

**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 9, 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** Branigan moved and Head seconded approval of the consent agenda. Unanimous.
- MAYOR'S PROCLAMATION** Mayor Hanafan presented a proclamation to Cal Petersen designating May as *National Preservation Month*.  
  
Mayor Hanafan also recognized *May 15-21, 2011 as National Public Works Week*. Expressed his thanks to all the Public Works employees for a wonderful job they do all year long.
- PUBLIC HEARINGS** Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 34<sup>th</sup> Avenue Reconstruction Project, FY12-16. Walsh moved and Garst seconded approval. Unanimous.
- Resolution 11-106
- Resolution 11-107 Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the River Road Pump Station and Storm Outfall Project, FY12-11A. Walsh moved and White seconded approval. Unanimous.
- Ordinance 6126 Held Public Hearing, rezoning Lots 202 through 261, The Hills of Cedar Creek, Phase I from R-3/Low Density Multi-Family Residential to R-1/Single Family Residential. Branigan moved and Head seconded approval. Unanimous. Walsh motioned to waive 3<sup>rd</sup> and Branigan seconded approval. Unanimous. Ordinance 6126 passed into law.
- Ordinance 6127 Held Public Hearing, amending Chapter 15.03 "Definitions" by amending Section 15.03.340 "Home Occupation" to help respond to inquiries and better enforce home occupation activities. Heard from Don Angerth, 304 Glen Avenue, in favor of the definition change. Carla Limmer, 3010 Avenue J, commented that the changes were unnecessary. Walsh indicated the intent was to clarify how service businesses are to operate out of their homes, but under certain restrictions to protect the integrity of neighborhoods. Larry Pracht, 3416 Avenue C, spoke against the ordinance changes. Garst moved for approval omitting 15.24.030(02) regarding detached garages. Walsh mentioned after some clarification it was made clear the definition pertains to a home business and a detached garage would not constitute as an in home business. In theory a business could open an office in the detached garage that would no longer be an in home business, therefore the changes would prevent that. Garst mentioned that this was discussed at study session and at first it does appear to discriminate against an attached garage verses a detached garage, so Council requested clarification of the language. Head commented that she felt there was some confusion with storage verses parking. Branigan mentioned that Community Development thought some rewording would make it more clear and she concurred that clarification was needed. White mentioned clarification is needed to understand the change so it doesn't cover things that it was never intended to change. Motion to postpone by Branigan and seconded by Head. Voice Vote: 4 Ayes, 1 Nay (Walsh).

Ordinance 6128

Held Public Hearing, amending Chapter 15.24 “Supplemental Use and Site Development Regulations”, by amending Section 15.24.030 “Home Occupation” to help respond to inquiries and better enforce home occupation activities. Heard from Don Angeroth, 304 Glen Avenue, commented on his concerns with the ordinance. John Blue, 3409 Avenue C, who has a lawn mowing business and stores his lawn mowing equipment in a detached garage and wanted to know where this ordinance leaves him. Head mentioned situations like yours, is why we asked for clarification. Heard from Carla Limmer, 3010 Avenue J, speaking against the ordinance. Walsh and Branigan moved and seconded to receive and file document from Carla Limmer. Unanimous. Limmer was concerned about equipment storage. Jim Nelson, 102 Shaley Circle, spoke against the ordinance. Megan Youngblood, 21 Shore Acres, commented that she has a detached garage at one of her rental homes that she uses for storage and not allowing her to do that would affect her greatly. Walsh explained that we are getting some clarification on the detached garage situation and that there is some misconception that we want to drive in home businesses out of business and that is not the intent. Larry Pracht, 3416 Avenue C, who spoke against the ordinance. Jeff Griffis, 5 Sundahl Road, wanted to make sure the Council keeps in mind that many larger commercial businesses started as a small in home business. Motion to postpone by White and seconded by Head. Unanimous.

**ORDINANCE ON  
FRIST READING**  
Ordinance 6129

Walsh moved to deny, seconded for discussion by Garst, amending Chapter 3.08 “Beer and Liquor Control” by amending Section 3.08.045 “Exceptions to Section 3.08.040(5), to allow open containers and alcohol consumption until 12:00 a.m. on Fridays and Saturday’s at open air taverns in the C-4 zone. Walsh mentioned that this is a new ordinance and feels 11:00 p.m. is late enough and added noise will be an issue with no way to enforce it. Walsh noted he is opposed to expanding the law. Head mentioned that there were 2 locations open last summer that had no problems. The old market goes until 2 am and though she feels that is too late, expanding our law to midnight seems appropriate. Voice Votes: 2 Ayes, 3 Nays (Branigan, Head & White). Motion to approve by Head, seconded by White. Garst mentioned that we are competing with Omaha and feels this is not a big enough time gap to make a difference and adds the noise will be an issue. Voice Vote: 3 Ayes, 2 Nays (Garst & Walsh).

**ORDINANCES ON  
SECOND  
READING**  
Ordinance 6123

White moved and Head seconded approval, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of approximately six (6) acres located at the southeast corner of State Orchard Road and Cedar Lane from A-2/Parks, Estates and Agricultural District to R-1E/Single Family Residential Estates, as set forth and defined in Chapters 15.05 and 15.08A. Voice Vote: 3 Ayes, 2 Nays (Branigan & Garst). White moved and Head seconded, waiving 3<sup>rd</sup> consideration. Garst mentioned she concurred with the department’s recommendation on this issue. Branigan concurred. Voice Vote: 3 Ayes, 2 Nays (Branigan & Garst). Deborah Peterson spoke to clarify that the ordinance would be on the next agenda for third consideration.

