square footage of the parcel, the offer represents approximately \$0.06 per square foot.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of vacated Casady Street right-of-way lying north of Fleming Avenue and south of Yonkerman Street and abutting Block 3, Mynster's Benton Street Addition for the sum of \$6,890.00 as originally recommended by the Community Development Department and City Planning Commission and approved by City Council.</p>		
<p>Attachment: Location map Prepared By: Rebecca Sall, Assistant Planner, Community Development Department</p>		



CASE #OTB-16-013

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. 16-205

A RESOLUTION OF INTENT TO DISPOSE OF THAT PART OF CASADY STREET BETWEEN FLEMING AVENUE AND YONKERMAN STREET VACATED BY RESOLUTION NO. 14-314, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the City has received, from Kurt A. Larsen, an offer to buy the property legally described that part of Casady Street right-of-way lying north of Fleming Avenue and south of Yonkerman Street and abutting Block 3, Mynster's Benton Street Addition, which was vacated by Resolution No. 14-314 on December 15, 2014; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this vacated City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

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

That this City Council hereby declares its intent to consider disposition of the above described City property; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for August 25, 2016.

ADOPTED
AND
APPROVED:

August 8, 2016

Matthew J. Walsh, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: <u>Public Works</u>	Ordinance No. _____	First Reading <u>August 8, 2016</u>
Case/Project No.: <u>FY15-20A</u>	Resolution No. <u>16-206</u>	
Applicant: <u>Matthew Cox, City Engineer</u>		

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on August 22, 2016 for the Kanesville Boulevard (US Hwy 6) Traffic Adaptive Signal Control. Project # FY15-20A.

BACKGROUND/DISCUSSION

- The Iowa DOT offers a federal funding program called Iowa's Clean Air Attainment Program (ICAAP). The program funds projects which help maintain Iowa clean air quality by reducing transportation-related emissions. The program funding allows up to 80% federal dollars with a minimum 20% local match.
- The Kanesville Traffic Adaptive Signal Control project involves new traffic signal control equipment and software. Currently the signals have set times of day, day of week timing plans. Based on typical traffic flows during specific times of the day and week, signal plans are developed, which handle that assumed traffic flow. These plans do not recognize real time traffic demands. Adaptive signal control systems adjust signal coordination for real time traffic demands. The proposed project would install new signal control systems on Kanesville Boulevard from North Avenue to 16th Street.
- For the purpose of vendor selection and procurement, the City entered into Agreement No. 2016-16-001 with the DOT that combines City Project FY 15-20A, Kanesville Boulevard Traffic Adaptive Signal Control with DOT Project No. IMN-029-3(155)54--0E-78 for Traffic Adaptive Signal Control along South Expressway as part of the interstate improvements.
- The adaptive signal control technology provided by Trafficware Group, Inc. is already being utilized on the South Expressway. The cost for the Kanesville Boulevard portion of the adaptive signal control technology is \$236,000.
- This project will construct the required traffic detection equipment for the Trafficware technology. In order for an adaptive signal control system to respond appropriately, it must have input from the actual traffic conditions. This necessary information is provided by the detection equipment.
- The estimated cost for the traffic detection project is \$315,000 resulting in a combined total project cost of \$551,000. The ICAAP grant provides federal funding of \$389,000. The City's match for the project will be paid using sales tax funds.
- The project is included in the FY15 CIP as ICAAP Project, FY15-20A, Kanesville Boulevard (US Hwy 6) Traffic Adaptive Signal Control.
- Project Schedule:

IDOT Bid Letting	9-20-16
Award	10-24-16

RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director

RESOLUTION
NO 16-206

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
KANESVILLE BOULEVARD (HWY 6) TRAFFIC ADAPTIVE SIGNAL CONTROL
PROJECT #FY15-20A**

WHEREAS, the City wishes to make improvements known as the Kanesville Boulevard (Hwy 6) Traffic Adaptive Signal Control, within the City, as therein described; and

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

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

That the City Clerk is hereby ordered to set a public hearing on the request for proposals setting August 22, 2016 at 7:00 p.m. as the date and time of said hearing.

AND BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED

August 8, 2016

Matthew J. Walsh, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

Council Communication

Department: Parks, Recreation And Public Property Case/Project No.	Ordinance No. Resolution No. <u>16-207</u>	Council Action: <u>08/8/2016</u>
Applicant: Larry N. Foster		

Subject/Title

Council consideration of a resolution accepting the work of KAV Contracting for the Broadway Park Shelter Project as complete and authorizing the Finance Director to issue the final payment and retainage in the amount of \$11,336.24 in 30 days.

Background/Discussion

This project represents the efforts of a number of community groups and foundations to renovate a deteriorated, but unique structure located in Broadway Park. Initially, the Department of Parks, Recreation and Public Property secured financial support from the Council Bluff Community School District and the Arby's Foundation. Then, on February 23rd the City Council authorized the Department to apply for a grant from the Iowa West Foundation, a grant which has since been awarded. The final funding source is now in place; the Building Maintenance Division's 2016 Budget provides the City funding necessary to advance this project.

In addition to its very popular skateboard park and playground, Broadway Park currently hosts one of CBPSD'S most popular Summer Food Service Programs. The District's summer program provides not only education and recreation, but it also offers meals; a covered shelter is now necessary to protect participants from the elements.

On July 27, 2015 a Public Hearing was held and the plans, specifications and form of contract were approved by City Council. On August 27, 2015, the City Clerk received bids for the Broadway Park Shelter Project and on September 4, 2015, the City entered into a contract with KAV Contracting for the Broadway Park Shelter Project.

Funding for this project came from:

- Building Maintenance, 2016 Building Services Budget, Other Capital Equipment,
\$100,000
- Neighborhood Park Rehab, PR-16-03, \$17,000
- Landmarks, 2016 Budget, \$19,924
- Council Bluffs Public School District, \$25,000
- Arby's Foundation, \$15,000
- Iowa West Foundation, \$15,000

The engineer's cost estimate for this project is \$191,924.

Amount due to Contractor: \$11,336.24

Recommendation

I recommend that the City Council adopt the resolution declaring the Broadway Park Shelter Project as complete and authorize the Finance Director to issue the final payment and retainage in the amount of \$11,336.24 in 30 days.

