

***** 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 17, 2004 4:30 P.M.

**2:00 P.M. to 4:00 P.M. - Reception for Council Member Michael Kiernan at City Hall
SPECIAL PRESENTATION (4:00 P.M.)**

Swearing In Ceremony for Michael Kiernan
Recognition of Jerry Overman

PROCLAMATIONS

National Public Works Week
World War II Veterans Recognition Day
National Employee Health and Fitness Day

INVOCATION: Pastor Tim Diebel, First Christian Church

- 04-979 1. **ROLL CALL: Present: Cownie, Coleman, Kiernan, Vlassis, Mahaffey, Hensley and Brooks.**
- 04-980 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

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***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.**

- 04-981 3. **APPROVING CONSENT AGENDA – items 3 through 51: Moved by Brooks to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-982 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Vlassis to adopt. Motion Carried 7-0. *Item 4(G) was moved by Council Member Hensley to defer until Sherman Hill Neighborhood Association has an opportunity to meet with the owners to address concerns. *Item 4(J) was moved by Council Member Vlassis to defer until the June 7, 2004 meeting. Police to provide a list of the past 18 months activity and refer to Legal Department to determine if the property can be declared a public nuisance.**

NEW APPLICATIONS

(A)	CAFE DI SCALA	2002 WOODLAND AVE	B Wine
(B)	EAST SIDE GRILL	3301 E EUCLID AVE	C Beer/Wine
(C)	EL DORADO	1820 E ARMY POST RD	C Liquor
(D)	HOT BOX SPORTS CLUB	5914 SE 14TH STREET	C Liquor
(E)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(F)	SUPER STOP	727 SE 14TH ST	C Beer

RENEWAL APPLICATIONS

(G)	*CARLS PLACE	1620 WOODLAND AVE	C Liquor
(H)	DEPOT 3000 E GRAND AVE	B Beer	
(I)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(J)	*HICKMAN PUB	2335 HICKMAN RD	C Liquor
(K)	HOYT SHERMAN PLACE	1501 WOODLAND AVE	C Liquor
(L)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(M)	KING YING LOW RESTAURANT	223 4TH STREET	C Beer/Wine
(N)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(O)	PIZZA HUT #4353	1435 ARMY POST ROAD	B Beer
(P)	QUALITY INN & SUITES EVENTS	929 3RD ST	B Liquor
(Q)	QUIKTRIP #516	1000 E UNIVERSITY AVENUE	C Beer
(R)	ROMANCE CAFE	1454 2ND AVE	B Beer
(S)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(T)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(U)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(V)	SPAGHETTI WORKS	308 COURT AVE	C Liquor
(W)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(X)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor
(Y)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

TRANSFER TO NEW LOCATION

(Z)	DEPOT 3000 E GRAND AVE	B Beer	
	TEMPORARY TRANSFER OF LICENSE TO THE MIDWAY AREA FOR THE GOLDEN CIRCLE GAMES ON JUNE 16, 2004.		
(AA)	DEPOT	3000 E GRAND AVE	B Beer
	TEMPORARY TRANSFER OF LICENSE TO PLAZA STAGE AREA FOR THE WORLD PORK EXPO FROM JUNE 10, 2004 TO JUNE 12, 2004.		
(BB)	WINSTONS PUB & GRILLE	800 WALNUT ST	C Liquor
	TEMPORARY TRANSFER OF LICENSE FOR "BIG HAIR BALL" ON JUNE 12 th AND 13 th , 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL, FIRE, ZONING AND VICE DEPARTMENTS.		

OUTDOOR SERVICE APPLICATIONS

(CC)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	TEMPORARY OUTDOOR SERVICE AREA IN CONJUNCTION WITH HISTORIC EAST VILLAGE EVENT ON JUNE 11, 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL AND FIRE DEPARTMENTS.		
(DD)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
	TEMPORARY OUTDOOR SERVICE IN CONJUNCTION WITH SUMMER IN THE CITY ON JUNE 5, 2004. PENDING APPROVAL OF BUILDING DEPARTMENT.		

