

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, June 14, 2010 at 7:00 p.m.
- ATTENDANCE** Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
- CONSENT AGENDA** Branigan and Head moved and seconded the approval of the consent agenda. Unanimous.
- PUBLIC HEARINGS** Held Public Hearing, in support of the Police Department's application for a Justice Assistance Grant (JAG). Branigan and Head moved and seconded approval. Unanimous.
- Resolution 10-181
- Resolution 10-182 Held Public Hearing, instituting proceedings to take additional action for the issuance of not to exceed \$7,200,000 General Obligation Bonds, Series 2010. Walsh and Branigan moved and seconded approval. Unanimous.
- Resolution 10-183 Held Public Hearing, instituting proceedings to take additional action for the authorization and issuance of not to exceed \$230,000 General Obligation Bonds, Series 2010. Head and Walsh moved and seconded approval. Unanimous.
- Resolution 10-184 Held Public Hearing, instituting proceedings to take additional action for the authorization and issuance of not to exceed \$700,000 General Obligation Bonds, Series 2010. Walsh and Schultz moved and seconded approval. Unanimous.
- Resolution 10-189 Held Public Hearing, approving the Plans, Specifications, Form of Contract and Cost Estimate for the Playland Sanitary Sewer Rehabilitation Project. Branigan and Head moved and seconded approval. Unanimous.
- Ordinance 6083 Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of a strip of property (approximately one-half block wide) north of 23rd Avenue from South 21st Street to one-half block east of South 15th Street and property south of 28th Avenue from South 17th Street to one-half block east of South 15th Street (including any abutting vacated right-of-way), from R-2/Two-Family Residential District, C-2/Commercial District, and I-2/General Industrial District, to A-2/Parks, Estates and Agricultural District, as set forth and defined in Chapters 15.09, 15.15, 15.21 and 15.05. Head and Walsh moved and seconded approval. Unanimous. Branigan and Walsh moved and seconded to waive 3rd consideration. Unanimous. Ordinance 6083 passes into law.
- Ordinance 6084 Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040 by changing the district designation of property lying east of I-80 and north of Highway 6/East Kaneshville Boulevard from R-4/High Density Multi-Family Residential with a Planned Residential Overlay to A-2/Parks, Estates and Agricultural; and property lying east of I-80, south of Highway 6/East Kaneshville Boulevard and northwest of the City limits from PC/Planned Commercial to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.11, 15.18 and 15.05. Branigan and Schultz moved and seconded approval. Unanimous. Branigan and Head moved to waive 3rd consideration. Unanimous. Ordinance 6084 passes into law.
- Ordinance 6085 Held Public Hearing, amending Chapter 15.15 "C-2 Commercial District" by amending Section 15.15.020 "Principal uses", to add Funeral Service. Heard from Roger Sawatzke, 229 South Main Street, representing WC Investments, speaking in favor of the change and Bud Kilnoski, also in favor of the project. Branigan and Schultz moved and seconded approval. Unanimous. Belt and Branigan moved and seconded to waive 3rd consideration. Unanimous. Ordinance 6085 passes into law.

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Ordinance 6086 Held Public Hearing, amending Chapter 15.26 "Nonconformities" by amending Section 15.26.030 "Nonconforming uses", to allow the addition of an outdoor areas less than 150 square feet for the purpose of adding an outdoor dining or open air tavern to a pre-existing liquor license establishment without being deemed an enlargement of a pre-existing use; and by amending Sections 15.26.030(4) and 15.26.060 to update the reference from Chapter 15.27 to Chapter 15.02. Walsh and Head moved and seconded approval. Walsh questioned if this ordinance would automatically allow outdoor dining. Wade indicated a new ordinance will be brought forward at the next Council meeting using verbage previously used in areas zoned C-4 regarding hours of operation. Unanimous.

Resolution 10-196 Held Public Hearing, granting final plat approval for a nine lot residential cluster subdivision (with one out lot) to be known as Glen Park Town Homes. Heard from Doug Tweedt, 20659 McPherson Avenue, representing Tweedt Engineering and Construction, requesting no sidewalk in the cove area. Walsh noted a prior Council approximately fifteen years ago allowed contractors to not do sidewalks in his neighborhood and a lady walking her dog in the street had her dog run over. Walsh added it's been his policy to not grant such requests. Walsh and Branigan moved and seconded approval. Unanimous. Walsh noted the final plat may be amended at a later date.

ORDINANCES ON FIRST READING
Ordinance 6089 Walsh and Head moved and seconded approval, amending Chapter 3.08 "Beer and Liquor Control" by amending Section 3.08.190 "Prohibited sales and acts", and by enacting a new Section 3.08.192, to be entitled "Signage requirements". Unanimous.