Larry N. Foster, Director Parks & Recreation

Matthew J. Walsh,

Mayor



STATEMENT OF FINAL ACCEPTANCE

TO: City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, IA 51503

DATE: July 21, 2016

RE: HGM No. 150915, Skate Park Building Rehab, City of Council Bluffs, Iowa

I hereby state that the work of modifications to an existing stone structure including accessibility features to provide accessible walks to connect paved areas within Council Bluffs, Iowa according to the plans and specifications entitled "**HGM No. 150915, Skate Park Building Rehab, City of Council Bluffs, Iowa**" under contract by and between the City of Council Bluffs, Iowa and **KAV Contracting, LLC** has been completed, including all punch list items as of **July 16, 2016**, and that the work as completed is in compliance with the plans and specifications for said work. Final acceptance of the project is recommended to and by the City of Council Bluffs, Iowa.

A handwritten signature in blue ink, appearing to read "Dean Fajen".

Dean Fajen, AIA, PE
Project Manager

S:\ARCH\Projects\150915-Skate Park\Word-XL\160715 Final Acceptance.docx

640 FIFTH AVENUE, COUNCIL BLUFFS, IOWA 51501-6427, (712) 323-0530, FAX (712) 323-0779

APPLICATION and CERTIFICATE for PAYMENT

To: City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, IA 51503

Project: Skate Park Building Rehab
Council Bluffs Skate Board Park

Application No: 004
App. Date: July 1, 2016

- Distribution to:
- OWNER
 - CONSTRUCTION MGR.
 - ARCHITECT
 - CONTRACTOR
 - OTHER

From: KAV Contracting, LLC
12 Scott Street
Council Bluffs, IA 51503

Period to: July 1, 2016

Project No: 150915

Contract Date: September 21, 2015

Contract For: General Construction

Via Architect: HGM Associates, Inc.

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, G703, is attached.

1. ORIGINAL CONTRACT SUM	191,923.60
2. Net Change By Change Orders	15,117.25
3. CONTRACT SUM TO DATE	207,040.85
4. TOTAL COMPLETED AND STORED TO DATE	207,040.85
5. RETAINAGE:	
a. 05% of Completed Work	0.00
b. of Stored Material	0.00
3.F. TOTAL RETAINAGE	0.00
i. TOTAL EARNED LESS RETAINAGE	207,040.85
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	195,704.61
8. CURRENT PAYMENT DUE	11,336.24
9. BALANCE TO FINISH, INCLUDING RETAINAGE	0.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: KAV Contracting, LLC
By: [Signature] Date: July 1, 2016
Glen Vanderpool, President of KAV
State of: Iowa County of: Pottawattamie

Subscribed and sworn before me this 1st day of July 2016

Glen Vanderpool, President of KAV Contracting, personally appeared before me, the undersigned notary public, and provided satisfactory evidence of identification to be the person who signed this document in my presence and swore or affirmed to me that the contents of this document are truthful and accurate to the best of his/her knowledge and

Notary Public: [Signature] My Commission expires: 10/1/16



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED 11336.24

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: HGM Associates Inc.
By: [Signature] Date: 7/15/16

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	14,081.25	
Total approval this Month	1,036.00	
TOTALS	15,117.25	
NET CHANGES by Change Order	15,117.25	

Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application No: 004

App. Date: July 1, 2016

Use Column I on Contracts where variable retainage for line items may apply.

Period to: July 1, 2016

Project No: 150915

A Item #	B Description of Work	C Schedule of Values	D Work Completed		F Materials Stored & Used Prior + Current	G Total Completed and Stored To Date		H Balance to Finish	I Retainage
			From Previous Application(s)	This Period		Total Completed and Stored To Date	%		
1	Mobilization & Startup	26,095.03	24,790.28	1,304.75		26,095.03	100.00	0.00	0.00
2	Demo & Saw Cutting	42,850.00	40,707.50	2,142.50		42,850.00	100.00	0.00	0.00
3	Steel Fabrication	11,200.00	10,640.00	560.00		11,200.00	100.00	0.00	0.00
4	Site Work	5,500.00	5,225.00	275.00		5,500.00	100.00	0.00	0.00
5	Electrical Roughed In	10,000.00	9,500.00	500.00		10,000.00	100.00	0.00	0.00
6	Paint	23,042.00	21,889.90	1,152.10		23,042.00	100.00	0.00	0.00
7	Concrete/Block	13,145.00	12,487.75	657.25		13,145.00	100.00	0.00	0.00
8	Picnic Tables	3,321.54	3,155.46	166.08		3,321.54	100.00	0.00	0.00
9	Bird Control	9,909.00	9,413.55	495.45		9,909.00	100.00	0.00	0.00
10	Installation Labor for Soffitt, Steel, Picnic	31,361.03	29,792.98	1,568.05		31,361.03	100.00	0.00	0.00
11	Electrical Finish	10,000.00	9,500.00	500.00		10,000.00	100.00	0.00	0.00
12	Finish Grade	5,500.00	5,225.00	275.00		5,500.00	100.00	0.00	0.00
13	Change Order Demo	4,900.00	4,655.00	245.00		4,900.00	100.00	0.00	0.00
14	Change Order Fill	3,900.00	3,705.00	195.00		3,900.00	100.00	0.00	0.00
15	Change Order Overlay	5,281.25	5,017.19	264.06		5,281.25	100.00	0.00	0.00
16	Change Order Rectangular tube above	1,036.00		1,036.00		1,036.00	100.00	0.00	0.00

3.F.

GRAND TOTAL:	207,040.85	195,704.61	11,336.24		207,040.85	100.00	0.00	0.00
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A=Line Item Number B=Brief Item Description C=Total Value of Item D=Total of D and E From Previous Application(s) (If Any) E=Total Work Completed For This Application
 F=Materials Purchased and Stored for Project G=Total of All Work Completed and Materials Stored for Project H=Remaining Balance of Amount to Finish I=Amount Withheld from G

RESOLUTION NO. 16-207

RESOLUTION ACCEPTING THE COMPLETION OF THE BROADWAY PARK
SHELTER PROJECT AS COMPLETE AND AUTHORIZING THE FINANCE
DIRECTOR TO RELEASE THE FINAL PAYMENT OF \$11,336.24 IN 30 DAYS.

WHEREAS, the City of Council Bluffs, Iowa entered into a contract with KAV Contracting for the Broadway Park Shelter Project; and

WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City Clerk; and

WHEREAS, a request for final payment in the amount of \$11,336.24 to KAV Contracting has been submitted to the City Council for approval and payment; and

WHEREAS, final payment is due within 30 days after acceptance of the work; and

WHEREAS, the City Council of the City of Council Bluffs has been advised and does believe that said \$11,336.24 constitutes a valid obligation of the City and should in its best interest be paid.

