

**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '05-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**January 10, 2005 4:30 P.M.**

**INVOCATION:** Father Peter Cade  
St. George Greek Orthodox Church

- 05-5 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
  - 05-6 I. Resolution to support the \$60 million Phase 1 expansion at Prairie Meadows. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-7 II. Appointment of Council Member Archie Brooks as Mayor Pro Tem for 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 05-8 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**
- \* \* \* \* \*
- \*Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.
- 05-9 3. APPROVING CONSENT AGENDA – items 3 through 49: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

05-10

4. Approving alcoholic beverage license applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

### NEW APPLICATIONS

(A)	ANGEL	3161 SE 22ND ST	B Beer
(B)	DOLLAR MART	2300 HICKMAN RD	C Beer
(C)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(D)	PHILLIP 66	1501 2ND AVE	C Beer
(E)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor

### RENEWAL APPLICATIONS

(F)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(G)	DENNY D'S SPORTS BAR	607 SE 30TH ST	C Liquor
(H)	DES MOINES AIR NATL GUARD	3100 MCKINLEY AV	A Liquor
(I)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
<del>(J)</del>	<del>EL CANCUN NIGHT CLUB</del>	<del>900 E ARMY POST RD</del>	<del>C Liquor</del>
(K)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(L)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
<del>(M)</del>	<del>K BOOM</del>	<del>319 COURT AVE</del>	<del>C Liquor</del>
(N)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
<del>(O)</del>	<del>KWONG TUNG RESTAURANT</del>	<del>2721 INGERSOLL AVE</del>	<del>C Beer/Wine</del>
<del>(P)</del>	<del>LOUIES CHINESE AND THAI FOOD</del>	<del>1022 E 12TH ST</del>	<del>B Beer</del>
(Q)	REGAL LIQUORS #1	3424 M L KING PKWY	C Beer
(R)	ROOKIES	6151 THORNTON AVE	C Liquor
(S)	SAMBETTIS	1430 2ND AVE	C Liquor

### SPECIAL EVENTS APPLICATIONS

(T)	SENIOM SED	555 WALNUT ST	B Beer	Five-Day license for Skywalk Golf Open, February 5, 2005 at the Kaleidoscope at the Hub. Pending approval of Building, Electrical, Fire and Zoning Departments.
(U)	WINSTONS PUB & GRILLE	800 WALNUT ST	C Beer/Wine	Five-Day license in conjunction with Dig Downtown on January 14, 2005. Pending approval of Building and Zoning Departments.
(V)	WINSTONS PUB & GRILLE	800 WALNUT ST	C Beer/Wine	Five-Day license in conjunction with Dig Downtown on February 18, 2005. Pending approval of Building and Zoning Departments.

05-11

- 4II. Approving Class B Beer License for Louie's Chinese and Thai Foods, 1022 E. 12<sup>th</sup> Street. **Moved by Hensley to defer consideration of the license, pending further investigation. Motion Carried 7-0.**

- 05-12 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-13 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

- 7. Resolution Ordering Construction of the following:

**WITHDRAWN**

- 05-14 (A) ~~Principal Park Seating Expansion and Outfield Improvements – Receiving of Bids, (02-01-05), and Setting Date of Hearing, (02-07-05). (Construction Estimate - \$3,623,000).~~
- 05-15 (B) Greenhouses at Chesterfield – Receiving of Bids, (02-01-05), and Setting Date of Hearing, (02-07-05). (Construction Estimate - \$327,900). ([Council Communication No. 05-010](#)) **Moved by Brooks to adopt. Motion Carried 5-2. Nays: Cowan and Coleman.**
- 05-16 8. Approving Professional Services Supplemental Agreement No. 1 with Snyder Associates, Inc. in conjunction with Southeast Ridge Trunk Sanitary Sewer, \$454,000. ([Council Communication No. 05-004](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-17 9. Approving Supplemental Agreement with Shuck-Britson, Inc. for construction professional services for SW 9<sup>th</sup> Street Viaduct over M.L. King Jr. Parkway Rehabilitation, \$65,000. ([Council Communication No. 05-005](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-18 10. Approving Execution of Iowa Department of Transportation Agreement for Fleur De Lys Resurfacing from Railroad Viaduct to M.L. King Jr. Parkway, \$500,000. ([Council Communication No. 05-003](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-19 11. Ratifying Airport Boards approval of contract for Runway 13/31 Rehabilitation, with Des Moines Asphalt & Paving Co, \$11,389,281.20 and agreement to enter into FAA AIP Grant for project when offered by the FAA. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-20 12. Approving Change Order No. 1 with Des Moines Asphalt Paving Company for additional work on E. 30<sup>th</sup> Street Resurfacing Project, not to exceed \$22,444.40. ([Council Communication No. 05-006](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

