

**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, May 24, 2010 at 7:00 p.m.

**ATTENDANCE** Council Members present: Scott Belt, Melissa Head, Matt Schultz and Matt Walsh. Absent: Lynne Branigan. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.

**CONSENT AGENDA** Belt and Walsh moved and seconded the approval of the consent agenda. Belt and Walsh moved and seconded, amending the agenda by deleting Items 8G and 8J. Unanimous. Vote on original motion as amended. Unanimous.

**PUBLIC HEARINGS** Held Public Hearing, approving the Urban Revitalization Plan for the Bluff Street Urban Revitalization Area. Walsh and Head moved and seconded approval. Heard from Julie Stuvneak, 142 West Broadway, and developer of the project. Unanimous.

Resolution 10-160

Resolution 10-161 Held Public Hearing, approving the Urban Revitalization Plan for the Pine Ridge Urban Revitalization Area. Walsh and Head moved and seconded approval. Heard from Julie Stuvneak, 142 West Broadway, and developer of the project. Unanimous.

Resolution 10-162 Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the Stormwater Relief Wells. Belt and Head moved and seconded approval. Unanimous.

Resolution 10-163 Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the South 32<sup>nd</sup> Street Sanitary Sewer Improvements – Phase I. Belt and Head moved and seconded approval. Unanimous.

**ORDINANCES ON FIRST READING** Belt and Head moved and seconded approval, establishing the Bluffs Street Urban Revitalization Area within the City of Council Bluffs. Unanimous.

Ordinance 6087

Ordinance 6088 Belt and Head moved and seconded approval, establishing the Pine Ridge Revitalization Area within the City of Council Bluffs. Unanimous.

**ORDINANCE ON SECOND READING** Walsh and Belt moved and seconded approval, amending Chapter 3.62 “Transient Merchants” by amending Section 3.62.100 “Prohibited acts”, to prohibit solicitations at residences where owners have posted signs. Belt questioned if the motion was to accept the information received at the Study Session. Wade indicated the information distributed at the Study Session was an opinion and the current Ordinance exempts these groups due to other sections in the chapter which gives the exemption. Walsh asked if the ordinance would be more restrictive if the groups were non-exempt and would additional readings be required. Walsh continues with a final question asking what the process would be if the Council wanted to make the groups non-exempt. Wade noted two other restrictions in the chapter would need to be addressed (1) 501C(3) organizational exemptions and (2) school fund-raising activities, and a separate ordinance would be appropriate. Walsh indicated he’d give consideration to a new ordinance that would prohibit any door to door sales where a sign was posted. Head concurred with Walsh’s statement noting the majority of door to door sales come from the exempted groups. Schultz requested Wade’s legal opinion referencing the ordinance as proposed, the ordinance does include the exceptions even though it’s not written in the ordinance. Wade indicated yes, there are other sections in the code that specifically exempt those types of organizations from this entire chapter. Schultz asked for clarification, if the Boy Scouts were prohibited, the specific section would need to be amended to remove the exception. Wade indicated you could allow the exception to take place so they don’t have to go through the steps of the transient merchant license but not make them exempt from this specific provision, which is if a sign is posted it would apply to them as well. Unanimous. Ordinance 6082 moves to third consideration as written.

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**ORDINANCES ON  
THIRD READING**  
Ordinance 6079

Belt and Walsh moved and seconded approval, amending the zoning map, as adopted by reference in Section 15.02.040, by changing the district designation of a 9.62 acre parcel of land, previously known as 14211 Valley View Drive, located east of Valley View Drive and northeast of Harry Langdon Boulevard/Wabash Avenue, from R-1/Single Family Residential to R-1/Single Family Residential Estates, as set forth and defined in Chapters 15.08B and 15.08A. Unanimous. Ordinance 6079 passes into law.

Ordinance 6080

Belt and Walsh moved and seconded approval, amending the zoning map, as adopted by reference in Section 15.02.040, by changing the district designation of the former Kim Gym at 510 Bluff Street, from R-1/Single Family Residential District to A-P/Administrative Professional District, as set forth and defined in Chapters 15.08B and 15.13. Unanimous. Ordinance 6080 passes into law.