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

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

AND BE IT FURTHER RESOLVED

That the Finance Director is hereby authorized and directed to issue a City check in the amount of \$11,336.24 to KAV Contracting in 30 days.

ADOPTED
AND
APPROVED August 8, 2016

Matthew J. Walsh Mayor

Attest:

Marcia L. Worden City Clerk

Memo

To: Members of City Council

From: Mayor Matt Walsh

Date: July 26, 2016

Re: Appointments for August 8, 2016 City Council Meeting

With City Council concurrence, I would like to make the following appointments:

LOCAL BOARD OF HEALTH

Appoint the following with term expiring 12/31/2019:

- Dr. Kent Willadsen
119 Pelican Cove

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

CITY CLAIM NO. 16-PW-1803

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: ROBERT ADKINS DAY PHONE: _____

ADDRESS: 2919 55th Ave DOB: _____
CB. IA

DATE & TIME OF LOSS/ACCIDENT: _____

LOCATION OF LOSS/ACCIDENT: _____

DESCRIPTION OF LOSS/ACCIDENT: Dewatering for City project caused
well to go dry and burndog pump

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 1075³⁵

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

WAS POLICE REPORT FILED YES NO

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

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

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

OTHER RELEVANT INFORMATION: Attached repair costs

LIST INSURANCE PROVIDER AND COVERAGE: NA

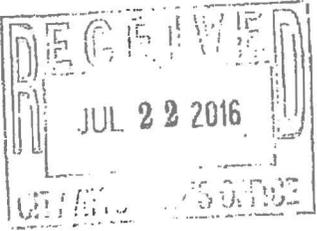
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

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

7-22-16
DATE

Robert Adkins
CLAIMANT'S SIGNATURE

CLERK RGV
25 JUL '16
AMB:56



Matt Cox

Weilage Well Drilling
50756 Brohard Avenue
Council Bluffs, Iowa 51503

Daryl Weilage
Id # 42-1212601

Date: 7-18-2011

Invoice

To: Bob Phillips
2919 55th Ave
Council Bluffs IA 51501

10' 10" dig. Grundfos submersible pump - 2 wire motor	650.00
30' 1 1/2" dia pipe	30.00
30' 12-3 pump cable	25.00
labor - 3 hrs total	300.00
	<hr/>
	1,005.00
	70.35
Pol. Co. Sales TAX	<hr/>
	1,075.35

Damage to pump occurred due to dewatering in 11' on 6th ed pit.

Please make checks payable to:
Weilage Well Drilling
50756 Brohard Avenue
Council Bluffs, Iowa 51503
712-366-1379

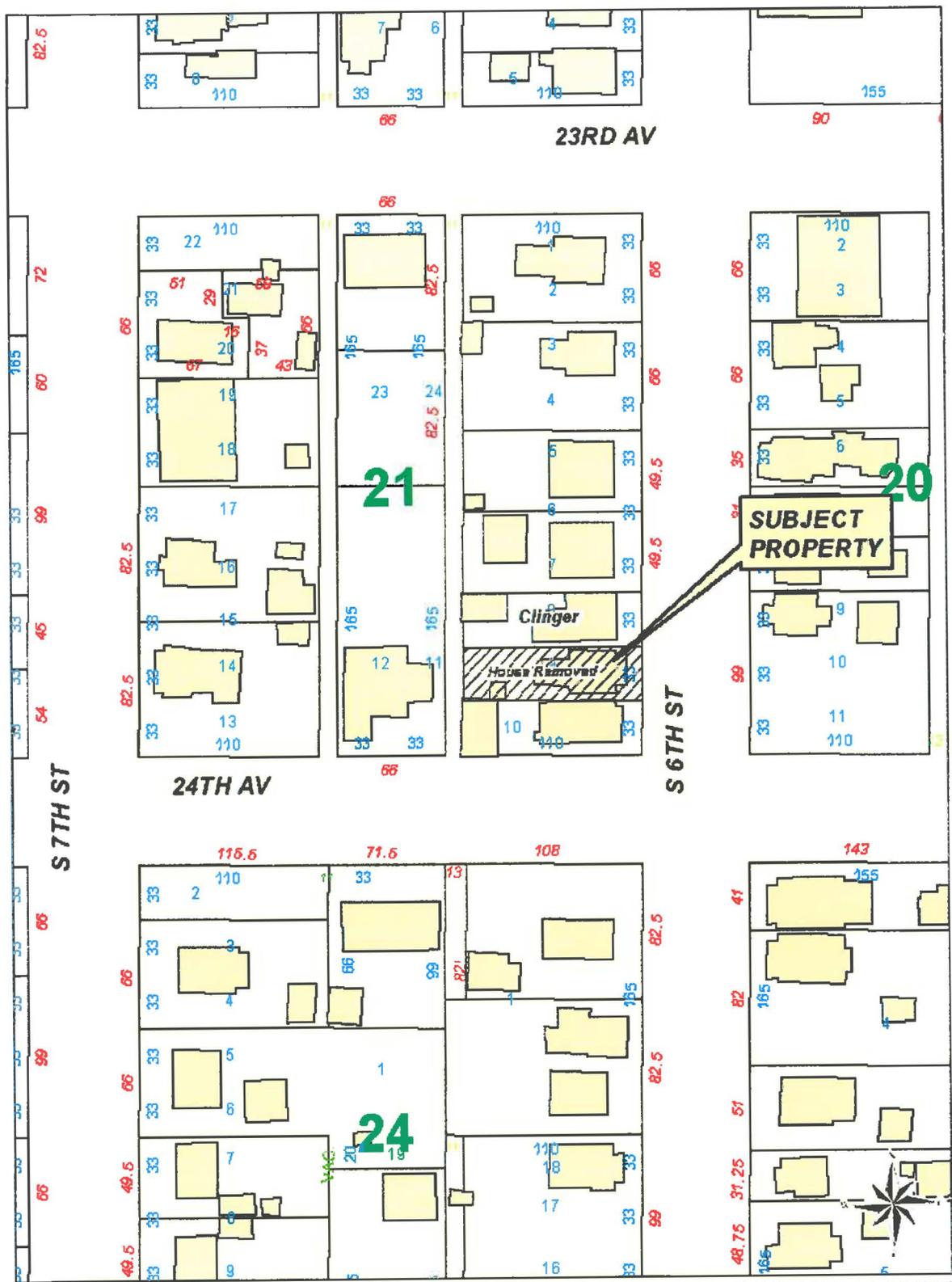
Please call me with
402-972-3807 if
needed.

