

***** 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 '04-' 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

May 3, 2004 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.

John and Marge Connors Day
Visiting Nurses Proclamation
City of Des Moines Emergency Ambulance Service 30th Anniversary
Law Day

SPECIAL PRESENTATIONS

Dennis Lydon and Cathy Kelly, Employer Support of the Guard and Reserve Program

INVOCATION: Council Member Tom Vlassis

04-871 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Overman and Vlassis**

04-872 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.**

- 04-873 3. APPROVING CONSENT AGENDA – items 3 through 60: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-874 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) EL DORADO	1820 E ARMY POST RD	C Liquor
(B) LEFTYS PLACE	509 E 25TH STREET	C Liquor

RENEWAL APPLICATIONS

(C) BAYMONT INN & SUITES	6221 ARMY POST RD.	B Liquor
(D) BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(E) DES MOINES YACHT CLUB	2617 INGERSOLL AVENUE	C Liquor
(F) DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(G) DUDS N SUDS	2552 HUBBELL AVENUE	B Beer
(H) GIT N GO STORE #3	100 WATROUS AVE	C Beer
(I) KRUEGERS AMOCO #2	630 SW 9th ST	C Beer
(J) LOCO JOES NICKEL ARCADE	6550 SE BLOOMFIELD ROAD	B Beer
(K) NOAHS ARK RESTAURANT	2400 INGERSOLL AVE	C Liquor
(L) OLYMPIC FLAME RESTAURANT	514 E GRAND AVENUE	C Beer/Wine
(M) SNACO	3000 SW 9TH ST	C Beer
(N) SOUTHGATE AMOCO	3401 SE 14th STREET	C Beer
(O) STEER AND STEIN	3000 E GRAND AVE	B Beer
(P) STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor

- 04-875 4-I. Approving renewal application for Class C Liquor License for J. Benjamin’s, 5800 Franklin Avenue. SPONSOR: Vlassis. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-876 4-II. Approving renewal application for Class C Liquor License for Garfield’s Restaurant & Pub, 1111 Army Post Rd. SPONSOR: Brooks. **Moved by Hensley to adopt. Subject to acceptance of Building, Electrical, Fire, Zoning and Vice Inspections.**

- 04-877 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-878 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction for the following:
- 04-879 (A) Upper Union Park Sewer Separation Phase II – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$4,146,278.50). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-880 (B) SE 14th Street and Indianola Avenue Turn Lane and Signal Modifications – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$189,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-881 (C) Thomas Beck Storm Sewer Repair west of SW 9th Street – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$97,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-882 (D) Closes Creek-Neirob Court Storm Water Improvements – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$1,362,652). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-883 (E) Western Gateway Improvements at 12th Street and Grand Avenue – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-7-04), (Construction Estimate - \$260,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-884 (F) 2004 HMA Pavement Milling & Resurfacing – Receiving of Bids, (5-25-04), and Setting Date of Hearing, (6-07-04), (Construction Estimate - \$906,300). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-885 8. Approving the following items regarding WRF Combined Hauled Waste/Solids Process Improvements – Submission of Bids, designating apparent lowest bidder as John T. Jones Construction, request from John T. Jones Construction to withdraw bid, City Engineer's recommendation to reject all bids, Receiving of New Bids, (5-11-04), Engineer's Estimate Addendum No. 4. **Moved by Hensley to reject all bids and defer to the May 17 City Meeting. City Manager and WRA staff to provide additional information. City Manager to recommend a policy regarding withdrawal of bids.**
- 04-886 9. Approving Professional Services Agreement with HDR, (George Little, President, Omaha, NE) to perform design services for WRF Emission Reduction Project, \$437,376. ([Communication No. 04-217](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving Private Construction Contracts for the following:
- 04-887 (A) Storm Sewer Improvements in Woods On The River Plat 3 between The Undergr... Company, Ltd. And Clarke Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-888 (B) Storm Sewer Improvements in northeast corner of intersection of E. 4th Street and Grand Avenue between Correll Contractor, Inc. and Nelson Development 10, L
Moved by Hensley to adopt. Motion Carried 7-0.
- 04-889 11. Accepting completed construction and approving final payment of Grand Avenue Storm Sewer M.L. King Jr. Parkway to 28th Street, KRI Company. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-890 12. Approving permission to sublet for Herberger Construction Co., Inc. for SW 9th Street Bridge over Yeader Creek. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-891 13. Approving Change Orders No. 6 and 7 with Waldinger Corporation for additional work in Central Business District Traffic Signal Upgrade. **Moved by Hensley to adopt. Motion Carried 7-0.** [\(Council Communication No. 04-221\)](#) **Moved by**