13. Approving completion and recommending acceptance of the following Private Construction Contracts between Eco-Tech Construction and Brook Run L.C. for new development Brook Run Village Plat 11, located at Douglas Avenue and Brook Run Drive:

- 05-21 (A) Paving Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-22 (B) Sanitary Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-23 (C) Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

14. Approving completion and recommending acceptance of the following Private Construction Contracts between Eco-Tech Construction and Brook Run L.C. for new development Brook Run Village Plat 12, located at Douglas Avenue and Brook Run Drive:

- 05-24 (A) Paving Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-25 (B) Sanitary Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-26 (C) Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

15. Approving completion and recommending acceptance of the following Private Construction Contracts with Jerry's Homes for new development Hillsboro Phase 2 located at Indianola Road and East Southdale Drive:

- 05-27 (A) Manatt's Inc. for Street Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-28 (B) McAninch Corporation for Sanitary Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-29 (C) McAninch Corporation for Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

16. Approving completion and recommending acceptance of the following Private Construction Contracts with Jerry's Homes for new development Hillsboro Phase 2 located at Indianola Road and East Southdale Drive:

- 05-30 (A) Manatt's Inc. for Street Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-31 (B) McAninch Corporation for Sanitary Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-32 (C) McAninch Corporation for Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

17. Approving completion and recommending acceptance of the following Private Construction Contracts with Legacy Group, Ltd.:

05-33 (A) Eco-Tech Contractors, Inc. for Street Improvements for proposed Outlot X Easter Lake Pointe Plats 2 & 3 Subdivision located at Easter Lake Drive and SE 32<sup>nd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-34 (B) McAninch Corporation for Sanitary Sewer Improvements for proposed Easter Lake Pointe Subdivision Plats 2 & 3 located at Easter Lake Drive and SE 32<sup>nd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-35 (C) McAninch Corporation for Storm Sewer Improvements for proposed Easter Lake Pointe Subdivision Plats 2 & 3 located at Easter Lake Drive and SE 32<sup>nd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-36 (D) Eco-Tech Contractors, Inc. for Storm Sewer Extension Improvements for proposed Easter Lake Pointe Subdivision located at SE 32<sup>nd</sup> Street and East Spring. **Moved by Hensley to adopt. Motion Carried 7-0.**

18. Accepting completed construction and approving final payment for the following:

05-37 (A) Brook Run Park and Riley Park Improvements, Concrete Technologies, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-38 (B) Gay Lea Wilson Trail Phase III-A (Four Mile Creek Greenway Trail), Sherrill Excavating, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-39 19. Receive, file and authorize execution of petition and waiver forms for sidewalk repair program/request to repair driveway executed by five property owners and curb replacement program/request to repair driveway executed by three property owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

- 05-40            20. Levying Deficiency Assessment for Schedule No. 2005-36. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-41            21. Approving deletion of special assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