Daryl Weilage

PAYMENT DUE UPON RECEIPT
1 1/2% SERVICE CHARGE AFTER 30 DAYS

Council Communication

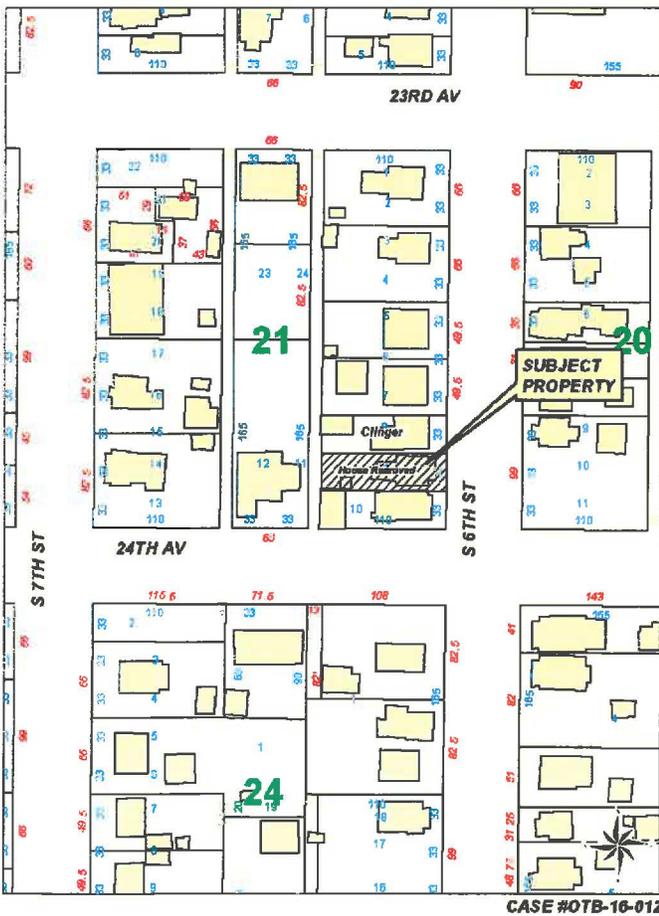
<p>Department: Community Development</p> <p>Case #OTB-16-012</p> <p>Applicant: Laura D. Clinger 2314 South 6th Street Council Bluffs, IA 51501</p>	<p>Resolution of Intent No. <u>16-189</u></p> <p>Resolution to Dispose No. <u>16-208</u></p>	<p>Set Public Hearing: 07/25/16</p> <p>Public Hearing: 08/08/16</p>
Subject/Title		
<p>Request of Laura D. Clinger, 2314 South 6th Street, to purchase the City owned property described as Lot 9, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition, formerly known as 2316 South 6th Street.</p>		
Background/Discussion		
<p>Laura D. Clinger has submitted an offer to purchase the City owned property formerly known as 2316 South 6th Street, legally described as Lot 9, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition. It is zoned R-2/Two Family Residential and measures 33 feet wide by 110 feet deep for a total of 3,630 square feet. Because of the inadequate size, the lot is considered unbuildable. The applicant owns the house directly to the north at 2314 South 6th Street. The applicant would like to purchase the property in order to increase the size of her property. (The property owner to the south was contacted twice by mail regarding purchasing one-half of the lot. No response has been received.)</p> <p>The City obtained title to this property through a 657A process in October, 2010. and the residential structure was removed. Since the lot is a nonconforming lot of record and is considered unmarketable due to it's size (33 feet wide), staff placed the property on the non-buildable disposal list. Properties on the non-buildable list are to be sold to adjacent property owners that are current on their property taxes, have no outstanding code violations, and demonstrate adequate maintenance of their property. The price is established by the most recent fee schedule for street/alley vacations. This property contains 3,630 sq ft which calculates to \$574.50 (\$75.00 for first 300 sq ft + \$.15 psf for the next 4,700 sq ft + \$0.50 psf above 5,000 sq ft.) Staff has determined the applicant is: current on property taxes; there are no known code violations associated with their property; and the property at 2314 South 6th Street is adequately maintained.</p>		
Recommendation		
<p>The Community Development Department recommends disposal of Lot 9, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition, formerly known as 2316 South 6th Street as follows: The purchase price to be \$574.50, the applicant to pay \$50.00 (already paid as the down payment) with a mortgage and promissory note to be signed on the remaining \$524.50 which would be forgiven over a two year period.</p>		
<p>Attachment: Location map Prepared By: Rebecca Sall, Assistant Planner, Community Development Department</p>		



CASE #0TB-16-012



2316 South 6th Street looking west. Vacant lot is on the left.



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.16-208

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS LOT 9, MCGEE'S SUBDIVISION OF BLOCK 21, HUGHES AND DONIPHAN'S ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of the property legally described as Lot 9, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition, formerly known as 2316 South 6th Street; and

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

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

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

Laura D. Clinger and all successors in interest: Lot 9, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition, formerly known as 2316 South 6th Street.

BE IT FURTHER RESOLVED

That the purchase price to be \$574.50, the applicant to pay \$50.00 (already paid as the down payment) with a mortgage and promissory note to be signed on the remaining \$524.50 which would be forgiven over a two year period.

ADOPTED
AND
APPROVED:

August 8, 2016

Matthew J. Walsh Mayor

ATTEST:

Marcia L. Worden City Clerk

(Case #OTB-16-012)

Council Communication

<p>Department: Community Development</p> <p>Case #SAV-16-006</p> <p>Applicant: Community Development Department</p>	<p>Resolution of Intent No. <u>16-190</u></p> <p>Resolution to Dispose No. <u>16-209</u></p>	<p>City Council: 7-25-16</p> <p>Planning Commission: 07/12/16</p> <p>Set Public Hearing: 7/25/2016</p> <p>Public Hearing: 8/8/2016</p>
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Subject/Title

Request of the Community Development Department to vacate the east/west alley in Block 40, Beer's Subdivision extending from South 13th to South 14th Street/Indian Creek between 3rd and 4th Avenues and vacate that part of 4th Avenue extending from the west railroad right-of-way line to the east right-of-way line of South 14th Street/Indian Creek and abutting part of Blocks 40 and 41, Beer's Subdivision, as shown on the attached map.

Background

Blocks 40 and 41, Beer's Subdivision, located between North 13th Street and North 14th Street/Indian Creek, 3rd and 5th Avenues are located within the Mid-City Corridor Urban Renewal Area. One of the objectives of this plan is to vacate several east/west street and alley rights-of-way located within the Corridor. Also, vacation of this right-of-way will allow the City to combine parcels for administrative and maintenance efficiency.