Ordinance 6090 Walsh and Branigan moved and seconded approval, amending Chapter 8.10 "Alcohol—Possession/Consumption" by amending Section 8.10.010 "Open container", and Section 8.10.020 "Consumption in public places". Unanimous.

ORDINANCES ON SECOND READING
Ordinance 6087 Branigan and Head moved and seconded approval, establishing the Bluffs Street Urban Revitalization Area within the City of Council Bluffs. Unanimous. Belt and Branigan moved and seconded, waiving 3rd consideration. Unanimous. Ordinance 6087 passes into law.

Ordinance 6088 Head and Walsh moved and seconded approval, establishing the Pine Ridge Revitalization Area within the City of Council Bluffs. Unanimous. Moved and seconded, waiving 3rd consideration. Unanimous. Ordinance 6088 passes into law.

ORDINANCE ON THIRD READING
Ordinance 6082 Branigan and Walsh 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. Unanimous. Walsh requested a new ordinance be brought forward that would fully prohibit transient merchant sales at residences where signs are posted. Wade indicated a new ordinance drafted and placed on the June 28th meeting.

RESOLUTIONS
Resolution 10-185 Branigan and Head moved and seconded approval, authorizing the Mayor to execute a contract with Mullin & Lonergan Associates, Inc., for the preparation of an assessment of affordable housing needs, development of a strategy for expanding the supply of affordable housing and preparation of an Analysis of Impediment to Fair Housing Choice for the City of Council Bluffs. Unanimous.

Resolution 10-186 Walsh and Head moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreements from Goldmine Grill, 1601 Harry Langdon Boulevard and Lakeside Ampride, 4040 South Expressway, for violations of the State's Tobacco laws. Unanimous.
Resolution 10-187

Resolution 10-188 Walsh and Branigan moved and seconded approval, authorizing the Mayor to execute a development agreement with 32 Dillman Drive Limited Liability Company for the redevelopment of the Pine Ridge Apartments. Unanimous.

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- Resolution 10-190 Branigan and Head moved and seconded approval, authorizing the Mayor to execute a \$340,900 Special Purpose EDI Grant Agreement and other necessary documents with the U.S. Department of Housing and Urban Development for the Historic Neighborhood Housing Rehabilitation Project. Unanimous.
- Resolution 10-191 Branigan and Head moved and seconded approval, authorizing the voluntary annexation of a portion of the Mosquito Creek Drainage District into the corporate limits of the City of Council Bluffs. Unanimous.
- Resolution 10-192 Branigan and Schultz moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Gateway Environmental Service, Inc., for the demolition of the abandoned buildings located at 2325 Nash Boulevard (old Holiday Inn). Heard from Mr. Ted Boecker, 11225 Davenport Street, representing Anderson Excavating, speaking against the bid award to Gateway. A discussion was held regarding this project and the validity of whom the contract should be awarded. Motion by Belt, second by Schultz to receive and file documents submitted by Mr. Boecker. Unanimous. Voice Vote: 3 Ayes; 2 Nays (Belt, Walsh).
- Resolution 10-193 Branigan and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Valley Corporation for the Hazel Street Restoration Project. Unanimous.
- Resolution 10-194 Walsh and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Carley Construction, L.L.C., for the 31st Street Improvements, Phase IV Project (Avenue A to Avenue G). Unanimous.
- Resolution 10-198 Branigan and Walsh moved and seconded approval, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Hy-Vee Food Store #2, 1745 Madison Avenue, for a second violation of Iowa Code Section 453A.2(1). Unanimous.
- RECEIVE & FILE ITEMS** Walsh and Schultz moved and seconded approval of Receive and File Items regarding Items 9A – 9B. 9A. Notices of Claim (5); 9B. Notices of Right of Redemption (8). Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Walsh and Head moved and seconded approval of Renewal Applications for Beer/Wine/Liquor Permits regarding Item 10A(1-18); Item 10B. Liquor License Special Event for Sugar’s, 2725 East Kaneshville Boulevard, July 17, 2010 (parking lot dance); Item 10C. Cigarette Permit Applications (18); Item 10D (1, 2). Special Event Permits – Fireworks (J & M Displays) 1. June 27, 2010 – Manawa Community Fireworks and 2. July 4, 2010 - Harrah’s Fireworks Extravaganza; Item 10E. Special Event Permits – Fireworks (Night Visions) June 21, 26 & 27, 2010 – Triple Crown Sports (Sports Complex). Unanimous.
- ADJOURNMENT** Belt and Head moved and seconded adjournment at 7:57 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