

## RECORD OF PROCEEDINGS

- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor Pro-tem Lynne Branigan, on Monday, July 12, 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. Absent: Mayor, Thomas P. Hanafan, who was out of town.
- CONSENT AGENDA** Walsh and Schultz moved and seconded the approval of the consent agenda. Unanimous.
- PUBLIC HEARINGS**  
Resolution 10-209 Held Public Hearing, directing sale of \$7,300,000 General Obligation Bonds, Series 2010C and accepting the bid from UMB Bank, N.A. Head and Walsh moved and seconded approval. Unanimous.
- Resolution 10-210 Held Public Hearing, ratifying, confirming and approving publication of notice of Public Hearing for the issuance of not to exceed \$230,000 General Obligation Bonds, Series 2010C. Walsh and Schultz moved and seconded approval. Unanimous.
- Resolution 10-211 Held Public Hearing, instituting proceedings to take additional action for the authorization and issuance of not to exceed \$230,000 General Obligation Bonds, Series 2010C. Schultz and Walsh moved and seconded approval. Unanimous.
- Resolution 10-212 Held Public Hearing, ratifying, confirming and approving publication of notice of Public Hearing for the issuance of not to exceed \$700,000 General Obligation Bonds, Series 2010C. Schultz and Head moved and seconded approval. Unanimous.
- Resolution 10-213 Held Public Hearing, instituting proceedings to take additional action for the authorization and issuance of not to exceed \$700,000 General Obligation Bonds, Series 2010C. Schultz and Head moved and seconded approval. Walsh indicated Items 4A – 4E are the year’s annual issuance approval of General Obligation Bonds. Walsh mentioned interest rates are at an all time low, adding the net interest associated with the bonds is 2.9917% which is a great rate. Belt noted it is a fantastic rate and added the City’s rating changed by Moody and is one step away from an AAA rating which says a lot about the City’s finances. Unanimous.
- Ordinance 6091 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 (approximately one-half block wide) east of South 15<sup>th</sup> Street between 23<sup>rd</sup> and 28<sup>th</sup> Avenues (including any abutting vacated right-of-way), from R-2/Two Family Residential 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. Walsh and Head moved and seconded approval. Unanimous.
- Ordinance 6092 Held Public Hearing, amending Chapter 15.14 – “C-1 Commercial District” by amending Chapter 15.14.020 “Principal Uses” to remove “Funeral Service”, “Hotel/Motel”, “Private Parking Lot” and “Public Parking Lot”, and by amending Section 15.14.030 “Conditional Uses” to update the reference from Chapter 15.27 to Chapter 15.02. Walsh and Head moved and seconded approval. Unanimous.
- Resolution 10-214 Held Public Hearing, approving the Plans, Specifications and Form of Contract for the River’s Edge Park Project – Phase I. Walsh and Schultz moved and seconded, continuing the Public Hearing to July 26, 2010 at 7:00 p.m. Belt requested staff to put together numbers regarding down time due to the events that took place during June and July of this year that could be potential losses in future years. Unanimous.

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Resolution 10-215 Held Public Hearing, approving the Plans, Specifications, Cost Estimate and Form of Contract for the Scott Street Lot Project. Walsh and Schultz moved and seconded approval. Unanimous.

**ORDINANCES ON  
SECOND 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 (Schultz).

Ordinance 6095

Branigan and Schultz 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. Unanimous. Belt and Schultz moved and seconded, waiving 3<sup>rd</sup> consideration. 4 Ayes; 1 Nay (Walsh). Ordinance 6095 passes into law.

**ORDINANCE ON  
THIRD 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".  
4 Ayes; 1 Nay (Schultz). Ordinance 6089 passes into law.

**RESOLUTIONS**  
Resolution 10-216

Branigan and Schultz moved and seconded approval, the City Council of the City of Council Bluffs authorizes a joint application to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Western Land Development, LLC, for Enterprise Zone benefits. Roll Call Vote: Ayes: Branigan, Head, Schultz, Belt; Abstention: Walsh.