The City owns the majority of the property abutting these rights-of-way. There are three residential uses located at 1311, 1315 and 1325 – 3rd Avenue which abut the alley in Block 40. All three property owners are in favor of the request and are willing to acquire their portions of right-of-way. The subject portion of 4th Avenue right-of-way will be retained by the City, if vacated.

MidAmerican Energy has overhead distribution lines within the subject alley and diagonally across the east end of 4th Avenue running from the northeast to the southwest. A sanitary sewer main is also located within the alley right-of-way. Easements will be retained.

Recommendation

The Community Development Department recommends vacating the east/west alley in Block 40, Beer's Subdivision extending from South 13th to South 14th Street/Indian Creek between 3rd and 4th Avenues and vacate that part of 4th Avenue extending from the west railroad right-of-way line to the east right-of-way line of South 14th Street/Indian Creek and abutting part of Blocks 40 and 41, Beer's Subdivision, subject to easements being retained in both rights-of-way.

Public Hearing

Speakers in favor:

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

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval to vacate the east/west alley in Block 40, Beer's Subdivision extending from South 13th to South 14th Street/Indian Creek between 3rd and 4th Avenues and vacate that part of 4th Avenue extending from the west railroad right-of-way line to the east right-of-way line of South 14th Street/Indian Creek and abutting part of Blocks 40 and 41, Beer's Subdivision, subject to easements being retained in both rights-of-way.

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

Attachments: Map showing requested rights-of-way vacation

Prepared By: Rebecca Sall, Assistant Planner



CASE #SAV-16-006

RESOLUTION NO. 16-209

A RESOLUTION TO VACATE AND TO DISPOSE OF THE EAST/WEST ALLEY IN BLOCK 40 AND TO VACATE THAT PART OF 4TH AVENUE ABUTTING PART OF BLOCKS 40 AND 41, ALL IN BEER'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: The east/west alley in Block 40, Beer's Subdivision extending from South 13th to South 14th Street/Indian Creek between 3rd and 4th Avenues and that part of 4th Avenue extending from the west railroad right-of-way line to the east right-of-way line of South 14th Street/Indian Creek and abutting part of Blocks 40 and 41, Beer's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of part of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owner(s); and

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

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

That the above-described alley right-of-way is hereby vacated and conveyed as follows:

Linda Lorraine Griffis and all successors in interest: The North 1/2 of the vacated alley abutting Lot 3, Block 40, Beer's Subdivision.

Darrell Pruett and all successors in interest: The North 1/2 of the vacated alley abutting Lot 4, Block 40, Beer's Subdivision.

Michael D. Franks and all successors in interest: The North 1/2 of the vacated alley abutting Lots 5, 6 and the East 14 feet of Lot 7, Block 40, Beer's Subdivision.

The City of Council Bluffs and all successors in interest: The North 1/2 of the vacated alley abutting Lot 1, Lot 2 and Lot 7, except the East 14 feet, along with the South 1/2 of the vacated alley abutting Lots 8 through 14, Block 40, Beer's Subdivision.

BE IT FURTHER RESOLVED

That the City of Council Bluffs will retain ownership of said vacated 4th Avenue right-of-way.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above-described alley right-of-way in consideration of the vacation application fee already paid, and;

BE IT FURTHER RESOLVED

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

ADOPTED
AND

APPROVED: August 8, 2016

Matthew J. Walsh, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

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

Notary Public in and for said State

Council Communication

<p>Department: Community Development</p> <p>Case #SAV-16-007</p> <p>Applicant: Community Development Department</p>	<p>Resolution of Intent No. <u>16-191</u></p> <p>Resolution to Dispose No. <u>16-210</u></p>	<p>City Council: 7-25-16</p> <p>Planning Commission: 07/12/16</p> <p>Set Public Hearing:</p> <p>Public Hearing:</p>
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Subject/Title

Request of the Community Development Department to vacate the east/west alley in Block 8, Bryant and Clark's Subdivision which extends west from the West right-of-way line of South 32nd Street to the East right-of-way line of South 33rd Street between 1st and 2nd Avenues, as shown on the attached map.

Background

The Community Development Department is proposing to vacate the east/west alley lying between 1st and 2nd Avenue from South 32nd to South 33rd Street. This property was the former site of the Bunge Elevator which is now owned by the City. All vertical improvements have been demolished and the City desires to complete remaining surface demolition and clean-up in the next two years. Vacation of the alley will also allow the City to combine the parcels for administrative and maintenance efficiency.

There appear to be no utilities within the right-of-way so the retention of an easement will not be necessary.

Recommendation

The Community Development Department recommends vacating the east/west alley in Block 8, Bryant and Clark's Subdivision which extends west from the West right-of-way line of South 32nd Street to the East right-of-way line of South 33rd Street between 1st and 2nd Avenues.

Public Hearing

Speakers in favor:
Don Gross, Director, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503.

