

RECORD OF PROCEEDINGS

CALL TO ORDER A regular meeting of the Council Bluffs City Council was called to order by Matt Walsh, Mayor Pro-tem, on Monday, December 12, 2011 at 7:00 p.m. Do to the absence of Mayor Hanafan, who was ill.

ATTENDANCE Council Members present: Lynne Branigan, Melissa Head and Sharon White. Staff present: Richard Wade, City Attorney and Jodi Quakenbush, Administrative Secretary.

CONSENT AGENDA White moved to approve of the consent agenda Items 3A-3G and to amend item 3C to correct the amount to be \$15,148.90 and to remove item 3D from the agenda, seconded by Head. Unanimous. Items included: Resolution 11-271, accepting the work completed by Carley Construction regarding the Council Bluffs Public Library Parking Lot Project and directing the Finance Director to release the amount of \$15,148.90. Resolution 11-279, accepting the work of Stahl Construction in connection with the Council Bluffs Public Works Facility and authorizing the Finance Director to issue a City Check in the amount of \$338,879.46. Resolution 11-281, accepting the work of MFT Construction, Inc. in connection with Flood Recovery Project No. 10, Emergency Repair of North 25th Street and authorizing the Finance Director to issue a City check in the amount of \$2,507.38.

PUBLIC HEARINGS
Resolution 11-284 Held Public Hearing, approving the Urban Revitalization Plan for the Indian Creek South Urban Revitalization Area. Heard from Donna Rhodes, 20412 Monument Rd., questioning how the process works. Walsh explained what the purpose of an Urban Revitalization Plan and some of the benefits. Branigan and Head moved and seconded approval. Unanimous.

Resolution 11-274 Held Public Hearings, authorizing the vacation of the City's sanitary sewer easement located in Lots 1 & 2, Mid American Commerce Park in Council Bluffs and described and set out on the easement vacation, marked Exhibit "A" attached hereto in connection with the expansion project of Plumrose USA, Inc., and in consideration of Plumrose USA, Inc., granting a sanitary sewer easement to the City of Council Bluffs in Lots 1 & 2, Mid American Commerce Park as described on the easement plat marked as Exhibit "A" and attached hereto. Head and White moved and seconded approval. Unanimous.

ORDINANCES ON SECOND READING
6143 White and Head, moved and seconded, establishing the Indian Creek South Urban Revitalization Area within the City of Council Bluffs. Unanimous. Walsh moved and Branigan seconded to waive third reading. Unanimous. Ordinance passes into law.

ORDINANCES ON THIRD READING
6141 Walsh and White, moved and seconded, amending Chapter 8.56 "Obstructing Justice" by enacting a new Section 8.56.055, to be entitled "False Information. Voice Vote: 3 Ayes, 1 Nay (Head). Ordinance passes into law.

6142 Head and White, moved and seconded, amending Chapter 15.18 "Planned Commercial District" by amending Section 15.18.030 "Conditional Uses" to add "Auction" as a "Condition Use" to add 15.03.46a "Auction, Indoor" means an establishment, structure, business or location which hosts an auction activity confined only to an indoor enclosed space more than three times in a calendar year. The use of the outdoor space for the sale or stage of items offered for sale is not permitted. The staging of up to four vehicles does not utilize more than one percent of the available parking for the indoor auction and that the staging does not begin more than 24 hours before the auction is to begin, or continue more than 24 hours after the auction has ended. If the business is in a zoning district where it is classified as a conditional use the applicant must delineate in its conditional use application where the staging area will be located. Branigan mentioned she visited the mall again and talked with other tenants and is not in favor of this business moving into the mall. Voice Vote: 3 Ayes, 1 Nay (Branigan). Ordinance passes into law.