SPECIAL ASSESSMENTS

- 04-892 14. Approving deletion of NAC-Emergency Assessment at 4410 SE 16th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-893 15. Approving Division Assessment Schedule for Grandshire Area Sanitary Sewer Schedule 107. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-894 16. Levying Deficiency Assessments Schedule No. 2004-36. **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Commercial Development) for the following:
- 04-895 (A) Schedule 2004-06. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-896 (B) Schedule 2004-54. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-897 18. Approve and accept real estate documents for property for Southeast Ridge Trunk Sanitary Sewer Project, \$700 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-898 19. Approve and accept real estate documents for property for S.E. 14th Street and East India

- Avenue Intersection Improvements Project, \$640 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-899 20. Accepting replacement Real Estate document for city-owned property in the vicinity of Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-900 21. Authorizing acquisition of the necessary right-of-way and easements for the Four Mile T Replacement Sewer Project and rescinding previous authorization to proceed with acquisition of the necessary right-of-way and easements for the WRA Four Mile Interceptor Extension Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-901 22. Approving final subdivision plat entitled PARK AVENUE ESTATES located in the vicinity of the 1700 block of East Park Avenue. ([Council Communication No. 04-210](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-902 23. Approving subdivision plat entitled Coryn Subdivision (located east of NE 22nd Street (Delaware Avenue) and west of I-35 (located within the 2 mile jurisdiction). ([Council Communication No. 04-208](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-903 24. Approving tax abatement application for additional value added improvements made during 2003 for property at 2608 Eagle Point Court. ([Council Communication No. 04-207](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-904 25. Recommendation of Mayor Frank Cownie to reappoint Mary Campos to Seat 1 on the Service Commission for a four-year term commencing April 1, 2004 to expire April 1, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-905 26. Communication from Earl LeRoy Edwards advising of his resignation from the Housing Authority Board (Seat 5) effective May 12, 2004. **Moved by Hensley to receive, file, and act on resignation with appreciation for service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-906 27. Regarding preliminary subdivision plat for Culver Ridge Estates, vicinity of 2400 block of Payton Avenue. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-907 28. On Proposed Urban Renewal Plan for Fleur Drive Commercial Urban Renewal Area, (6-7-04) ([Council Communication No. 04-211](#)) **Moved by Brooks to adopt after removing southwest corner of Fleur and McKinley from the area. Motion Carried 7-0.**

- 04-908 29. On Annexation Moratorium Agreement and 28E Agreement with City of Norwalk, (6-21-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-909 30. On Proposed Connection Fee Ordinance for Southeast Ridge Area Trunk Sewer System Bene District, (6-7-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-910 31. On sale of City property at 916 University Court, to Nicholas C. Martinez, \$2,000, (5-17-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-911 32. On Zoning Ordinance text amendment to specifically authorize the Zoning Enforcement Officer to provide written determinations to a requesting party regarding applicability of Chapter 134 related land use regulation to a specific site; and also establish a schedule of fees for providing this service, (5-17-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-912 33. On request from Cornerstone Family Church, to rezone property at 4375 SW 63rd Street from "PBP" (Planned Business Park) and "M-1" (Light Industrial) to Ltd. "C-2" (General Retail Highway-Oriented Commercial), to allow for a retail center use of the property in conjunction with the planned religious assembly use, (5-17-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
34. On intent to commence Public Improvement Projects to construct the following, and to acquire agricultural land for the projects, (6-7-04):
- 04-913 (A) Clover Hill Trunk Sanitary Sewer. ([Council Communication No. 04-216](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-914 (B) WRA Four Mile Interceptor Extension. ([Council Communication No. 04-222](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
35. On the following General Obligation Bonds, (5-17-04): ([Council Communication No. 04-20](#))
- 04-915 (A) \$11,460,950 (Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-916 (B) \$19,316,200 (Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-917 (C) \$644,850 (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-918 (D) \$736,150 (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-919 (E) \$781,850 (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**

7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-920 36. Approving payments to law firm of Myers & Jenkins, \$1,270.02 and \$118 from Tishler & V Ltd. for outside counsel for the UAL Corporation bankruptcy, (Total \$1,388.02). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-921 37. Approving payment of \$432 to Sullivan & Ward, P.C. for assistance in matters pertaining to National Pollution Discharge Elimination System Permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-922 38. Approving payment of \$1,019.54 to Belin Law Firm for consultation and legal services in connection with acquisition of railroad property for the Riverwalk Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-923 39. Approving payment of \$5,334.89 to Hansen, McClintock & Riley for representation of Wakeham in David Griffith v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-924 40. Submitting out-of-state travel for Emily Chafa, Vern Ostrander, Martha Nelson and C Johansen. ([Council Communication No. 04-200](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-925 41. Submitting various traffic regulation changes as follows: **Moved by Hensley to receive, file, refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance-North Side of Pioneer Road, east of East Indianola Road.
 - (B) Corner Clearance-North Side of Boyd Street, east of East 14th Street.
 - (C) Parking Restriction-South Side of Day Street between 16th Street and 19th Street.
 - (D) Code Revisions to Reflect New Alignment of McKinley Avenue.
 - (E) Updates to Reflect Official Signing in Rosebud, Fleetwood Acres Plat 5, and Brook Heights.
 - (F) Four-Way Stop-Intersection of Kingman Boulevard and Thirty-fifth Street. ([Council Communication No. 04-218](#))

APPROVING

- 04-926 42. Certificates of Consistency with the City's 2000-2004 HUD Consolidated Plan and Economic Strategic Plan for Community Housing Development Corporation (CHDC) for application for HUD Youthbuild Grant. ([Council Communication No. 04-197](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-927 43. 2003 Shelter Plus Agreement for supplemental funding for local homeless programs to address service gaps, \$731,400. ([Council Communication No. 04-199](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-928 44. Grant Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the 2004 HUD Consolidated Plan, \$6,435,581. ([Council Communication No. 04-198](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-929 45. Intergovernmental 28E Shared Use Agreement with the Des Moines Independent School District for 2004/2005. ([Council Communication No. 04-204](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-930 46. Greater Des Moines Softball Park Concession Agreement with Davis Concessions, George D. Davis, Owner, for a three-year term. ([Council Communication No. 04-201](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-931 47. Directing sale of General Obligation Refunding Bonds, Series 2004A. ([Council Communication No. 04-206](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-932 (A) Authorizing redemption of outstanding General Obligation Refunding Bonds, Series 1996D. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-933 48. Directing sale of General Obligation Refunding Bonds, Series 2004B. ([Council Communication No. 04-205](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-934 (A) Authorizing redemption of outstanding General Obligation Bonds, Series 1995C, 1997B, and appointing Wells Fargo Bank N.A. as Registrar and Paying Agent. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-935 49. Amendment to Intergovernmental Agreement for Promotion of Tourism and Convention Activities in greater Des Moines, to include the City of Grimes. **Moved by Hensley to adopt. Motion Carried 7-0.**
50. NUMBER NOT USED.
- 04-936 51. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Primary Election to be held on Tuesday, June 8, 2004. **Moved by Hensley to approve. Clerk will notify the City Properties Administrator and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.**

- 04-937 52. Communication from Latino Heritage Festival Coordinator requesting banner design approval for various flags of twenty-two countries to be displayed during the Latino Heritage Festival on August 12 on the Walnut Street Bridge. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
53. Communications from Downtown Community Alliance for display of the following banner designs:
- 04-938 (A) Iowa State Fair for 72 banners on Locust Street and Grand Avenue during July and August. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- 04-939 (B) Various designs of up to 120 banners in Downtown Des Moines to display periodically throughout the year to fill any vacant banner poles. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- 04-940 54. Iowa State Fair request for temporary head-in parking along north side of Dean Avenue from East 31st Street to East 34th Street; temporary fencing to the sidewalk along Dean from East 31st Street to East 30th, and “No Parking” signs in the area east of East 34th Street (Gate 7) and Grand Avenue both north to University and south to Walnut Street during the fair, August 9 through August 22. **Moved by Hensley to receive, file and grant the request. Motion Carried 7-0.**
- 04-941 55. Quarterly Treasurer’s Report as of March 31, 2004. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-942 56. City of Des Moines Financial Report for the nine months ended March 31, 2004. ([Council Communication No. 04-202](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**

Council considered Hearing Items 63 thru 71 next

- 04-943 57. Proposal from OPS System, Inc. for an Integrated Management System (IMS) to be used by the Wastewater Reclamation Facility (WRF) and authorizing City Manager to negotiate and execute a contract, \$67,850. ([Council Communication No. 04-223](#)) **Moved by Overman to adopt. Motion Carried 7-0.**
58. Bids from the following:
- 04-944 (A) Mario’s Lawn Services for an annual contract with two additional one-year renewal options to furnish vegetation trimming services at Glendale and Laurel Hill Cemeteries. (Seven bids mailed, two received). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-945 (B) Western Safety Products for MSA (Mine Safety Appliance) respirator face-piece and filter kits and breathing canisters for use by the HazMat Division of the Fire Department. \$44,113.65. (Seven bids mailed, six received). **Moved by Overman to adopt. Motion Carried 7-0.**
- 04- 59. Civil Service Entrance Lists for Park and Aviation Maintenance Technician, Housing Services

946

Inspections Supervisor, Client Server Application Developer, and Promotional Lists for S
Fire Medic, Senior Building Equipment Operator and Heavy Equipment Operator. **Moved
Hensley to receive and file. Motion Carried 7-0.**

04-
947

60. Authorizing Finance Director to issue checks on the registers of May 6 and May 13, 2004; a
draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 3
May 10, 2004; and to draw checks for biweekly payroll due employees on May 14, 2
Moved by Hensley to adopt. Motion Carried 7-0.