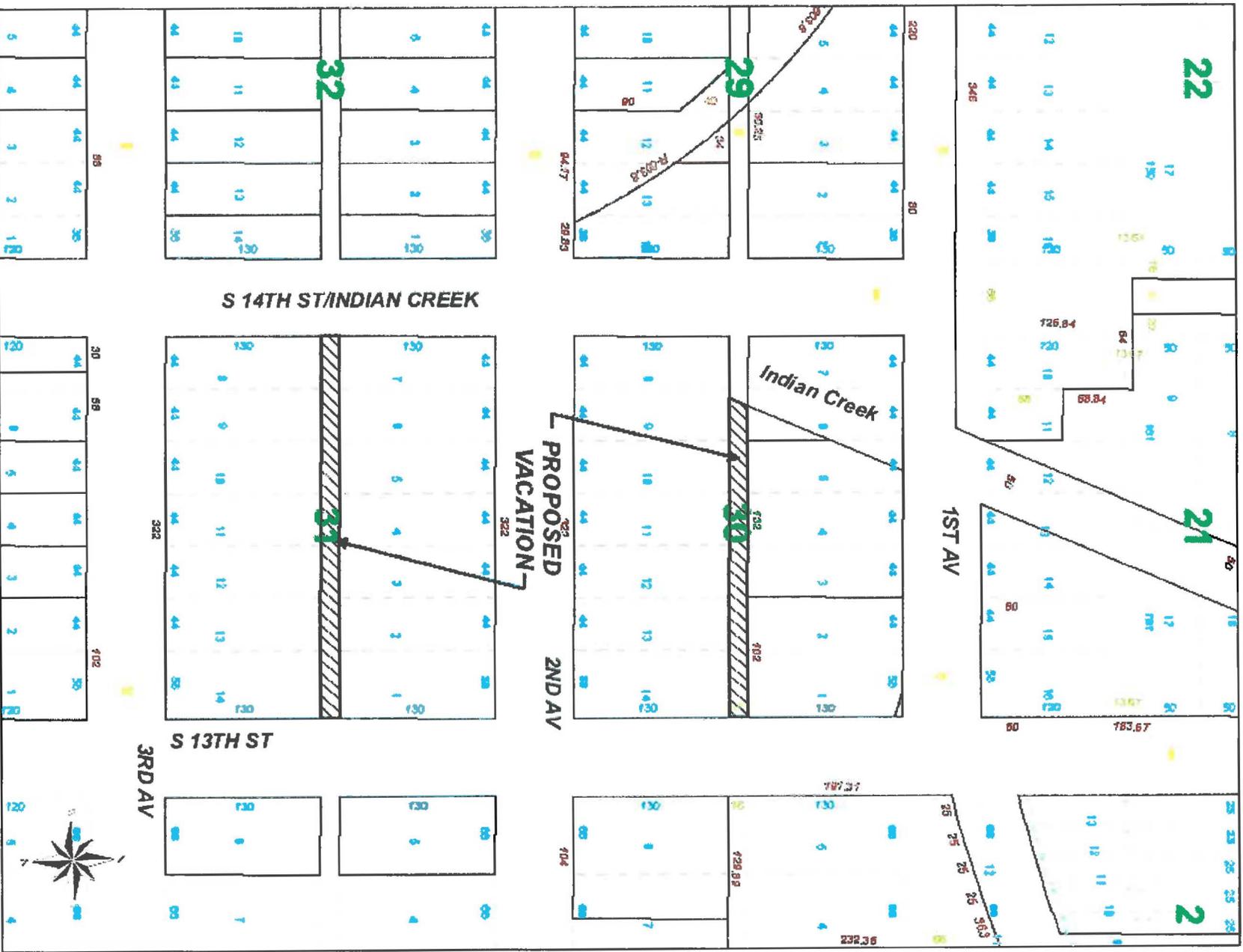
Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval to vacate the east/west alley in Block 8, Bryant and Clark's Subdivision which extends west from the West right-of-way line of South 32nd Street to the East right-of-way line of South 33rd Street between 1st and 2nd Avenues.

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

Attachments: Map showing requested right-of-way vacation.
Prepared By: Rebecca Sall, Assistant Planner



CASE #SAV-14-005



CASE #SAV-16-007

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

RESOLUTION NO. 16-210

A RESOLUTION AUTHORIZING THE VACATION OF THE EAST/WEST ALLEY IN BLOCK 8, BRYANT AND CLARK'S SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: The east/west alley in Block 8, Bryant and Clark's Subdivision which extends west from the West right-of-way line of South 32nd Street to the East right-of-way line of South 33rd Street between 1st and 2nd Avenues;, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated with the City retaining ownership of said right-of-way.

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

That the above-described city rights-of-way are hereby vacated easement of way; and

BE IT FURTHER RESOLVED

That the City of Council Bluffs will retain ownership of said vacated right-of-way.

BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED:

August 8, 2016

Matthew J. Walsh,

Mayor

ATTEST:

Marcia L. Worden,

City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

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

Notary Public in and for said State

Planning Case #SAV-14-005

Council Communication

Department: Legal Department	Ordinance No. <u>6277</u>	Council Action: <u>7/25/2016</u> Second Reading: <u>8/8/2016</u>
Case/Project No.		
Applicant: Richard Wade		
SUBJECT/TITLE		
AN ORDINANCE TO AMEND TITLE 1 “ADMINISTRATION AND PERSONNEL” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING “CHAPTER 1.62.030 – CLASSIFICATION AND APPOINTMENT” TO REPLACE BLUFFS ARTS COUNCIL WITH POTTAWATTAMIE ARTS, CULTURE AND ENTERTAINMENT “PACE” COUNCIL.		
BACKGROUND		
The Bluffs Arts Council no longer exists. The duties have been replaced by the Pottawattamie Arts, Culture and Entertainment “PACE” Council.		
RECOMMENDATION		
Amendment to Chapter 1.62.030 – Classification and appointment.		

Department Head Signature

Mayor Signature

1.62.030 - Classification and appointment.

- (a) At-large Members. The commission shall consist of five members to be appointed by the mayor all of which shall be residents of council bluffs, subject to the approval of the city council.
- (b) ~~Bluffs Arts~~Pottawattamie Arts, Culture and Entertainment "PACE" Council Representative. The commission shall include one member to be ~~—~~appointed by the ~~Bluffs arts~~Pottawattamie Arts, Culture and Entertainment "PACE" council board of ~~—~~directors, subject to the approval of the city ~~-~~council.
- (c) Parks and Recreation Representative. The commission shall include one member who shall be a resident of Council Bluffs, appointed by the parks and recreation commission, and subject to the approval of the city council.
- (d) Fine Arts Department Representative of Iowa Western Community College. The commission shall include one member to be appointed by the Dean of the College of Fine Arts at Iowa Western Community College, subject to the approval of the city council.
- (e) Architect or Engineer from the City of Council Bluffs. The commission shall include one architect or engineer who shall be a resident of Council Bluffs, appointed by the mayor, and subject to the approval of the city council.

ORDINANCE NO. 6277

AN ORDINANCE TO AMEND TITLE 1 “ADMINISTRATION AND PERSONNEL” OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING “CHAPTER 1.62.030 – CLASSIFICATION AND APPOINTMENT” TO REPLACE BLUFFS ARTS COUNCIL WITH POTTAWATTAMIE ARTS, CULTURE AND ENTERTAINMENT “PACE” COUNCIL.

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

SECTION 1. That Title 1 “Administration and Personnel” of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended “Chapter 1.62.030 – Classification and appointment” by replacing Bluffs Arts Council with Pottawattamie Arts, Culture and Entertainment “PACE” Council to read as follows:

CHAPTER 1.62.030 – Classification and appointment.