Resolution 10-217

Schultz and Branigan moved and seconded approval, rejecting all bids and authorizing the City Clerk to re-advertise for bids for the South 32<sup>nd</sup> Street Sanitary Sewer Improvements, Phase I. Heard from the following individuals opposing the project re-bid: Michael Rossbund, 6 Cottner Drive, Project Engineer for Leazenby Construction and Ryan Lamb, 23 South Locust, Colfax, Iowa, attorney for Leazenby Construction. Schultz indicated the City Engineer stated there were several concerns regarding the days to complete the project, if all bids were rejected and the amount of days to complete the project were expanded the bids could come in lower. Schultz added some contractors submitted higher bids with concerns they couldn't complete the project on time. Belt was concerned about the contractors and the cost they would incur to rebid the project.  
3 Ayes; 2 Nays (Belt/Head).

Resolution 10-218

Walsh and Schultz moved and seconded approval, accepting the work of MFT Construction, Inc., in connection with the Oak Street Sanitary Sewer Relocation and authorizing the Finance Director to issue a City check in the amount of \$6,228.92. Unanimous.

Resolution 10-219

Walsh and Belt moved and seconded approval, directing the Mayor and City Clerk to award the purchase of a new Vermeer TG7000 Tub Grinder to Vermeer Sales and Service. Unanimous.

Resolution 10-220

Head and Walsh moved and seconded approval, accepting the proposal of Carley Construction, L.L.C., for emergency sewer repairs along Avenue C between 31<sup>st</sup> and 32<sup>nd</sup> Streets. Unanimous.

**MAYOR'S  
APPOINTMENTS**

Schultz and Head concurred with the Mayor's Appointment Recommendations regarding Items 8A(1, 3, 4): 8A1a. Civil Rights Commission: Reappoint Heather Mendoza, Theresa Jacoby and Denise Carle with terms expiring August 1, 2013; 8A3a. Municipal Housing Agency: Reappoint Bobbette Behrens with a term expiring July 31, 2012. 8A4a. Enterprise Zone Commission: Reappoint Ken Milford with a term expiring June 30, 2013. Motion by Walsh, second by Schultz to amend 8A3. Deleting Misty Wyant's name from the Municipal Housing Agency.

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Walsh indicated Ms. Wyant served on this board and due to a job change it was requested Ms. Wyant's name be removed for reappointment. Unanimous.

Walsh and Head concurred with the Mayor's Appointment Recommendations regarding Item 8A2a. Board of Library Trustees: Reappoint James Watson, Sue Martin, Warren Weber and Larry Schulenberg with terms expiring July 1, 2016. Voice Vote: 4 Ayes; 1 Abstention (Schultz).

**RECEIVE & FILE  
ITEMS**

Walsh and Schultz moved and seconded approval of Receive and File Item 9A regarding the 2009 Council Bluffs Water Works Annual Report. Unanimous.

**APPLICATIONS  
FOR PERMITS &  
CANCELLATIONS**

Walsh and Schultz moved and seconded approval of Renewal/New Applications for Beer/Wine/Liquor Permits regarding Items 10A(1-8) through 10B. 10A1. AVP Energy #6, 1305 North 25<sup>th</sup> Street (new); 2. Casey's General Store #2096, 2301 South 24<sup>th</sup> Street; 3. Eagles Club, 1530 Avenue F; 4. Hy-Vee Drugtown, 757 West Broadway; 5. Jonesy's Taco House, 1117 16<sup>th</sup> Avenue (ownership update); 6. Mexico Lindo Market & Restaurant, 2210 West Broadway; 7. Pilot Travel Center #329, 2647 South 24<sup>th</sup> Street; 8. Spillway Grill and Bar, 1840 Madison Avenue. Item 10B. Cigarette Permit Applications (16). Unanimous.

Heard from Jennifer Giles, 333 Elder Street.

Heard from Cindy Driscoll Kroll and Valeria Ware, 805 South Main, owners of Kitchen Emporium and Wine Shop, requesting approval of an amendment to their liquor license for outdoor dining. Walsh and Schultz moved and seconded to receive and file a map presented to Council by Ms. Kroll. Unanimous. Council held a discussion mentioning several concerns including serving time requirements, occupancy capacity, 501(3) holding the liquor license and enforcement of the law. As discussed during Study Session, Wade mentioned the possibility of amending the extended area liquor application to sixty days and limiting the day of month to correspond with the farmers market.

Heard from Jim Nelson, 102 Shaley Circle, referencing red light cameras and countdown timers.

**ADJOURNMENT**

Schultz and Head 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.

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Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk