

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 28, 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** Belt and Branigan moved and seconded the approval of the consent agenda. Unanimous.
- ORDINANCES ON FIRST READING**
Ordinance 6093 Walsh and Head moved and seconded approval, amending Chapter 3.62 "Transient merchants", by amending Sections 3.62.130 "Charitable or religious organizations" and 3.62.135 "School fundraising activities" to prohibit unwanted sales at residences where signs are posted as set forth in Section 3.62.100(h). 4 Ayes; 1 Nay (MS).
- Ordinance 6094 Walsh and Head moved and seconded approval, amending Chapter 9.16 "Signs and Signals" by amending Section 9.16.055 "Automated red light enforcement" to maintain the penalty amount at \$107.25. Belt he's against the Ordinance as he was previously and is unsure what the deterrent is to stop people from running a red light and questioned why Council was willing to maintain the current fee when the previous ordinance passed was to follow the State regulation. Walsh indicated the first fee assessed was not State mandated, the State did increase the fee to \$107.25 and after a recommendation of the City Attorney the City adopted the State fee which was less than six months ago. Walsh added the fee of \$107.25 is an adequate deterrent for most people. Branigan prefers to see the City match the States fee and also match the fee for tickets issued by the Police Department. Schultz notes he's against the ordinance and will be voting no as he did on a previous issue. Head concurred with Walsh's statement noting the \$107.25 fee is a deterrent to most people and feels the fee should remain at the current rate. Wade confirmed the new rate of \$197.00 will be in effect beginning July 1, 2010. Voice Vote: 2 Ayes; 3 Nays (Belt, Branigan, Schultz). Ordinance 6094 fails.
- Ordinance 6095 Head and Walsh moved and seconded approval, amending Chapter 3.08 "Beer and Liquor Control" by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)", to allow open air taverns in areas not zoned C-4 when the liquor license establishment is a legal non-conforming use and the area does not exceed 150 square feet, with restrictions. Walsh asked if the criteria are the same that's in effect in the C-4 zoning and only open until 10:00 p.m. Wade confirmed the information and added the areas out of C-4 require the outdoor area be entered from the indoor area; this is different from open air tavern areas. Unanimous.
- ORDINANCES ON SECOND READING**
Ordinance 6089 Wash and Branigan 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". Wade recommended Council consider amending the ordinance; motion by Branigan, second by Head, amending the Ordinance by replacing paragraph (2) with the following: In all outdoor areas that are a part of a liquor license premises a sign shall be posted in a conspicuous place that identifies the exception in CBMC Section 3.08.045 that the outdoor area is authorized under. It shall state the limited hours it may be used as part of the liquor license premises and inform the patrons of the establishment that it is a simple misdemeanor to consume in the area outside of these hours. It will list the other conditions set out in the CBMC Section 3.08.045 for its use, and any that may have been added by the City Council at the time the license including the outdoor area was approved. Discussion was held regarding signage regulations, hours of operation and enforcement issues based on several different zoning areas. Heard from Police Sergeant Robert Sellers, 227 South 6th Street, regarding the enforcement of said ordinance. Voice Vote: 4 Ayes; 1 Nay (MS). Vote on original motion as amended: 4 Ayes; 1 Nay (MS).

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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. Belt and Head moved and seconded, waiving 3rd consideration. Unanimous. Ordinance 6090 passes into law.

ORDINANCE ON THIRD READING
Ordinance 6086 Branigan and Head moved and seconded approval, amending Chapter 15.26 "Nonconformities" by amending Section 15.26.030 "Nonconforming uses", to allow the addition of an outdoor area of 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. Unanimous. Ordinance 6086 passes into law.

ORDINANCES ON THIRD READING: RECOMMENDATION FOR DENIAL
6059, 6060, 6063, 6064, 6066, 6067, 6070, 6072, 6073 Walsh and Head moved and seconded, denial of Items B1 through B10 referencing Title 13 and the following Ordinances: Ordinance 6059, amending Chapter 13.12 entitled "Plumbing Code" entitled "Building and Construction" by adding Section 13.12.024 entitled "Administrative Provisions", by adding Section 13.12.026 entitled "Fuel Gas Piping", by adding Section 13.12.028 entitled "Code Amendments", and by deleting Sections 13.12.030 to 13.12.110; Ordinance 6060, "Building Construction" by repealing Chapter 13.16 in its entirety and enacting a new Chapter 13.16 entitled "Electrical Code"; Ordinance 6063, "Building Construction" by amending in part Chapter 13.27 to be entitled "Swimming Pool, Spa and Hot Tub Code"; Ordinance 6064, "Building Construction" by amending Chapter 13.21 which is entitled "Property Maintenance Code"; Ordinance 6066, "Building Construction" amending Chapter 13.26 to be codified and entitled "Fuel Gas Code"; Ordinance 6067, "Building Construction", by enacting a new Chapter 13.01 to be codified and entitled "Administrative Provisions"; Ordinance 6070, "Building Construction" amending Chapter 13.06 entitled "Residential Code"; Ordinance 6072, "Building Construction" amending Chapter 13.23 which is entitled "Existing Building Code"; Ordinance 6073, "Building Construction" by repealing Chapter 13.08 entitled "Building Code" in its entirety and enacting a new Chapter 13.08 entitled "Building Code". Unanimous.

