

RECORD OF PROCEEDINGS

- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan, on Monday, October 25, 2010 at 7:00 p.m.
- ATTENDANCE** Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
- Mayor Hanafan asked for a moment of silence for Lee Spann and Richard Peterson, two individuals who contributed and made a difference in our community.
- CONSENT AGENDA** Branigan and Head moved and seconded approval of the consent agenda. Unanimous. Mayor Hanafan noted Mr. Schultz was in attendance by phone.
- PROCLAMATION** Mayor Hanafan read a proclamation designating "October 29, 2010 as "Wear Pink Day". Hanafan noted the importance of screening and annual checkups and thanked the Fire Department for their efforts in breast cancer awareness.
- PUBLIC HEARINGS**
Resolution 10-287 Held Public Hearing, vacating and disposing of that part of Navajo Street located along the west line of the south half of the SW1/4 SW1/4 of Section 19-74-43 and the west line of the NW1/4 NW1/4 of Section 30-74-43. Heard from Norm Colyer, 9 Lakewood Villa, in opposition of the proposed disposal. Heard from Matt Finnegan, 23143 McPherson, General Manager of the Mid American Energy Power Plant, who indicated there was no planned expansion for this site. Head indicated even if the City decides to vacate this road, the City will maintain the right-of-way with the same legal description and no expansion will be allowed; this road will still be in place and we'll have access for levee repairs and other utility work. Walsh and Head and seconded approval. Motion by Walsh, second by Branigan, amending the Resolution by retaining an access utility easement along the west line of the south half of the SW1/4 SW1/4 of Section 19-74-43 and the west line of the NW1/4 NW1/4 of Section 30-74-43. Unanimous. Discussion was held regarding purchase price, this issue was referred back to staff. Vote on original motion as amended. Unanimous.
- Ordinance 6098
6099, 6100, 6101,
6102, 6103, 6104,
6105, 6106, 6107,
6108 Held Public Hearings, regarding Items 5B – 5L, amending Title 13 regarding "Building Construction" by referencing the following: by enacting a new Chapter 13.01, to be codified and entitled the "Council Bluffs Uniform Administrative Code"; Chapter 13.07 which is entitled "General Contractor's Registration"; Chapter 13.06 entitled "Residential Code"; Chapter 13.08 entitled "Building Code"; Chapter 13.09 to be codified and entitled "Mechanical Code"; Chapter 13.12 "Plumbing Code"; Chapter 13.16 to be codified and entitled "Electrical Code"; Chapter 13.20 to be codified and entitled "Energy Conservation Code"; enacting a new Chapter 13.26 "Fuel Gas Code"; amending in part Chapter 13.27 to be entitled "Swimming Pool, Spa, and Hot Tub Code"; in its entirety and relocate all of Chapter 13.21 in its entirety to Title 17 "Housing", Chapter 17.02 "International Property Maintenance Code". Branigan and Head moved and seconded approval. Public Hearing reopened, Heard from Randy Lemmon, 1541 Jennings Avenue, thanking Steve Carmichael for all his cooperation during this process. Wade made mention of Council amending Item 5B, Walsh and Head moved and seconded to amend Item 5B by deleting the following verbage from Ordinance 6098: to exempt one and two family dwellings from the Plan Review Fee. Unanimous. Vote on original motion as amended. Unanimous.
- ORDINANCE ON SECOND READING**
Ordinance 6097
RESOLUTIONS
Resolution 10-304 Walsh and Branigan moved and seconded approval, adopting the 2010 Municipal Code of Council Bluffs, Iowa. Unanimous.
- Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Anderson Excavating, Co., for the demolition of buildings and grading at 815 Franklin Avenue. Unanimous.

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- Resolution 10-305 Walsh and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with HGM Associates, Inc., for engineering services in connection with the River Road Pump Station and Storm Outfall Repair. Unanimous.
- Resolution 10-306 Walsh and Branigan moved and seconded approval, authorizing the Mayor to execute a loan agreement with US Bank for the purpose of re-financing the loan entered into in December of 2005 for the Bass Pro Shop. Unanimous.
- Resolution 10-307 Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with HGM Associates Inc., for engineering services in connection with the Council Bluffs Public Library Lots Reconstruction Project. Unanimous.
- Resolution 10-308 Branigan and Head moved and seconded approval, authorizing the Mayor to execute an agreement with HGM Associates Inc., for a project to rehabilitate the parking lots located at the Mid-America Center and authorizing the Finance Director to identify the appropriate funding source for this project. Unanimous.
- Resolution 10-309 Belt and Head moved and seconded approval, approving a Change Order of not-to-exceed \$67,365.57 for construction of the Pedestrian Bridge/Wabash Trace Trail. Unanimous.

RECEIVE AND FILE ITEMS

Walsh and Head moved and seconded approval of Receive and File Items regarding Items 8A through 8E: 8A. Council Bluffs Public Library, 2009 – 2010 Annual Report; 8B. Cash Balance Statement, September 30, 2010; 8C. List of Bills, September 30, 2010; 8D. Notices of Claim (4) and 8E. Notices of Right of Redemption (3). Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Branigan moved and seconded approval of Additional Privilege, New & Renewal Applications for Beer/Wine & Liquor Permits regarding Items 9A (1-4). 9A1. Bertha's Bar and Grill, 1322 North 16th Street (new); 9A2. La Mesa, 3036 South Expressway (carry-out wine); 9A3. Shenanigans, 800 North 8th Street; 9A4. Texas Roadhouse, 3231 South 24th Street (contingent on CO). Unanimous.

Walsh reminded everyone to have your voice heard by voting on Tuesday, many State Offices will be decided with this vote. Belt concurred with Walsh's comment, exercise the right to vote.

Belt also wished all the trick-or-treaters a safe and Happy Halloween.

Branigan mentioned you could vote early at the Pottawattamie County Courthouse instead of waiting until Tuesday.

Mayor Hanafan recognized three teams in the State playoffs on Wednesday, Saint Albert, Abraham Lincoln and Lewis Central; it's a successful story and a job well done.

ADJOURNMENT

Branigan and Head moved and seconded adjournment at 7:38 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:

Marcia L. Worden, City Clerk