SPECIAL EVENTS APPLICATIONS

(EE)	HY VEE	2201 GEORGE FLAGG PKWY	B Beer
	IN CONJUNCTION WITH WATERSTOCK ROCK EFFECTIVE JUNE 17-21, 2004.		

04-983 5. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction for the following:

04-984 (A) Agrimergent Technology Park Storm Sewer Outlet and Pump Station -Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$1,887,910). **Moved by Brooks to adopt. Motion Carried 7-0.**

04-985 (B) Westchester Park Playground Improvements – Phase 2 – Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$98,600). **Moved by Brooks to adopt. Motion Carried 7-0.**

04-986 (C) 2004 Sidewalk Replacement Program – Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$174,800). **Moved by Brooks to adopt. Motion Carried 7-0.**

04-987 (D) 2004 Sidewalk Replacement Program – Designated Neighborhoods – Receiving of Bids, (6-8-04), and Setting Date of Hearing, (6-21-04), (Construction Estimate - \$174,750). **Moved by Brooks to adopt. Motion Carried 7-0.**

04-988 7. Approving various Actions regarding the WRF Combined Waste/Solids Processing

Improvements Project, and transferring the project to the WRA for rebidding and award of contract, or: **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN
04-989

(A) ALTERNATE RESOLUTION: Ordering Construction to have the City rebid the project with the following options:

(1) Approving this resolution which releases all John T. Jones Construction's security on the condition that John T. Jones will not be allowed to submit a bid.

(2) Approving this resolution with the revision that the City retain John T. Jones Construction's \$10,000 Certified check as security that will pay the actual cost to rebid the project on the condition that John T. Jones will be allowed to submit a bid. ([Council Communication No. 04-240](#))

04-990

(B) Receive and file the Public Improvement Bid Evaluation Policy. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-991

8. Approving 6th and Locust Emergency Sanitary Sewer Repair. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-992

9. Approving Professional Services Agreement with Sinclair Architects, LC (Lon Sinclair, President, WDSM) in conjunction with Fire Station No. 3 Renovation, \$37,250. ([Council Communication No. 04-239](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

04-993

10. Accepting completed construction and approving final payment for Fleur Drive Resurfacing from McKinley Avenue north to Railroad Viaduct (north of Bell Avenue), Des Moines Asphalt & Paving Co. **Moved by Brooks to adopt. Motion Carried 7-0.**

11. Approving the following Private Construction Contracts between Eco-Tech Construction, L.L.C., (Steve Gillotti, Manager, Grimes, Contractor), and Brook Run L.C., (Thomas J. Gratiias, President, Clive, Owner) for construction of Sanitary Sewer, Storm Sewer and Paving Improvements in the following developments located at Douglas Avenue and Brook Run Drive:

04-994

(A) Brook Run Village Plat 11. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-995

(B) Brook Run Village Plat 12. **Moved by Brooks to adopt. Motion Carried 7-0.**

12. Rescind previous Private Construction Contract approvals and approving replacement Private Construction Contracts between Corell Contractor, Inc. (Grant D. Corell, Vice President, WDSM, Contractor), and Dr. James Pollard (Boone, IA, Owner) for construction of the following in Easter Lake Estates Plat 7, located at Easter Lake Drive and SE 27th Street:

04-996

(A) Sanitary Sewer Improvements. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-997

(B) Storm Sewer Improvements. **Moved by Brooks to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

04-998

13. Approve deletion of NAC-Emergency Assessment at 1244 – 13th Street. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-999

14. Approve refund of unused Special Assessment Default Fund, Refund Schedule No. 2004-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1000

15. Approve Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fee for May 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

04-1001

(A) Schedule No. 2004-07. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1002