RESOLUTIONS
Resolution 10-199 Branigan and Walsh moved and seconded approval, authorizing the Mayor to amend the Council Bluffs Pre-Disaster Mitigation Plan. Unanimous.

Resolution 10-200 Branigan and Head moved and seconded approval, approving the City of Council Bluffs' Citizen Participation Plan as a requirement of the Consolidated Plan process as outlined in 24 CRF 91.105 of the Housing and Community Development Act of 1974, as amended. Unanimous.

Resolution 10-201 Branigan and Head moved and seconded approval, authorizing a joint application to the Iowa Department of Economic Development by the Council Bluffs Enterprise Zone Commission and 510 Bluff Street Limited Liability Company for Enterprise Zone benefits. Unanimous.

Resolution 10-202 Head and Walsh moved and seconded approval, approving and authorizing an application to the Iowa Department of Economic Development for the certification and designation for Enterprise Zone 8 (EZ). Unanimous.

Resolution 10-203 Belt and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Griffin Dewatering North Central, L.L.C., for the Levee Relief Wells Project. Unanimous.

Resolution 10-204 Branigan and Head moved and seconded approval, authorizing the acquisition of 147 North 40th Street and two adjacent vacant lots as part of the Playland Park Redevelopment Project. Unanimous. Executive Session held June 14, 2010 regarding this issue.

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Resolution 10-205 Head and Branigan moved and seconded approval, awarding a contract in the amount of \$325,500.00 to Nelson-Hill for the City Hall Window Replacement Project. Unanimous.

Resolution 10-206 Walsh and Head moved and seconded approval, approving the Preliminary Offering Statement for \$7,300,000 (amount subject to change) G.O. Bonds, Series 2010C. Unanimous.

Resolution 10-207 Branigan and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute a contract between the City of Council Bluffs and the Visiting Nurses Association of Pottawattamie County. Unanimous.

Resolution 10-208 Walsh and Schultz moved and seconded approval, authorizing the Mayor and City Clerk to execute a contract between the City of Council Bluffs and Dr. Ruben Altman. Unanimous.

MAYOR'S APPOINTMENTS

Walsh and Schultz concurred with the Mayor's Appointment Recommendations: 8A1. Council Bluffs Arena & Convention Center Commission: 8A1.a. Appoint Bo Guidry with a term expiring July 1, 2012, 8A1b. Reappoint Scott Doll, Vern Welch and Chuck Smith with terms expiring July 1, 2014; 8A2. General Contractors Board of Appeals: 8A2.a. Reappoint Mark Andersen with a term expiring March 22, 2015; 8A3. Plumbing Board of Appeals: 8A3.a. Reappoint Bill Riley with a term expiring April 1, 2012; 8A4. Board of Water Works Trustees: 8A4.a. Reappoint Carl Heinrich with a term expiring June 30, 2015; 8A4.b. Reappoint Maureen R. Kruse with a term expiring June 30, 2016. Unanimous.

RECEIVE & FILE ITEMS

Walsh and Head moved and seconded approval of Receive and File Items regarding Items 9A – 9E. 9A. Cash Balance Statement, May 31, 2010; 9B. List of Bills, May 31, 2010; 9C. Notice of Claim (1); 9D. Notices of Right of Redemption (9); 9E(1,2) Salvage Yard Applications: 1. Cox Contracting Company, Inc., 202 West 29th Avenue; 2. South End Salvage & Recycling, 1319 South 17th Street. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Branigan moved and seconded approval of Renewal Applications for Beer/Wine/Liquor Permits regarding Items 10A(1-11) through 10B. 10A1. Bucky's #17, 1759 Madison Avenue; 2. Bucky's #34, 3501 West Broadway; 3. Bucky's #27, 2713 South 24th Street; 4. Caddy Shack, 1426 4th Avenue; 5. The Fiddlin' Monkey, 154 West Broadway (including outdoor tavern); 6. Fox Run Golf Course, 3001 MacIneery Drive; 7. Hard Luck Saloon, 628 16th Avenue; 8. Hooters, 2910 23rd Avenue; LPL's Restaurant, 1707 Harry Langdon Boulevard; 10. Queen of Apostles Church, 3304 4th Avenue; 11. Thunderbowl, 1900 Madison Avenue. Item 10B. Cigarette Permit Applications (30). Unanimous.

Schultz wished everyone a happy 4th; Belt also added wishes of a safe and happy 4th of July.

Walsh directed the City Attorney to draft a resolution terminating the agreement with Redflex; Schultz and Head concurred with Walsh's request.

ADJOURNMENT

Belt and Head moved and seconded adjournment at 7:29 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