- 05-42            22. Real estate documents for property at 5800 SW 4<sup>th</sup> Street, closing costs only. **Moved by Hensley to adopt. Motion Carried 7-0.**
23. Approving items regarding Triton Homes, L.C. for The Village at McKinley, McKinley Avenue:
- 05-43            (A) Preliminary Minor Subdivision Plat. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-44            (B) Final Plat. ([Council Communication No. 05-016](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 05-45            24. Approving revised operating rules and regulations for the Park and Recreation Board. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-46            25. Approving appointments to the E911 Service Board for calendar year 2005, Will McCarthy - Primary Representative; Craig Zubrod and Leonard Murray - Alternates. **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-47            26. Approving new members and alternates to Weed & Seed Steering Committee. **Moved by Hensley to receive, file and approve. Motion Carried 7-0.**
- 05-48            27. Approving appointments to the Metropolitan Planning Organization (MPO). **Moved by Hensley to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- 05-49            28. Regarding request from Wells Fargo Financial, Inc. for vacation and conveyance of subsurface rights for a 7' 4 1/16" x 12' segment of the east edge of 9<sup>th</sup> Street, north of Walnut Street and south of vacated east/west alley, beneath the sidewalk to allow encroachment of the basement level utility vault for the proposed building. **Moved by Hensley to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 05-50            29. Regarding request from Victor Vacco, for vacation and conveyance of the east/west alley between Olinda and Davis Avenues from SW 1<sup>st</sup> Street to Highland Street, subject to certain conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- 05-51            30. On vacation and conveyance of Third Street from University to Laurel Avenue, to Healy Initiatives, Iowa Corp, d/b/a Mercy Medical Center – Des Moines, (to correct error in lot description in previous Council action), (1-24-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-52            31. On sale of property in the vicinity of 5800 SW 4<sup>th</sup> Street to LAB Investment Company, Inc., \$8,500, (1-24-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-53            32. On sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham to Communication Technologies, Inc. \$82,000, (1-24-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-54            33. On request from Randal Meiners to rezone property at 900 Williams Street from "R1-1 (One Family Low Density Residential), to "PUD" (Planned Unit Development), for approval of a Conceptual Plan to allow development of 16 ranch townhome units with private drive access, subject to revisions to the Plan, (1-24-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
34. On assessment for violation of Iowa cigarette laws for the following, (1-24-05):
- 05-55            (A) \$300 penalty for Kum & Go, 4140 Park Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-56            (B) \$1,500 penalty or 30-Day suspension of cigarette permit for Some Place Else, 1111 Hubbell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-57            35. Approving payment of \$21,753.25 to Ahlers & Cooney, P.C. in conjunction with Se Revenue Bonds. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-58            36. Approving payment of \$95.20 to Ahlers & Cooney, P.C. for assistance in cer environmental matters in conjunction with the Kiwanis Nature Island at Riverview Pa **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-59            37. Approving payment of \$1,300 to Nyemaster Law Firm for consultation services conjunction with collective bargaining and related matters. **Moved by Hensley to ado Motion Carried 7-0.**
- 05-60            38. Approving payment of \$2,874 to Spiegel & McDiarmid for consultation and service facilitate economic development, community revitalization, homeland security and rela projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- 05-61            39. Submitting out-of-state travel for Lynette Collins, John Hagener, Richard Singleton, Dale Patch. ([Council Communication No. 05-001](#)) **Moved by Hensley to adopt. Mot Carried 7-0.**

## APPROVING

- 05-62            40. Closeout documents for a Fiscal Year 1999 Supportive Housing Program (SHP) Gra **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-63            41. Weatherization Contract with Iowa Department of Human Rights/Division of Commu Action Agencies for assistance to low-income persons from January 1, 2005 to Decem 31, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-64            42. Execution of Lease Agreement with MediaCom Communications regarding use of c owned property in vicinity of 2103 Ingersoll Avenue for overflow and employee parki ([Council Communication No. 05-008](#)) **Moved by Hensley to adopt. Motion Carried 0.**

- 05-65            43. Lease Agreement with Chuck Renes to lease greenhouse space at 1444 East Washington Avenue for storage of plants formerly housed in the Botanical Center. ([Council Communication No. 05-009](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
44. Lease Agreement items with the Des Moines Rowing Club:
- 05-66            (A) Use of “Tan Building” at Grays Lake Park. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-67            (B) Setting Date of Hearing for use of Guzman Building at Birdland Marina, (1-24-05) ([Council Communication No. 05-007](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-68            45. One-Year extension of agreement with Department of Navy for loan of ship model U.S.S. Des Moines for display in the Great Hall of City Hall. **Moved by Hensley to adopt. Motion Carried 7-0.**
46. Bids from the following:
- 05-69            (A) Truck Country for one 39,000 GVW truck with hydraulic log loader to be used by Public Works Department, Forestry Division, \$131,079. (Eight bids mailed, 1 received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-70            (B) Racom for radio communications equipment per State of Iowa Contract CT1199M 4 to be used by the Fire Department, \$134,679. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-71            47. Civil Service Entrance List for Legal Assistant. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-72            48. Finance Director to draw checks for check registers of January 13 and January 20, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 10 and January 18, 2005; and to draw checks for biweekly payroll due January 21, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