Ordinance 6124

Walsh moved and Head seconded approval, providing that general property taxes levied and collected each year on all property located within the Tract I Industrial Park 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 School District, 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 Tract I Industrial Park Urban Renewal Plan. Unanimous.

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- Ordinance 6125                      Garst moved and Walsh seconded approval, providing that the Targeted Jobs Withholding Credit collected each year in connection with certain property located within the Tract I Industrial Park Urban Renewal Area of the City of Council Bluffs, County of Pottawattamie, State of Iowa, be paid into a designated account in the special fund previously established by Ordinance No. 6124. Unanimous.
- RESOLUTIONS**
- Resolution 11-108                      Walsh moved and Head seconded approval, authorizing the Mayor to execute the Southwest Iowa Foundation (SWIF) Grant Agreement in connection with the West Broadway Corridor. Walsh thanked SWIF, explaining this group of business people created a foundation and have contributed to our community, it's a great partnership with the Southwest Iowa Foundation. Unanimous.
- Resolution 11-109                      Head moved and White seconded approval, authorizing the Mayor to execute a purchase agreement for the acquisition of 4005 Avenue B for the Playland Park Redevelopment project. 4 Ayes, 1 Nay (Branigan). Item 8B, Resolution 11-109 was discussed at Executive Sessions held on April 15, 2011 and May 9, 2011.
- Resolution 11-110                      Branigan moved and Head seconded approval, supporting the application by Plumrose USA for direct financial assistance benefits under the Grow Iowa Values Financial Assistance Program and benefits under the High Quality Jobs Program. Unanimous.
- Resolution 11-111                      Walsh moved and Head seconded approval, authorizing the Purchasing Officer to purchase one (1) wheel loader for the Solid Waste Management Division of the Public Health Department. Unanimous.
- Resolution 11-112                      Garst moved and Head seconded approval, authorizing and certifying the Annual Assessment for the Mosquito Creek Levee Drainage District to the Pottawattamie County Auditor. Unanimous.
- Resolution 11-113                      Branigan moved and White seconded approval, authorizing and certifying the Annual Assessment for the Sieck Levee Drainage District to the Pottawattamie County Auditor. Unanimous.
- Resolution 11-114                      Head moved and Walsh seconded approval, authorizing and certifying the Annual Assessment for the West Lewis Drainage District to the Pottawattamie County Auditor. Unanimous.
- Resolution 11-115                      Branigan moved and Head seconded approval, authorizing the Finance Director to certify the Water, Sewer and Refuse Liens for the period of July 1, 2010 to December 31, 2010 to the Pottawattamie County Treasurer. Walsh and Branigan both agreed that we need to revisit the policies and procedure topic to figure out a better solution for bill paying. Unanimous.
- Resolution 11-116                      Head moved and Branigan seconded approval, approving of the Rails West Train Depot as the location for construction of the Council Bluffs Eagles of Honor Monument and authorizing the Mayor to sign a Memorandum of Understanding. Branigan and Head moved to amend the memorandum of understanding to be named the American Legion Rainbow Post 2 for Legion Riders Bronze Eagle Fund. Heard from Roger Freeze, 519 Delong Avenue, noting the Eagle sculpture has been started. Unanimous. Original motion as amended. Unanimous.

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Resolution 11-117 Branigan moved and Garst seconded approval, the City Council of the City of Council Bluffs, Iowa, authorizing a joint application to the Iowa Department of Economic Development by the City of Council Bluffs and Tyson for direct financial assistance benefits under the Grow Iowa Values Financial Assistance Program. Unanimous.

**RECEIVE AND FILE ITEMS**

Walsh moved and Head seconded approval of Receive and File Items 9A – 9E: 9A. Fund Balance Statement (April); 9B. IDOT Notification Letter; 9C. List of Bills (April); 9D. Notices of Claim (4); 9E. Notice of Right of Redemption. Unanimous.

**APPLICATIONS FOR PERMITS & CANCELLATIONS**

Walsh moved and Head seconded approval of Renewal Applications for Beer/Liquor/Wine/Outdoor & Additional Privilege Applications regarding Items 10A thru 10F: 10A1. Hy-Vee Food Store #1, 2323 West Broadway, 10A2. Pool and Panini, 3139 West Broadway; 10B1. Mid-America Center, One Arena Way; 10C1. Springhill Suites, 3216 Plaza View Drive; 10D1. Salvage Yard License for Arrow Towing, 505 South 15<sup>th</sup> Street; 10E. Four (4) Cigarette Permit Applications; 10F1&2. Special Event Permit Applications: 1. Operation Pride, Inc., d/b/a Celebrate CB! (Parade) and 2. Thomas Thomas Shows (Carnival). Unanimous.

Garst noted on behalf of preservation month, Garst thanked her fellow Council Member's that helped in the clean-up of 201 N. First Street.

Branigan reminded everyone to come out for the Celebrate CB Events.

Walsh shared, the more people that get involved with City government the better it gets. Walsh noted every member on this Council is only interested in doing what is best for Council Bluffs.

Branigan encouraged people to come to the Council meetings, to call and to send emails; comments we receive help make Council Bluffs a better place.

White indicated she has a great appreciation for those willing to be involved in their community. White also mentioned that you can live stream the Council meeting, by going to [www.cbtv17.com](http://www.cbtv17.com). White added she's been attending Citizen's Academy and has learned so much, and encouraged all to attend.

**ADJOURNMENT**

Branigan moved and Head seconded adjournment at 8:27 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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Jodi Quakenbush, Administrative Secretary