- (a) At-large Members. The commission shall consist of five members to be appointed by the mayor all of which shall be residents of Council Bluffs, subject to the approval of the city council.
- (b) Pottawattamie Arts, Culture and Entertainment “PACE” Council Representative. The commission shall include one member to be appointed by the Pottawattamie Arts, Culture and Entertainment “PACE” Council board of directors, subject to the approval of the city council.
- (c) Parks and Recreation Representative. The commission shall include one member who shall be a resident of Council Bluffs, appointed by the parks and recreation commission, and subject to the approval of the city council.
- (d) Fine Arts Department Representative of Iowa Western Community College. The commission shall include one member to be appointed by the Dean of the College of Fine Arts at Iowa Western Community College, subject to the approval of the city council.
- (e) Architect or Engineer from the City of Council Bluffs. The commission shall include one architect or engineer who shall be a resident of Council Bluffs, appointed by the mayor, and subject to the approval of the city council.

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

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

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

PASSED
AND _____, 2016
APPROVED

MATTHEW J. WALSH Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: 7/25/2016
Second Consideration: 8/8/2016
Public Hearing: n/a
Third Consideration:

Council Communication

Department: Parks, Recreation And Public Property Case/Project No.	Ordinance No. Resolution No. <u>16-211</u>	Council Action: <u>08/8/2016</u>
Applicant: Larry N. Foster		
Subject/Title		
City Council consideration of a resolution authorizing the Department of Parks, Recreation and Public Property to submit a REAP (Resource Enhancement and Protection) grant application for the Tom Hanafan River's Edge Park Woodland Restoration Phase I and authorizing the Mayor to enter into a contact if approved.		
Background/Discussion		
The purpose of this Resolution is to authorize the Department of Parks, Recreation and Public Property to apply for a REAP grant for Tom Hanafan River's Edge Park Woodland Restoration Phase I. Tom Hanafan River's Edge Park is located at 4200 Ave. B.		
The project seeks to restore the understory trees, along with large native trees and other plants within a portion of Hanafan River's Edge Park. Specifically, the area to be addressed lies along the park entrance road between the Harrahs parking lot and the I 480 Bridge. Restoration efforts will not only contribute enormous environmental benefits (in terms of riverbank stabilization, improved wildlife habitat and better access to the river for fishing), but will undoubtedly increase interest and possibly use of the park.		
Almost every timber unit within Hanafan River's Edge Park has been affected by invasive species colonization. Mulberry, Silver Maple and older Cottonwood are the largest threats to this park's woodland longevity. Additionally, the trees and understory in this area of the park were negatively impacted by the flood of 2011. As a result, many of the larger trees are dead and dying. These trees now pose public safety issues, as this area adjoins the park's access road and a major trail; these issues will be mitigated by the restoration's removal of the dead and dying trees.		
Passage of this Resolution will authorize the Department of Parks, Recreation and Public Property to apply for a REAP Grant which would fund 100% of this project.		
Recommendation		
I recommend that the City Council approve an application for a REAP (Resource Enhancement and Protection) grant for the Tom Hanafan River's Edge Park Woodland Restoration Phase I and authorizing the Mayor to enter into a contact if approved.		

 Larry N. Foster

 Matthew J. Walsh

RESOLUTION NO. 16-211

RESOLUTION GRANTING APPROVAL TO APPLY FOR RESOURCE ENHANCEMENT AND PROTECTION FUNDING FOR THE TOM HANAFAN RIVER'S EDGE PARK WOODLAND RESTORATION PHASE I PROJECT.

- WHEREAS, the City of Council Bluffs, Iowa, wishes to restore the native vegetation and improve access to the river for fishing by the public; and
- WHEREAS, the River's Edge Park Master Plan identifies the woodland vegetation as a valued asset of the park; and
- WHEREAS, the project will improve the park, enhance views and increase use of the river; and
- WHEREAS, should REAP funding be secured and the Tom Hanafan River's Edge Park Woodland Restoration Phase I be completed, the City of Council Bluffs agrees to keep and maintain the park use as intended in the grant application;

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

The Department of Parks, Recreation and Public Property is granted approval to submit a REAP Grant application for the Tom Hanafan River's Edge Park Woodland Restoration Phase I Project.

ADOPTED
AND
APPROVED August 8, 2016

Matthew J. Walsh Mayor

Attest:

Marcia L. Worden City Clerk



CITY CLERK
(712) 328-4616

**Liquor Licenses
City Council Agenda
Monday, August 8, 2016**

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

New Applications:

- Golden Q Billiards and Sports Lounge, 807 South 21st Street
- Underground Restaurant and Billiards, 28 South 29th Street

Renewals Applications:

- Ameristar Casino, 2200 River Road (2)
- Bucky's, 7 North 16th Street
- Casey's #3201, 701 32nd Avenue
- Pilot Travel Center, 2627 South 24th Street

Renewals w/Violations:

- D & S Xpress, 1220 North 25th Street
 - * Selling to a Minor STA0190029, (4/11/2016)
- Underground Bar & Restaurant, 28 South 29th Street (old owner)
 - * Bootlegging (Suspension of 7 days), 16-000341 (1/7/2016)
 - * Aggravated Assault (2 counts), (5/12/2016)

“Outdoor” Special Event Permit Application:

- LightHouse Lounge, 401 Veterans Memorial Highway





<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>PHB</u>	Local Amt _____	
FIRE <u>SW</u>	Endorsed _____	
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BUILDING <u>SK</u>	Expires _____	
ZONING <u>RS</u>	_____	

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

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

Applicant LC_V_67435, Golden Q Billiards and Sports Bar, 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: John Lewis Stewart (Sole Proprietorship, Partnership, Corporation, etc.)

Name/Partnership Name(s): _____

Name of Business (D/B/A): Golden Q Billiards and Sports Bar

Address of Premise: 807 S 21st Street

Address Line 2: _____

City: Council Bluffs

County: Polk

Zip: 51501

Business Phone: (712) 347-6767 Cell / Home Phone: _____

Same Address

Mailing Address: 311 E Locust Street

Mailing Address Line 2: _____

City: Carter Lake State: Iowa

Zip: 51510

Contact Name: John Stewart

Phone: (712) 347-6767 Email Address: vermule@acl.com

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POLICE <u>PR</u>	Local Amt _____	
FIRE <u>RB</u>	Endorsed _____	
HEALTH <u>RB</u>	Issued _____	
BUILDING <u>RB</u>	Expire _____	
ZONING <u>RB</u>		

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

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

Applicant LC_V_67677, Underground Restaurant and Billiards, 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): Timothy Wickwire (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Underground Restaurant and Billiards

Address of Premise: 28 S 29th Street

Address Line 2: _____

City: Council Bluffs

County: Iowa

Zip: 51501

Business Phone: (402) 714-4682

Cell / Home Phone: (402) 714-4682

Same Address

Mailing Address: 28 S 29th Street

Mailing Address Line 2: _____

City: Council Bluffs

State: Iowa

Zip: 51501

Contact Name: Timothy Wickwire

Phone: (402) 714-4682

Email Address: tracywickwire@yahoo.com

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POLICE <u>MS</u>	Local Amt	
FIRE <u>AF</u>	Endorsed	
HEALTH	Issued	
BUILDING <u>SR</u>	Expires	
ZONING <u>LS</u>		