**WITHDRAWN**

- 05-73            49. ~~Amending Chapter 74 of the Municipal Code establishing the 2005 fees for golf courses, Sylvan Theater, swimming pools and Birdland Marina~~

**ORDINANCES - FIRST CONSIDERATION**

- 05-74            50. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows: **Moved by Hensley that this ordinance be considered and given first vote passage. Motion Carried 7-0.**
- (A) Reinstallation of Parking Meters near the New Papajohn Education Center-1 Block of Grand Avenue.
  - (B) Implementation of Traffic Control Modifications-Sherman Hill Area of Downtown Traffic Study.
  - (C) Implementation of Morning and Evening Rush Hour Restrictions-east side of Street from Watson Powell Jr. Way to Crocker Street and the east side of 9<sup>th</sup> Street from Keosauqua Way to Crocker Street.
  - (D) Corner Clearance-west side of Polk Boulevard, north of Observatory Road.
  - (E) Code Adjustments for Field Signing-Southeast Eighteenth Street and South Nineteenth Street.
- 05-75            (F) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance now pass, [#14,404](#). Motion Carried 7-0.**

**COMMUNICATIONS/REPORTS**

- 05-76            51. From Highland Park SSMID Board regarding recommended budget and levy for Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 2005. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- 05-77            52. From Jim and Kathleen Pitts, 1221 E. 35<sup>th</sup> Street regarding barking dog problem. **Moved by Vlassis to receive and file comments; refer to the City Manager for a report back in 2 weeks. Motion Carried 7-0.**

\*\*Council considered Item 62 and Board of Health next\*\*

**HEARINGS (OPEN AT 5:21 P.M.) (ITEMS 53 THRU 61)**

- 05-78            53. On vacation and conveyance of east 432 feet of East/West alley in block between L Street, Des Moines Street, Hubbell Avenue and East 20<sup>th</sup> Street to Leachman Lum Company, \$1,000. ([Council Communication No. 05-011](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-79            (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-80            (B) Final consideration of ordinance above. **Moved by Brooks that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended so that the ordinance be placed upon its final passage and that the ordinance now pass, #14,405. Motion Carried 7-0.**
- 05-81            54. On conveyance of East/West alley between Cherry and Vine Streets to 10<sup>th</sup> Street L.L.L.P. ([Council Communication No. 05-002](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-82            (A) Recommendation of Plan and Zoning. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**
55. On various related amendments to the Zoning Ordinance and Site Plan Regulations:
- 05-83            (A) Hearing on various City-initiated amendments to the Zoning Ordinance and Site Plan Regulations. ([Council Communication No. 05-013](#)) **Moved by Hensley that a public hearing on Items 1 and 2 as listed on the roll call, which will affect the Riverpoint West area, be continued until February 7, 2005 at 5:30 P.M. and that the public hearing on Items 3, 4 and 5, as listed on the roll call, be closed. Motion Carried 7-0.**
- WITHDRAWN**
- 05-84            (B) First consideration of ordinance amending Chapter 134 - Zoning Ordinance to establish a new "C-3B" (Central Business Mixed Use) district.
- WITHDRAWN**
- 05-85            (C) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

WITHDRAWN

05-86

- (D) Approving amendment to the landscape standards in the adopted site plan policies provide that site plans for development in the “C-3B” and “D-R” Districts be subject to the landscape standards established for the “C-3”, “C-3R” and “C-3A” districts.

WITHDRAWN

05-87

- (E) First consideration of ordinance amending the Site Plan Regulations to adopt design guidelines applicable within the new “C-3B” District, and to require Plan and Zoning Commission review of a site plan for vehicle display lots in Industrial districts.