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES – FIRST CONSIDERATION

04-
948

61. Amending Chapter 114 of the Municipal Code regarding various traffic regulation chang
follows: **Moved by Vlassis that this ordinance be considered and given first vote
passage. Motion Carried 7-0.**

(A) Loading Zone – East side of 13th Street, south of Forest.

(B) Parking Restriction Extension – East side of SW 6th Street, south of Elm Street.

(C) Loading Zone – East side of 5th Avenue, south of Watson Powell Jr. Way.

****Council considered Items 72 thru Board of Health next****

COMMUNICATIONS/REPORTS

WITHDRAWN

04-
949

62. From Dolph Pulliam, 1313 Chautauqua Parkway, regarding the Spectrum Program.

HEARINGS (Opened at 5:32 P.M.) (Items 63 thru 71)

04-950

63. On vacation and sale of the North/South alley adjoining 3009 SW 9th Street, to abutting prop
owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-951

(A) First consideration of ordinance above. **Moved by Hensley that this ordinance
considered and given first vote for passage. Motion Carried 7-0.**

- 04-952 64. On sale of property at 2515 E. 35th Street, to Donald L. Vaughn, \$1,300. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-953 65. On transfer of the wetlands area in the vicinity of US Hwy 65 and the Skunk River, to the County Conservation Board. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-954 66. On release of easements for property located in vacated alley in the 800 block of Walnut Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-955 67. On application for Certificate of Public Convenience and Necessity by C & C Limousine Service, Inc. ([Council Communication No. 04-219](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-956 68. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 212 acres), and continue to [5-17-04](#). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-957 69. On University Avenue Bridge over Des Moines River Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating local responsible bidder as Cramer & Associates, Inc., (Robert Cramer, President/CAO, D), \$712,817. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-958 (A) Approving contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-959 (B) Approving Supplemental Agreement No. 1 with Shuck-Britson, Inc. for Construction Phase Services. ([Council Communication No. 04-220](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-960 70. On E. 20th Street Connector Trunk Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and submission of bids. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-961 71. On Botanical Center and Police Station Underground Fuel Tanks: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating local responsible bidder as J. Pettiecord, Inc., (Jeff Pettiecord, President, DSM), \$82,410. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-962 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:41 P.M.

Council considered Items 57 thru 61 next

APPROVING

- 04-963 72. Supplemental Agreement No. 2 with Brian Clark and Associates, Inc., (Brian Clark, President of DSM) for additional design services for Walnut Creek Trail, Phases I and II and Trail Alignment (Council Communication No. 04-209) **Moved by Hensley to adopt. City Manager to propose the following: 1) Frequent communications with property owners. 2) Status update to Council. 3) Report on the Operations and Maintenance Budget for the project. 4) Answer to items IV a, b, & c on the handout. Motion Carried 6-1. Nays: Cownie.**
- 04-964 (A) Communication from Matt Russell, 670 64th Street requesting permission to sign regarding placement of Walnut Creek Recreational Trail between Center Street and 64th Street. **Moved by Hensley to receive and file. Motion Carried 6-1. Nays: Cownie.**

BOARD OF HEALTH

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- 04-965 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

HEARING

- 04-966 1. On resolution to cause the removal of the garage structure by administrative process and to cover the enforcement cost incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken regarding 1320 E. 41st Street, Titleholder: John L. E. **Moved by Vlassis to adopt. Motion Carried 7-0.**

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:
- 04-967 (A) 2728 College, Titleholder: Lonnette M. Dafney; Mortgage Holders: National Advantage Mortgage Company, First Bank National Association, TMS Mortgage, d/b/a The Money Store. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-968 (B) 2504 Des Moines Street, Titleholders: Matthew F. and Sonny L. Greene. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-969 (C) 703 SE 25th Court, Titleholder: The Estate of Beverly F. Weiny. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-970 (D) 3828 55th Street (shed structure), Titleholder: Pamela A. Gavin. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-971 3. The Engineering Department to remove the structure at 1728 E. Grand, Titleholder: Charles Patricia McBurney; Contract Buyer: Richard Eddy. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-972 4. An extension of time for completion of the renovation at 930 39th Street and a stay of demolition. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

- 04-973 5. From Larny Hendricks, 701 Boyd Street requesting permission to speak regarding structure replacement at 701 Boyd Street. **Moved by Vlassis to grant a 60-day extension. Motion Carried 7-0.**
- 04-974 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:51 P.M. Motion Carried 7-0.**

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