

**CALL TO ORDER**

A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan on Monday, November 14, 2011 at 7:00 p.m.

**ATTENDANCE**

Council Members present: Lynne Branigan, Sheryl Garst, Melissa Head, Matt Walsh and Sharon White. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.

**CONSENT AGENDA**

Head and Walsh moved and seconded approval of the consent agenda, Branigan and Walsh moved to delete Items 6A and 6B from the agenda. Unanimous.

**PUBLIC HEARING CD/ Planning Recommendation**

Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.070, by rezoning Lot 1, except City Block 32, Brown's Subdivision, located at 3501 9<sup>th</sup> Avenue, from R-2/Two Family Residential District to AP/Administrative-Professional District as set forth and defined in Chapters 15.09 and 15.23. Branigan and Garst moved and seconded, supporting the Community Development/Planning Commission's recommendation to deny the zoning item. Zoning issue fails. Unanimous.

**ORDINANCES ON FIRST READING Ordinance 6141**

Branigan and Walsh moved and seconded approval, amending Chapter 8.56 "Obstructing Justice" by enacting a new Section 8.56.055, to be entitled "False Information" and setting a Public Hearing for November 28, 2011 at 7:00 p.m. Heard from Don Angerth, 304 Glen Avenue, President of the Pottawattamie County Landlord Association, who felt the ordinance was retaliatory and against landlords. Heard from Roger Wahl, 20585 Greenview Road, who mentioned the ordinance, should also require City employees to be truthful while working with individuals. Heard from Conald Petersen, House 19, Park Circle. Branigan mentioned the ordinance doesn't single out landlords but any individual that submits any form of application; it's broader than just rental properties. Head noted she was concerned the forms were very intense; someone may unknowingly submit false information and could potentially be prosecuted. Walsh mentioned in the banking world, businesses are held to a higher standard landlords are in the business to earn a living and certain requirements are associated with that, one thing is rental registry. If people intentionally falsify their information, the City can come back and say false information was supplied, Walsh noted some things may need to be worked out. White mentioned there is no ordinance on record regarding accountability and is concerned with rental inspections and whether things are done initially or not, intent is the key word. Garst added the language is a little overreaching; the problem is people falsifying documents, it' misuses the form. The problem needs to be worked through and added possibly going back and having the rental inspections done by an inspector. Voice Vote: 3 Ayes; 2 Nays (Garst, Head).

Ordinance 6142

Walsh and Head moved and seconded approval, amending Chapter 15.18 "Planned Commercial District" by amending Section 15.18.030 "Conditional Uses" to add "Auction" as a "Conditional Use" and set a Public Hearing for November 28, 2011 at 7:00 p.m. Walsh noted the last vote on this item was 3/2 against and Walsh had no strong opinion although his thought was that no auction items should be allowed outside and added it can't be done without a zoning change. Branigan mentioned the mall businesses were unhappy with having a potential auction house at the mall . . . and felt General Growth was performing a disservice to the entire community by raising rent and will be voting against this ordinance. Voice Vote: 4 Ayes; 1 Nay (Branigan).

**RESOLUTIONS Resolution 11-235**

Branigan and Garst moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement for Emergency Sanitary Sewer Repair with TAB Construction for Flood Recovery Project No. 9, Westlake. Unanimous.

Resolution 11-236

Head and White moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement for Emergency Street Repair with MFT Construction for Flood Recovery Project No. 10, North 25<sup>th</sup> Street. Unanimous.

