

- CALL TO ORDER** A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan on Monday, September 26, 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** Walsh and Garst moved and seconded approval of the consent agenda. Branigan and Walsh moved and seconded to delete Item 5B & Item 6C from the agenda. Unanimous.
- PUBLIC HEARINGS**
- Resolution 11-192 Held Public Hearing, authorizing disposal of City owned property described as Lots 10 through 13 and the west ½ vacated alley abutting, Block 58, Riddles Subdivision. White and Head moved and seconded approval. Unanimous.
- Resolution 11-193 Held Public Hearing, authorizing disposal of the City’s interest in property located at 107 4th Street. Branigan and Garst moved and seconded approval. Voice Vote: 4 Ayes; 1 Abstention (Head).
- Resolution 11-194 Held Public Hearing, determining an area of the City to be a blighted area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Bluffs Northway Urban Renewal Plan. Walsh and Head moved and seconded approval; City Attorney Wade suggested postponing the item and take action in the future along with the items deleted from the agenda. Walsh and Branigan amended the motion to postpone Item 4C until October 10, 2011 at 7:00 p.m., based on the Community Development Director’s recommendation to wait two weeks on the approval of this project. Unanimous.
- ORDINANCES ON FIRST READING**
- Ordinance 6139 Walsh and White moved and seconded approval, amending Chapter 15.18 “Planned Commercial District” by amending Section 15.18.030 “Conditional Uses” to add “Auction” as a conditional use and setting a Public Hearing at October 10, 2011 at 7:00 p.m. Wade mentioned although the agenda doesn’t state the notice of a public hearing, one is required. Branigan noted she would be voting in favor of setting a public hearing but doesn’t support the amendment. Unanimous.
- RESOLUTIONS**
- Resolution 11-121 (revised) Garst and Branigan moved and seconded approval, appending a PR/Planned Residential Overlay to proposed Lots 22 through 28, Carrell Subdivision, to allow construction of Single-Family attached dwellings. Unanimous.
- Resolution 11-122 (revised) White and Branigan moved and seconded approval, granting Preliminary Plan approval for a 28-Lot Single-Family Residential Subdivision to be known as Carrell Subdivision. Unanimous.
- Resolution 11-195 White and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute agreements with Anderson Excavating Co. Inc., and Mark Hughes Construction for Flood Recovery Project No. 1 Infrastructure Protection Clean-up. Unanimous.
- Resolution 11-196 Garst and Walsh moved and seconded approval, authorizing the Mayor to execute an agreement for private development with Western Iowa Land Development, LLC, providing tax increment and public infrastructure financing incentives for the construction of a residential development. Garst mentioned incentives were needed because two watersheds meet in a large ditch on the property. Unanimous.
- Resolution 11-197 Head and Branigan moved and seconded approval, authorizing the issuance of a Temporary Use Permit to allow temporary storage and staging of materials at 2313 College Road. Unanimous.

- Resolution 11-198 Branigan and Head moved and seconded approval, authorizing the City Clerk to certify Weed Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 11-199 Branigan and White moved and seconded approval, authorizing the City Clerk to certify Solid Waste/Nuisance Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 11-200 Walsh and White moved and seconded approval, appointing Bankers Trust Company of Des Moines, to serve as Paying Agent, Bond Registrar and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and authorizing the execution of the agreement and all supporting documents. Walsh noted this item relates to an item that reduces City bond debt. Unanimous.
- Resolution 11-201 Walsh and Head moved and seconded approval, authorizing and providing for the issuance of \$3,165,000 General Obligation Refunding Bonds, Series 2011A, and levying a tax to pay said bonds. Unanimous.
- Resolution 11-202 Walsh and Branigan moved and seconded, rejecting bids received from Roloff Construction on September 23, 2011, regarding the Dodge Riverside Golf Course Storm Sewer Emergency Repair. Unanimous.
- MAYOR'S APPOINTMENTS** Branigan and Head moved and seconded approval, reappointing Tori Christie, Mark Alba and Gilda Bettis to the Civil Rights Commission with terms expiring August 1, 2014. Unanimous.
- RECEIVE AND FILE ITEMS** Walsh and Garst moved and seconded approval of Receive and File Item 8A. Notice of Right of Redemption (1). Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Walsh and Head moved and seconded approval of Applications for Permits and Cancellations regarding Renewal Beer/Liquor/Wine & Outdoor Permit Applications for Item 9A (1-2). 1. Goldmine, 1601 South 3rd Street; 2. Texas Roadhouse, 3231 South 24th Street and Item 9B. Cigarette Permit Application for CVS Pharmacy #4816, 545 West Washington Street. Unanimous.
- Heard from Kathy Reynolds, 524 North 36th Street, regarding a neighbor's tree damaging her property. Mayor Hanafan suggested Mrs. Reynolds contact her insurance company to handle to situation. Garst and Branigan moved and seconded to receive and file photos from Mrs. Reynolds. Unanimous. Walsh also suggested involvement of both property owners' insurance companies.
- Heard from Greg Horihan, 1128 North 23rd Street, speaking in favor of the proposed Wal-Mart project. Walsh indicated the Community Development Director suggested removing the item from the agenda until common ground could be met between both parties.
- Heard from Duncan Horner, 40 Charles Street. Garst and Head moved and seconded to receive and file photos from Mr. Horner. Unanimous. Mr. Horner shared his concerns with the ongoing problems on Charles Street.
- Heard from Fran Rathke, 2122 Avenue L, speaking in favor of an additional Wal-Mart and requested the beautification of the North 16th Street corridor. Walsh noted the Wal-Mart project is just under \$10 million with tax payers paying \$5 million of the cost. Walsh added Wal-Mart reduced their asking price noting most Council Members believe Wal-Mart is entitled to some economic subsidy which would equate to the cost of tearing down Gordmans and the hotel; and making the ground buildable, approximately \$2.9 million.

Walsh also added the initial proposal included two types of TIF, a property tax TIF which is the additional tax paid on the incremental increase of the evaluation of the property. Wal-Mart also wanted \$3 million in a sales tax TIF, which is the increase in sales tax that their location creates. Walsh added, a concern is that it's not found money and it takes money away from their original store, K-Mart and other retailers selling like products.

Heard from Pam Horihan, 1128 North 23rd Street, speaking in favor of an additional Wal-Mart location.

Heard from April Leibert, 46 Charles Street, who had concerns with the condition of Charles Street.

Heard from Steve Smith, 135 Capel Avenue. Smith was also concerned with the condition of Charles Street. Branigan and Head moved and seconded to receive and file a document from Mr. Smith. Unanimous. Walsh noted he wasn't aware of the issue but would have the matter reviewed. Garst apologized for any employee that had a bad attitude regarding the situation; Garst added there are many funding challenges ahead for the City of Council Bluffs.

ADJOURNMENT

Walsh and Head moved and seconded to adjourn at 7:39 p.m. Unanimous.

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