

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, December 13, 2010 at 7:00 p.m.
- ATTENDANCE** Council Members present: Scott Belt, Melissa Head, Matt Schultz and Matt Walsh. Absent: Council Member, Lynne Branigan. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
- CONSENT AGENDA** Belt and Walsh moved and seconded approval of the consent agenda. Unanimous.
- PUBLIC HEARINGS**
- Resolution 10-341 Held Public Hearing, authorizing disposal of City owned property described as the east 16.66' of Lot 7, Block 2, Thompson's Addition. Heard from Peter Slater, 1416 Avenue M, speaking in favor of the disposal. Belt and Walsh moved and seconded approval. Unanimous.
- Resolution 10-342 Held Public Hearings, authorizing the City to dispose of approximately 1.031 acres by granting an easement to MidAmerican Energy. Walsh and Schultz moved and seconded approval. Unanimous.
- Resolution 10-343 Held Public Hearing, authorizing disposal of City owned property described as Lots 1 through 5, except City right-of-way, and the north ½ of the vacated alley adjacent, Block 10, Mullin's Subdivision. Heard from Bryan Hartman, 13321 California Street, representing RMR Enterprises, requesting continuation of the Public Hearing until January 10, 2011. Walsh and Head moved and seconded continuation of the Public Hearing until January 10, 2011, at 7:00 p.m. Unanimous.
- Resolution 10-344 Held Public Hearing, determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an urban renewal project; and adopting the River Road Urban Renewal Plan. Belt and Walsh moved and seconded approval. Unanimous.
- Resolution 10-345 Held Public Hearing, determining an area of the City to be a blighted area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an urban renewal project; and adopting the Franklin Avenue Urban Renewal Plan. Walsh and Head moved and seconded approval. Unanimous.
- ORDINANCES ON FIRST READING**
- 6116 Walsh and Belt moved and seconded approval, amending Chapter 15.18 "P-C Planned Commercial District" by amending Section 15.08.030 "Conditional uses", to allow "Day care services" as a conditional use in Planned Commercial Districts, and by amending the reference to conditional use authority and procedures from Chapter 15.27 to Chapter 15.02, setting a Public Hearing for January 10, 2011, 7:00 p.m. Unanimous.
- Ordinance 6117 Walsh and Belt moved and seconded approval, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property located at 1406 7th Avenue, from R-3/Low Density Multi-Family Residential to I-1/Light Industrial, as set forth and defined in Chapters 15.10 and 15.20 and setting a Public Hearing for January 10, 2011 at 7:00 p.m. Unanimous.

RECORD OF PROCEEDINGS

Ordinance 6118 Belt and Walsh moved and seconded approval, providing that general property taxes levied and collected each year on all property located within the River Road Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Iowa Western Community College, Council Bluffs Community School District, Loess Hills Area Education Agency 13, and other taxing districts, be paid to a special fund for payments of principal and interest of loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the River Road Renewal Area. Unanimous.

Ordinance 6119 Walsh and Belt moved and seconded approval, providing that general property taxes levied and collected each year on all property located within the Franklin Avenue Urban Renewal Area, in the City of Council Bluffs, County of Pottawattamie, State of Iowa, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Iowa Western Community College, Lewis Central Community Schools, Loess Hills Area Education Agency 13, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Franklin Avenue Urban Renewal Area. Unanimous.

Ordinance 6120 Belt and Walsh moved and seconded approval, amending Chapter 15.03 "Definitions" by amending Section 15.08.048A "Automobile sales and rental" to exempt motorcycle and other small equipment sales from the minimum lot size requirement and setting a Public Hearing for January 10, 2011 at 7:00 p.m. Walsh directed staff to clarify the minimum lot size requirement. Unanimous.

**ORDINANCES ON
SECOND READING
6114**

Walsh and Head moved and seconded, continuing 2nd reading of Ordinance 6114 until the January 10, 2011, amending Chapter 9.40 "Loading Zone" by amending Section 9.40.010 "Authority of traffic engineer – Unlawful stopping or parking" and Section 9.40.040 "Loading Zone". Walsh noted the traffic engineer was trying to update the old code which referenced Sears; further discussion is needed prior to passage of the ordinance. Voice Vote: 3 Ayes; 1 Nay (Schultz).

**ORDINANCE ON 3rd
READING 6113**

Walsh and Belt moved and seconded approval, amending Title 17, entitled "Housing" amending Chapter 17.09 "Inspections". Walsh mentioned Iowa cities with populations of 50,000 or more need a rental inspection program. A self inspection program was instituted landlords inspected properties for health and life safety issues and determined if they were in compliance. The City's inspectors would collect that data and re-inspect or complete an inspection due to a complaint. A new comprehensive form was developed by the new Building Official in an effort to minimize costs to the City and the landlords. Walsh and Head moved and seconded to receive and file documents from Ms. Limmer. Heard from the following individuals regarding the ordinance amendment. Carla Limmer, 3010 Avenue J. Belt and Schultz moved and seconded to receive and file documents from Mr. Lemon. Heard from Randy Lemon, 1541 Jennings Road, requesting a delay in passage of Ordinance 6113. Belt and Head moved and seconded to receive and file an item from Mr. Angeroth. Heard from Don Angeroth, 304 Glen Avenue, President of the Landlord Association. Walsh indicated the City needs an inspection program that provides results that are dependable and reliable. Walsh and Head moved to postpone action on Ordinance 6113 until January 10, 2011 at 7:00 p.m. Head thanked the Landlord Association, noting their input helps Council make decisions. Mayor Hanafan mentioned Council Bluffs is the only City in the State that has self inspections and that Steve Carmichael, Chief Building Official, is trying to update the system and make the process more efficient. Voice Vote: 3 Ayes; 1 Nay (Belt).

RECORD OF PROCEEDINGS

- Ordinance 6111 Belt and Walsh moved and seconded approval, repealing Ordinance No. 5362 which approved the Tax Increment Financing District for the Bennett Avenue Urban Renewal Area. Unanimous.
- Ordinance 6112 Belt and Head moved and seconded approval, repealing Ordinance No. 5416 which approved the Tax Increment Financing District for Featherstone Apartments Urban Renewal Area. Unanimous.
- RESOLUTIONS**
- Resolution 10-348 Walsh and Belt moved and seconded approval, authorizing the Mayor to execute a contract between the City and the Iowa Department of Economic Development to accept a grant not to exceed \$50,000 to update the Council Bluffs Comprehensive Plan. Unanimous.
- Resolution 10-349 Belt and Head moved and seconded approval, authorizing the Mayor to execute an agreement with HGM Associates, Inc., for engineering and survey services in connection with the Nash Boulevard redevelopment project. Unanimous.
- Resolution 10-350 Belt and Head moved and seconded approval, dissolution of the position of Assistant Finance Director and corresponding establishment of the position of City Controller. Unanimous.
- Resolution 10-351 Belt and Head moved and seconded approval, authorizing the Mayor to execute a contract with Wapsi Valley Archeology, Inc., to conduct archeology investigations in accordance with Section 106 of the National Preservation Act of 1966. Unanimous.
- Resolution 10-352 Belt and Head moved and seconded approval, authorizing the Mayor To execute the Order Accepting the Acknowledgement/Settlement Agreement from Bucky's Express #16 for a violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 10-353 Schultz and Head moved and seconded, the removal of Resolution 10-353 from the agenda, amending the City of Council Bluffs nomination pool for the Board of the Iowa West Foundation. Unanimous.
- Resolution 10-354 Walsh and Head moved and seconded approval, authorizing the Mayor to execute a contract between the City of Council Bluffs, Iowa, and Liberty Bank for the City's banking service requirements for the period of January 1, 2011 through December 31, 2014. Unanimous.
- Resolution 10-355 Walsh and Head moved and seconded approval, authorizing City officials to endorse checks, notes, drafts, bill of exchange, and acceptances on behalf of the City of Council Bluffs in connection with its account at Liberty Bank. Unanimous.
- RECEIVE AND FILE ITEMS**
- Walsh and Belt moved and seconded approval of Receive and File Items 9A–9F: 9A. 2010 City Annual Financial Report; 9B. Fund Balance Statement, November 30, 2010; 9C. List of Bills, October 30, 2010; 9D. Notices of Claim (7); 9E. Notice of Right of Redemption (1); 9F. Revenue & Expenditures, Oct and November, 2010. Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS**
- Belt and Walsh moved and seconded approval of New & Renewal Applications for Beer/Liquor & Wine Permits regarding Items 10A (1-10). 10A1. Broadway Joe's, 3400 West Broadway; 10A2. Darrah's, 3607 9th Avenue; 10A3. 1892 German Beer Haus, 136 West Broadway; 10A4. Johnny's Cantina, 1851 Madison Avenue; 10A5. Kitchen Emporium & Wine Shop; 10A6. Main Street Tavern, 519 South Main Street; 10A7. The Party Pantry, 430 South 35th Street (new); 10A8. Target Store, 3804 Metro Drive; 10A9. U-Stop #19, 1928 Sherwood Drive; 10A10. U-Stop #20, 701 32nd Avenue. Unanimous.

RECORD OF PROCEEDINGS

**CITIZEN REQUESTS
TO BE HEARD
ADJOURNMENT**

Heard from Pastor, Lonnie Parton, 2111 23rd Avenue, regarding the proposed Carhart clinic, requesting a resolution be drafted banning late term abortions in Council Bluffs. Schultz mentioned he hoped the next City Council would continue their support regarding this issue.

Schultz mentioned he learned a lot during the last five years as a Council Member and thanked the citizens for the opportunity to serve in Council Bluffs and as the Secretary of State.

Head wished Belt and Schultz good luck in their new positions as a Board of Supervisor and Secretary of State.

Belt thanked the Public Works Department for a job well done during Saturday's storm. Belt mentioned he was a Commission Member of the Parks Board for ten plus years and a City Council Member for twelve years and enjoyed his time working with the City. Belt wished all the citizens a safe and Merry Christmas.

Walsh congratulated Council Member's Belt and Schultz on their new positions and thanked them for their years of service as Council Member's.

Mayor Hanafan presented a certificate of appreciation to Schultz noting he was a young man that got involved, worked hard and was elected the youngest Secretary of State.

Hanafan mentioned he appointed Belt to the Parks Board, noting Scott got involved by putting his heart and soul in the community, Belt was then presented a certificate of appreciation by Mayor Hanafan.

The Mayor thanked employees and City staff for their hard work and service during the year. Hanafan also noted Council Bluffs is a great place and wished everyone a great holiday.

Schultz and Belt moved and seconded adjournment at 8:07 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