Ordinance 6081

Belt and Head moved and seconded approval, amending Chapter 15.05 "A-2/Parks, Estates and Agricultural District, by amending Section 15.05.020 "Principal uses". Unanimous. Ordinance 6081 passes into law.

**RESOLUTIONS**  
Resolution 10-164

Belt and Head moved and seconded approval, authorizing the acquisition of vacant lots owned by Adair Holdings LLC, located in the 2600 and 2700 block of South 15<sup>th</sup> Street. Unanimous.

Resolution 10-165

Belt and Head moved and seconded approval, authorizing the acquisition of 128 and 130 North 40<sup>th</sup> Street as part of the Playland Redevelopment Project. Unanimous. Executive Session was held on May 10, 2010 regarding this item.

Resolution 10-166

Belt and Walsh moved and seconded approval, amending the Planned Commercial Development Plan for Metro Crossing Subdivision, related to signage. Unanimous.

Resolution 10-167

Belt and Head moved and seconded approval, authorizing a Finance staff realignment that (1) authorizes the establishment of a permanent part time Account Clerk I for an average of 18 hours per week and (2) authorizes an Internship Program for approximately 800 hours per year. Unanimous.

Resolution 10-168

Belt and Head moved and seconded approval, authorizing the Mayor to submit an application to the Iowa Department of Natural Resources for a Resource Enhancement and Protection Program (REAP) Grant and to enter into a contract if approved. Unanimous.

Resolution 10-169

Belt and Head moved and seconded approval, authorizing the Mayor to submit an application to the Iowa Department of Cultural Affairs for a Great Places Grant and to enter into a contract if approved. Unanimous.

Resolution 10-171

Belt and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Carley Construction, LLC, for the 32<sup>nd</sup> Avenue Storm Sewer Project (S. 11<sup>th</sup> Street to S. 7<sup>th</sup> Street). Unanimous.

Resolution 10-172

Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with R.D. Blue Construction, Inc., for the South 13<sup>th</sup> Street Improvements – Phase V. Unanimous.

Resolution 10-174

Belt and Head moved and seconded approval, accepting the work of Andersen Construction Company in connection with the Stormwater Relief Wells and authorizing the Finance Director to issue a City check in the amount of \$13,533.03. Unanimous.

Resolution 10-178

Walsh and Schultz moved and seconded approval, amending the job title of Clerk Typist to Secretary in the Operations Division of the Public Works Department effective June 12, 2010. Unanimous.

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**MAYOR'S  
APPOINTMENTS**

Belt and Walsh moved and concurred with the Mayor's recommendation regarding Item 9A. Appoint, Greg Andersen, Sr. to the Citizen/Police Advisory Board with a term expiring Oct. 27, 2012 and Greg Andersen, II, to the Citizen/Police Advisory Board with a term expiring October 27, 2014; and Item 9B. Reappoint Bob Jordan, to the Civil Service Commission with a term expiring April 6, 2014. Unanimous.

**RECEIVE & FILE  
ITEMS**

Belt and Walsh moved and seconded approval of Receive and File Items regarding Items 10A – 10F. 10A. Cash Balance Statement, April 30, 2010; 10B. List of Bills, April 30, 2010; 10C. IDOT Official Notices (2); 10D. Notice of Claim (1); 10E. Notices of Right of Redemption (2); 10F. Offer to Buy (1). Unanimous.

**APPLICATIONS  
FOR PERMITS &  
CANCELLATIONS**

Belt and Head moved and seconded approval of an Outdoor Service Privilege Application regarding Item 11A. T'z, 128 West Broadway (contingent on Dept. approvals); and Item 11B. Special Event Permit: Parade, Queen of Apostles Church, Corpus Christie Procession (June 6, 2010). Unanimous.

Heard from John Sneller, 737 Mynster Street, Indian Creek Neighborhood Association President.

Heard from Steve File, 628 16<sup>th</sup> Avenue, in favor of Ordinance 6086 "outdoor dining" regarding outdoor smoking areas. Walsh mentioned this was the first reading and there may be additional changes to the Ordinance prior to it being passed.

Belt wished everyone a happy and safe Memorial Day.

**ADJOURNMENT**

Belt and Head moved and seconded adjournment at 7:24 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

ATTEST:

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Marcia L. Worden, City Clerk