05-88

- (F) First consideration of ordinance amending the Zoning Ordinance to revise the “D” (Downtown Riverfront) district regulations to provide for consistent treatment of signage and building height. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-89

- (G) First consideration of ordinance amending the Zoning Ordinance to revise Section 134-1276(p) to provide for consistent treatment of signage in the Sign Overlay districts. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-90

- (H) First consideration of ordinance amending the Zoning Ordinance to revise Section 134-987(2)(a) to encourage monument signs within the “C-3A” (Central Business District Support Commercial) district. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

56. On items regarding rezoning of the Riverpoint West area located west of SW 9<sup>th</sup> Street North and East of the levy of the Raccoon River:

05-91

- (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan to amend the future land use classification for the Riverpoint West area from Traditional Industrial, High Density Residential/Limited Commercial and Park/Open Space classification to the Support Commercial classification. **Moved by Hensley to continue to February 7, 2005 at 5:30 P.M. Motion Carried 7-0.**

05-92

- (B) Closing the hearing on the City-initiated proposal to rezone the Riverpoint West area from “M-1” (Light Industrial), “M-2” (Heavy Industrial) and “U-1” (Floodplain) districts to the “C-3B” (Central Business Mixed Use) district, and to impose the “S” (Study Overlay) district regulation on the land in the vicinity of 122 and 200 SW 9<sup>th</sup> Street. ([Council Communication No. 05-014](#)) **Moved by Hensley to continue public hearing on the proposed rezoning until February 7, 2005 at 5:30 P.M. Motion Carried 7-0.**

WITHDRAWN

05-93

- (C) First consideration of ordinance rezoning the Riverpoint West area to “C-3B”

WITHDRAWN

05-94 (D) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

WITHDRAWN

05-95 (E) First consideration of ordinance imposing the "S-O" (Study Overlay) district regulation on the land in the vicinity of 122 and 200 SW 16<sup>th</sup> Street.

WITHDRAWN

05-96 (F) Final consideration of ordinance above (waiver requested by Community Development Director) requires 6 votes.

05-97 57. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Farm Limited Partnership, south of the North River and immediately east of US Highway 65. **Moved by Brooks to continue the public hearing to February 28, 2005 at 5:30 P.M. Motion Carried 7-0.**

05-98 58. On Proposed Amendment to Skywalk Corridor Display Cases Lease Agreement. **Moved by Hensley to approve. Motion Carried 7-0.**

05-99 59. On Underground Electric Line Easement to Mid American Energy for Blank Park 2 Events Center. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-100 60. On request for Easement for Encroachment on City owned right-of-way at 4311 SW Street to Kacek Enterprises, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-101 61. On approval of the Assignment of Food and Beverage Concession Agreement from GladCo Enterprises, Inc., to Compass Group USA, Inc. d/b/a Select Service Partner; the Second Amendment to the Food and Beverage Concession Agreement with Compass Group USA, Inc. ([Council Communication No. 05-012](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* \* \* END HEARINGS 5:31 P.M. \* \* \* \*

**APPROVING**

05-102 62. Regarding regulation of New Heavy Industrial Uses. ([Council Communication No. 015](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

05-103 (A) Extension of Moratorium of New Heavy Industrial Uses through July 11, 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- 05-104 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

## AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
  - 05-105 (A) 2703 Indianapolis Avenue, Titleholder: A & Q. Investments, LC; Mortgage Holder: Valley Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-106 (B) 1426 Wayne Street, Titleholder: April Adams a/k/a April Harris. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-107 (C) 3813 13<sup>th</sup> Street, Titleholder: Jack Miller; Mortgage Holders: Wells Fargo Bank International National Association and Saxon Mortgage Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-108 (D) 1219 E. 37<sup>th</sup> Street, Titleholder: Danlee Investment Group. LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-109 (E) 1633 48<sup>th</sup> Street (garage), Titleholder: Kent T. Gephart; Mortgage Holder: Countrywide Funding Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**
2. The Engineering Department to cause the removal of the following structures:
  - 05-110 (A) 5919 Rutland Drive (garage), Titleholder: Thomas S. Billmeyer. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-111 (B) 1208 E. Washington Avenue, Titleholder: Bryce Peters, III d/b/a Bryce Peters Financial Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## COMMUNICATION

- 05-112 3. Regarding a demolition cost reserve being held by Allied Insurance for the fire-damaged structure located at 1517 E. Court Avenue. **Moved by Vlassis to receive and file and direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

05-113 4. Regarding a demolition cost reserve being held by EMC Insurance Companies for the fire-damaged structure located at 1654 Dean Avenue. **Moved by Mahaffey to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

05-114 5. Regarding a demolition cost reserve being held by Allied Insurance for the fire-damaged structure located at 1019 West Street. **Moved by Hensley to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 53 thru 61 next\*\***

05-115 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:31 P.M. Motion Carried 7-0.**

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All-America City  
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