

## **RECORD OF PROCEEDINGS**

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- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan, on Monday, November 28, 2011 at 7:00 p.m.
- ATTENDANCE** Council Members present: Lynne Branigan, Melissa Head, Matt Walsh and Sharon White. Staff present: Richard Wade, City Attorney and Jodi Quakenbush, Administrative Secretary.
- CONSENT AGENDA** Branigan moved to approve of the consent agenda Items 3A-3G and delete item 6A from the agenda, seconded by Head, unanimous.
- PUBLIC HEARINGS**  
Resolution 11-258 Held Public Hearing, authorizing the Annual Certification of Debt and directing the filing of the certification report with Pottawattamie County for Hawkeye Heights, Original 1983 Downtown Mall, West Broadway, Mid-America Convention Center, Playland Park, and Marketplace Urban Renewal Areas. Walsh mentioned these are past projects that annually we have to certify the debt. Walsh and White moved and seconded approval. Unanimous.
- Ordinance 6141 Held Public Hearings, amending Chapter 8.56 "Obstructing Justice" by enacting a new Section 8.56.055, to be entitled "False Information. Heard from Carla Limmer, 3010 Avenue J, who believes the ordinance is unconstitutional and is not in favor of this ordinance. Heard from Roger Wall, 20858 Greenview Road, speaking against the ordinance. Heard from Don Angeroth, 304 Glen Avenue, speaking against the ordinance. Walsh commented that it just makes good common sense to have an ordinance that you can't lie. White mentioned she was surprised that there wasn't already a law saying you can not intentionally put false information on a form. Branigan believed this is in the best interest of the City and residents. It does not just affect landlords. Head disagrees with this ordinance and thinks we need a rule to prevent false information, but has concerns the forms for the landlords are too difficult. Walsh and Branigan moved and seconded approval. Voice Vote: 3 Ayes, 1 Nay (Head)
- Ordinance 6142 Held Public Hearing, Walsh and Head moved and seconded approval, per staff recommendations, amending Chapter 15.18 "Planned Commercial District" by amending Section 15.18.030 "Conditional Uses" to add "Auction" as a "Condition Use". Heard from Carla Limmer, 3010 Avenue J, speaking in favor of this ordinance. Heard from Kerry Namanny representing Good Buys Auction House. Walsh said the staff recommendation includes only indoor, more time is needed to review the new language regarding outdoor activity. Brangian commented that she will continue to oppose this ordinance and that she has talked with several businesses in the Mall that are not in favor of this ordinance. Voice Vote: 3 Ayes, 1 Nay (Branigan)
- Resolution 11-259 Held Public Hearing, White and Head moved and seconded approval, authorizing disposal of excess City property vacated by Ordinance 4617, dated August 27, 1984. Unanimous.
- ORDINANCES ON FIRST READING**  
6143 Branigan and Head moved and seconded approval, establishing the Indian Creek South Urban Revitalization Area within the City of Council Bluffs and setting a Public Hearing for December 12, 2011 at 7:00 p.m.. Unanimous.
- RESOLUTIONS**  
Resolution 11-261 White and Head, moved and seconded, authorizing the Mayor to execute a development agreement with 510 Bluff Street Limited Liability Company detailing local financial commitments for the rehabilitation of 510 Bluff Street (Kim Gym), including approval of the use of \$200,000 in EDI funds. Unanimous.
- Resolution 11-262 Head and White, moved and seconded, the intent to grant pre-approval of property tax abatement for 510 Bluff Street Limited Liability Company on improvements to property located on Lots 1-6, Block 6, Jacksons Addition, in the Bluff Street Urban Revitalization Area. Walsh mentioned that he is not in favor of the 100% tax abatement and that he would be more inclined to something in the neighborhood 80%. Voice Vote: 3 Ayes, 1 Nay (Walsh)
- Resolution 11-263 Walsh and Branigan, moved and seconded approving the allocation of \$132,300 in 2009 HOME funds and \$164,376 in 2010 HOME funds. Unanimous.
- Resolution 11-264 Walsh and Head, moved and seconded, granting preliminary plan approval for a 10 lot subdivision to be known as Beacon Place Subdivision. Unanimous
- Resolution 11-265 White and Walsh, moved and seconded, authorizing the Mayor to execute a subdivision agreement between the City of Council Bluffs, Iowa and Neighborhood Works Omaha for a development to be known as Beacon Place Subdivision. Unanimous.
- Resolution 11-266 Walsh and Head, moved and seconded, approving the Water Works Board of Trustees 2012 Budget. Voice Vote: 3 Ayes, 1 Nay (Branigan)

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Resolution 11-267 Walsh and Branigan, moved and seconded rejecting all bids submitted for the Flood Recovery Project No. 16 Emergency Sewer System Cleaning Pump Stations. Walsh mentioned this is part of the flood recovery clean-up. We only had one bidder, hoping to get a more competitive bid process. Unanimous.

Resolution 11-268 Branigan and Head, moved and seconded, authorizing the Mayor and City Clerk to execute and agreement with Hydro-Klean, LLC for Flood Recovery Project No. 15 Emergency Sewer System Cleaning Project locations. Unanimous.

Resolution 11-269 White and Head, moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with GBA in connection with the N. 28<sup>th</sup> Street Storm Water Pump Station Rehab. Unanimous.

**MAYOR'S APPOINTMENTS**

Walsh and Branigan moved and seconded to concur with Mayor's Appointments 7A-7F. 7A Zoning Board of Adjustment Appointments: Memory Mescher with the term expiring April 1, 2016, 7B Council Bluffs Arena & Convention Center Commission Reappointments: Sue Ellen Overton and Bo Guidry with terms expiring July 1, 2016, 7C Historic Preservation Commission Reappointments: Roxanne Johnson, Sally Madsen & Matt Johnson with terms expiring December 31, 2014, 7D Local Board of Health Reappointments: Dr. Barbara Lee & Kirk Madsen with terms expiring December 31, 2014, 7E Community Development Advisory Committee Reappointments: Matt Madsen & Richard Heininger with terms expiring December 31, 2015, 7F Enterprise Zone Commission Appointments: William Stazzoni & Mary Warren with terms expiring June 30, 2013. Unanimous.

Walsh and Branigan, moved and seconded approval of Mayor's Appointment, 7G Enterprise Zone Commission Reappointment: Melissa Head with the term expiring June 30, 2013. Voice Vote: 3 Ayes, 1 Abstention (Head)

**RECEIVE AND FILE ITEMS**

Walsh and Head moved and seconded approval of Receive and File Item 8A, Notices of Claim (2). Unanimous.

**APPLICATIONS FOR PERMITS & CANCELLATIONS**

Head and Branigan moved and seconded approval of Renewal Applications for Beer/Liquor & Wine Permits: Items 9A (1-2). 9A1 Breakaway Bar, 1503 Avenue C, 9A2 Pizza King, 1101 North Broadway. Unanimous. Branigan and White moved and seconded to postpone Item 9B (1) regarding Main Street Tavern, 519 South Main Street until December 12, 2011 at 7:00 p.m. to gain additional information from the Police Department regarding this renewal application. Unanimous.

**CITIZEN'S REQUEST TO BE HEARD**

Heard from Conald Petersen, House 19, Park Circle.

**ADJOURNMENT**

Walsh and Head moved and seconded adjournment at 7:44 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.

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Thomas P. Hanafan, Mayor

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Attest: Jodi Quakenbush, Admin. Sec.