- Resolution 11-237 White and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement for Emergency Storm Sewer Repair with Bluffs Paving & Utility, Inc. for Flood Recovery Project No. 12, River Road. Unanimous.
- Resolution 11-238 Head and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction, Inc. for Flood Recovery Project No. 13, 2500 Block of 4<sup>th</sup> Avenue. Unanimous.
- Resolution 11-239 Branigan and Head moved and seconded approval, authorizing the City Clerk to certify the 2011 Water, Sewer and Refuse Liens to the Pottawattamie County Treasurer. Unanimous.
- Resolution 11-240 White and Head moved and seconded approval, officially designating the City Council meeting dates for the calendar year of 2012. Unanimous.
- Resolution 11-241 White and Garst moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Schemmer & Associates in connection with South 32<sup>nd</sup> Street Rehab., Phase II, FY 13-14. Unanimous.
- Resolution 11-242 Walsh and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Snyder & Associates, Inc., for engineering services in connection with the South 1<sup>st</sup> Street Neighborhood Rehab., Phase III, FY13-12. Unanimous.
- Resolution 11-243 Garst and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the Missouri River Levee Relief Wells, FY12-06. Voice Vote: 4 Ayes; Abstention (White).
- Resolution 11-244 Walsh and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the North 31<sup>st</sup> Street Rehab., Phase V, FY12-12. Voice Vote: 4 Ayes; 1 Abstention (White). Mayor Hanafan indicated when a Council Member has a conflict of interest on an item; the Council Member abstains from the vote.
- Resolution 11-245 Branigan and White moved and seconded approval, establishing the Policy and Procedures for procurement of engineering services in connection with Emergency Response and Disaster Recovery. Unanimous.
- Resolution 11-246 Walsh and White moved and seconded approval, authorizing the annual appropriation of TIF Rebate Grants to Council Bluffs Retirement, LLC, 117 Pearl Street LLC, Marketplace Development LLC and Bass Pro Trustee Account. Unanimous.
- Resolution 11-247 White and Head moved and seconded approval, approving a Post-Issuance Compliance Policy regarding General Obligation Bonds. Unanimous.
- Resolution 11-248 Branigan and Head moved and seconded approval, setting a Public Hearing for November 28, 2011 at 7:00 p.m. regarding the Annual Certification of Debt for Hawkeye Heights, Original 1983 Downtown Mall, Mid-America Convention Center and Marketplace Urban Renewal Areas. Unanimous.
- Resolution 11-249 Walsh and Head moved and seconded approval, approving a plat of survey for the purposes of establishing a real estate tax parcel and not for purposes of conveyance for the property commonly referred to as 1751 Madison Avenue. Unanimous.
- Resolution 11-251 Head and Garst moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Landscape Unlimited for the 9<sup>th</sup> Hole Renovation project at Dodge Riverside Golf Course. Unanimous.
- Resolution 11-252 Branigan and Head moved and seconded approval, authorizing the Mayor to submit a notice of interest for the Hazard Mitigation Grant Program funding through the Iowa Homeland Security and Emergency Management Division. Unanimous.
- MAYOR'S APPOINTMENTS** Garst and Head moved and seconded approval, appointing John Meyers and Bobbie Nielsen to the Municipal Housing Agency with terms expiring July 31, 2013. Unanimous.

**RECEIVE AND  
FILE ITEMS**

Garst and Head moved and seconded approval of Receive and File Items 8A-E. A. Annual Street Finance Report (Resolution 11-250); B. Fund Balance Activity (October 2011); C. List of Bills (October 2011); D. Notices of Claim (2); E. Notice of Right of Redemption (1). Unanimous.

**APPLICATIONS  
FOR PERMITS &  
CANCELLATIONS**

Head and Branigan moved and seconded approval of Renewal Beer/Liquor/Wine and Outdoor Permit Applications regarding Items 9A (1&3). 1. Broadway Joe's, 3400 West Broadway; 3. The Party Pantry, 430 South 35<sup>th</sup> Street. Unanimous. Walsh and Head moved to post-pone Item 9A (2) regarding Main Street Tavern, 519 South Main Street until November 28, 2011 at 7:00 p.m. to gain additional information from the Police Department regarding this renewal application. Unanimous.

Heard from Tom Hill, FEMA Community Relations Manager and Henry Ricco Parazo, FEMA Outreach Program, who spoke with 280 residents about participating in the FEMA relief program. Parazo encouraged individuals to register on-line, by calling 800-621-3362 or by visiting the disaster recovery center on the Lakin Campus. Mayor Hanafan thanked Hill and Parazo for their work informing individuals to register their flood damage, the deadline to register is December 19, 2011.

Walsh mentioned it was a pleasure to serve with four Councilwomen; two better people couldn't have been selected to serve on the Council. Walsh added Sharon White will remain on the Council and is unhappy Sheryl will no longer be a member of Council. Walsh thanked Garst for her service to the City. Walsh presented Garst with a certificate for her time served as Council Member.

Garst mentioned she was fortunate for the opportunity to serve as a Council Member and hi-lited the years events. First the last term abortion issue, Gabby Gifford was attacked and a resolution was passed regarding firearms in City buildings, a new found respect gained by working with the Landlord Association, then an email was received in May regarding the unprecedented amount of water coming our way in one to two weeks. Garst thanked Public Works, Greg Reeder and staff for their work not only this year but last year in having the foresight to keep the levees strong, another opportunity was to negotiate with two Fortune 500 companies; Garst added she'd like to continue her service to the community in the future.

Walsh and White requested a 10-minute recess at 7:39 p.m. Unanimous. The meeting was resumed at 7:45 p.m.

Branigan wished everyone a Happy Thanksgiving. Branigan thanked all for their votes and support during the election and looks forward to serving with Sharon and newly elected Nate Watson.

White thanked voters for their support, noting she enjoyed working with all Council Members.

Head also wished all a Happy Thanksgiving.

**ADJOURNMENT**

Branigan and Head moved and seconded to adjourn at 7:47 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.

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Thomas P. Hanafan, Mayor

Attest:

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Marcia L. Worden, City Clerk