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

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

Applicant BC0030306, D&S Xpress, 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): Trace Enterprises Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): D&S Xpress

Address of Premise: 1220 North 25th Street

Address Line 2:

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 322-2170 Cell / Home Phone:

Same Address

Mailing Address: 2924 North Broadway

Mailing Address Line 2:

City: Council Bluffs State: Iowa

Zip: 51503

Contact Name: Donald Doebein Jr Email Address: dcoebein@cox.net

Phone: (712) 322-2170

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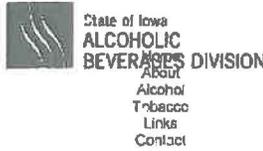


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POLICE <u>195</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>RS</u>	Expires _____	
ZONING <u>RS</u>		

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

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

Applicant BC0030307, D&S Xpress, 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: Trace Enterprises Inc (C Sole Proprietorship, Partnership, Corporation, etc.)
 Name/Partnership Name(s): Trace Enterprises Inc
 Name of Business (D/B/A): D&S Xpress
 Address of Premise: 2924 North Broadway
 Address Line 2: _____
 City: Council Bluffs
 County: Pottawattamie
 Zip: 51503
 Business Phone: (712) 322-4403 Cell / Home Phone: _____
 Same Address
 Mailing Address: 2924 North Broadway
 Mailing Address Line 2: _____
 City: Council Bluffs State: Iowa
 Zip: 51503
 Contact Name: Don Doebeln Email Address: ddoebeln@cox.net
 Phone: (712) 322-4403

Prev

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POLICE <i>PM</i>	Local Amt _____	
FIRE <i>AF</i>	Endorsed _____	
HEALTH	Issued _____	
BUILDING <i>AW</i>	Expires _____	
ZONING <i>E3</i>		

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

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

Applicant LE0002190, Family Fare #791, 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): Save Foods, Inc. (Solo Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Family Fare #791

Address of Premise: 1801 Valley View Drive

Address Line 2: _____

City: Council Bluffs

County: Polk, Iowa

Zip: 51503

Business Phone: (712) 332-4326 Cell / Home Phone: _____

Same Address

Mailing Address: 850 78th Street SW

Mailing Address Line 2: Attn: Nancy Kimball

City: Byron Center State: Michigan

Zip: 49315

Contact Name: Nancy Kimball Email Address: nancy.kimball@spartanmash

Phone: (616) 678-2765

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POLICE <u>PM</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>BS</u>	Expires _____	
ZONING <u>BS</u>	_____	

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

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

Applicant LC0035603, Jonesy's Taco House, 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): M. J. Abel Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (DBA): Jonesy's Taco House

Address of Premise: 1117 16 Ave

Address Line 2: _____

City: Council Bluffs

County: Pottawattomie

Zip: 51503

Business Phone: (712) 322-8747 Cell / Home Phone: (712) 323-6833

Same Address

Mailing Address: 1117 16 Ave

Mailing Address Line 2: _____

City: Council Bluffs State: ova

Zip: 51503

Contact Name: Mary Abel Email Address: steven.pelly@rocketmail.com

Phone: (712) 322-5747

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POLICE <u>MB</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>SB</u>	Expires _____	
ZONING <u>DS</u>		

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

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

Applicant LC0037943, The Olive Garden Italian Restaurant #1856, 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): GMRI, Inc. (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): The Olive Garden Italian Restaurant #1856

Address of Premise: 3707 Denmark Drive

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (712) 366-0928 Cell / Home Phone: _____

Same Address

Mailing Address: PO Box 695013

Mailing Address Line 2: _____

City: Orlando State: Florida

Zip: 32869-5013

Contact Name: Doris Ready

Phone: (407) 245-8393 Email Address: dready@garden.com

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POLICE <i>1/10</i>	Local Amt _____	
FIRE <i>AF</i>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <i>2</i>	Expires _____	
ZONING <i>CS</i>		

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

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

Applicant LC0037949, Primos Mexican Restaurant, 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): Primos Mexican Restaurant Inc (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): Primos Mexican Restaurant

Address of Premise: 930 5th Ave

Address Line 2: _____

City: Council Bluffs

County: Pottawattamie

Zip: 51501

Business Phone: (402) 612-8200 Cell / Home Phone: (402) 612-8200

Same Address

Mailing Address: 3561 10th Ave

Mailing Address Line 2: _____

City: Council Bluffs State: Iowa

Zip: 51501

Contact Name: Travis Taylor

Phone: (402) 612-8200 Email Address: TravTaylor81@gmail.com

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POLICE <i>MS</i>	Local Amt	
FIRE <i>AF</i>	Endorsed	
HEALTH	Issued	
BUILDING <i>BS</i>	Expires	
ZONING <i>BS</i>		

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

- > Licenses
- > Privileges
- > Applicant
- > Status Of Business
- > Ownership
- > Criminal History
- > Premises
- > General Premises
- > Applicant Signature
- > Dram Cart
- > Local Endorse
- > History

Applicant LC0030794, Queen of Apostles Church, 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): **CORPUS CHRISTI CATHOLIC** (Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A): **Queen of Apostles Church**

Address of Premise: **3304 4th Ave**

Address Line 2:

City: **Council Bluffs**

County: **Pottawattamie**

Zip: **51501**

Business Phone: **(712) 323-2916** Cell / Home Phone: _____

Same Address

Mailing Address: **3304 4th Ave**

Mailing Address Line 2:

City: **Council Bluffs** State: **Iowa**

Zip: **51501**

Contact Name: **Rev. Joel McNeil**

Phone: **(712) 323-2916** Email Address: **queenofapostles@cox.net**

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Alcohol
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Links
Contact

<input type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input checked="" type="checkbox"/> SPECIAL EVENT
POLICE <u>MB</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
HEALTH _____	Issued _____	
BUILDING <u>SR</u>	Expires _____	
ZONING <u>E3</u>		

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

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

Outdoor Service Privilege LC0038023, LightHouse Lounge, Council Bluffs

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

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

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

Outdoor Service area dates (must fall within license period)

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

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

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

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

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All Parking Remains 65 Parking Spaces
 Temporary - 5 day permit
 Map Utilized for
 event held on 8/15/2015
 per Harry W. & Scott C.