RESOLUTIONS
Resolution 11-275 White and Head, moved and seconded, approving the Hazard Mitigation Grant Program (HGMP) application for buyouts on Gifford Road and Emil Lane. Heard from Gail Hunter, 2903 Emil Lane, Andy Alexander, 2913 Emil Lane, Cindy Goff, 2913 Emil Lane, Renae & Arthur Kybat, 2801 Emil Lane, all speaking against the resolution. Head said this is not forcing any buyouts. White mentioned that the City doesn't have a use for the land. Branigan commented this is being done to stay within the guidelines of FEMA. Unanimous.

Resolution 11-276 Walsh and Branigan, moved and seconded, approving the submittal of a grant proposal to the Iowa West Foundation in the amount of \$53,000 for marketing and educational promotion of the Council Bluffs' Metro Bus System. Walsh mentioned ridership is low and we are looking to obtain marketing money to advertise the bus. Unanimous

Resolution 11-277 White and Head, moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Trekk Design Group, LLC for Flood Recovery Project No. 16, Emergency Sewer System Cleaning Pump Stations. Unanimous.

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- Resolution 11-278 Branigan and White, moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Nutri-Ject Systems, Inc for Flood Recovery Project No. 17, Emergency Repair Digester Tank Cleaning. Unanimous.
- Resolution 11-280 White and Head, moved and seconded, authorizing the Mayor and City Clerk to execute with the Iowa Department of Transportation a Temporary Purchase Agreement in connection with the I-29 & 1-80 Interstate Improvements. Unanimous.
- Resolution 11-282 Branigan and Head, moved and seconded, authorizing the Public Works Director to apply for assistance from the Iowa Office of Energy Independence in the form of an Energy Efficiency and Conservation Block Grant. Unanimous.
- Resolution 11-283 Head and White, moved and seconded, authorizing compensation to designated exempt City employees for their efforts during the flood fight of 2011. Unanimous.
- Resolution 11-285 Branigan and Head, moved and seconded, authorizing the City to negotiate with Ceasar's Entertainment Operating Company for the management of the Mid-America Center. Branigan mentioned there is a lot of incorrect information out there and believes the MAC has been running at a deficit for too long. Unanimous.
- MAYOR'S APPOINTMENTS** Branigan and Head, moved and seconded to concur with Mayor's Appointments 8A-8B. Storm Water Advisory Committee Appointments: Mary Ann Bragg & Tom Utzig with terms expiring June 30, 2013. Storm Water Advisory Committee Appointments: Eric Davis, Nick Gardner & Doug Rew with terms expiring June 30, 3015. Unanimous
- RECEIVE AND FILE ITEMS** Walsh and White, moved and seconded approval of Receive and File Items 9A-9E, Fund Balance Activity (November), List of Bills (November), Notices of Claim (1), Notice of Right of Redemption (1), Salvage Yard License Applications: (1) CMET, 1201 South 6th Street and (2) CMET, 1120 10th Avenue . Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Approval of Renewal Applications for Beer/Liquor & Wine Permits: Items 10A and 10B. Branigan and Head, moved and seconded to separate items 10A and 10B, Unanimous. Walsh and Head moved and seconded to approve items 10A, 1. Applebee's, 300 Dial Drive, 2. Great Wall, 900 Woodbury Avenue, 3. Hy Vee #2, 1745 Madison Avenue, 4. U Stop #19, 1928 Sherwood Drive, 5. U Stop #20, 701 32nd Avenue, 6. Tobacco Hut #6, 3134 Manawa Centre Drive (Sunday Sales), 7. Darrah's, 3607 9th Avenue. Unanimous. Head and White moved and seconded to approve item 10B, Main Street Tavern, 519 South Main Street. Voice Vote: 3 Ayes, 1 Nay (Branigan)
- CITIZENS REQUEST TO BE HEARD** Heard from Roland Lynch.
- ADJOURNMENT** Walsh declared adjournment at 7:50 p.m.

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

Thomas P. Hanafan, Mayor

Attest: Jodi Quakenbush, Admin. Sec.