(B) Schedule No. 2004-28. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1003 (C) Schedule No. 2004-55. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-1004 17. Approve and accept real estate documents for property at 3300 Indianola Avenue for the S.E. 14th Street and East Indianola Avenue intersection improvement project, \$1,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1005 18. Approve and accept real estate documents for property at the Southwest corner of Littell Avenue and SW 30th Street, for the South Cargo Apron Expansion and Storm Water Detention Project. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1006 19. Approve and accept real estate documents for property at 2227 Bennett Avenue, for the Closes Creek Storm Water Improvements Project, \$100 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1007 20. Approve and accept real estate documents for 5035 & 5055 McKinley Avenue, 5221 McKinley Avenue, and 5515 McKinley Avenue for the Airport Runway 13R/31L Project, \$685,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1008 21. Approve tax abatement application for Walgreen's for a new commercial building at 6200 SE 14th Street in 2003. ([Council Communication No. 04-235](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-1009 22. Recommendation of Council Member Tom Vlassis to appoint the following:
- (A) Peggy Dandy to Seat 4 on the Human Rights Commission for a three-year term commencing April 1, 2002 to expire April 4, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1010 (B) Susan M. Koenig-VandeHaar to Seat 7 on the Park and Recreation Board for a four-year term commencing April 4, 2002 to expire April 4, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1011 22-I. Recommendation of Mayor Cownie to appoint Council Member Christine Hensley as designee to Public Arts Commission. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1012 22-II. Recommendation of Park and Recreation Board to accept resignations of Stuart Mitchell, Seat 8, and David Hawkins, Seat 3, effective immediately. **Moved by Brooks to receive, file, and accept resignations with appreciation for service. Motion Carried 7-0.**
- 04-1013 23. Removal of the Chesterfield Neighborhood Association from list of recognized neighborhood associations, in accordance with the City's Neighborhood Recognition Policy. ([Council Communication No. 04-227](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-1014 24. On assessment of \$300 penalty to five cigarette permittees for violation of Iowa Cigarette Laws, (6-7-04). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1015 25. On issuance of not to exceed \$8,600,000 Stormwater Management Utility Revenue Bonds, (6-21-04). ([Council Communication No. 04-232](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-1016 26. Approving payment of \$135.61 to Hall & Associates for legal services in conjunction with the Iowa Department of Natural Resources issuance of a National Pollution Discharge Elimination System permit for the Wastewater Reclamation Authority Treatment Plant. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 04-1017 27. Approving payment of \$8,586.94 to Edgar Nickelsen for settlement of workers' compensation claim for injuries sustained during course and scope of his employment. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1018 28. Approving payment of \$8,988.83 to Todd Tilley, 1335 York Avenue as the result of stolen property while in possession of the Community Development Department by its agent, Des Moines Automotive, Inc. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1019 29. Approving payment of \$9,500 to Iowa Walls Concrete Construction, Inc. (630 9th Street, Marion, IA) as the result of the sale of a stolen vehicle at City auction. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1020 30. Approving payment of \$322.50 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title opinion work. **Moved by Brooks to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-1021 31. Submitting out-of-state travel requests for T. M. Franklin Cownie, Christine Hensley, Tom Vlassis, Richard Clark, Jennifer Harris, Patty Loomis, Eric Nevins, and Steve Woody. ([Council Communication No. 04-224](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

APPROVING

- 04-1022 32. Environmental Certification and Request for Release of Funds from HUD for the Department of Housing Services 2004 Capital Fund Program. ([Council Communication No. 04-233](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1023 33. Application for Enterprise Zone benefits for the Rose of Des Moines, L.P.'S for construction of 50 affordable assisted living units at 1918 Forest Avenue. ([Council Communication No. 04-236](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1024 34. Acceptance of the State Home Funds for the Rose of Des Moines (19th Street and Forest Avenue, \$650,000) and East Village Square (East 4th Street and East Grand Avenue, \$800,000) to fund the construction and/or rehabilitation. ([Council Communication No. 04-234](#)) **Moved by Brooks to adopt. Staff will prepare a report on the scope of the East Village Square Project to be presented at the May 25 Council Workshop. Motion Carried 7-0.**
- 04-1025 35. Goals for 2005-2009 Housing and Urban Development (HUD) Consolidated Plan Affordable Housing Strategy. ([Council Communication No. 04-243](#)) **Moved by Hensley to adopt, and include Public Transit Assistance in the list of goals. City Manager to report on the issue of housing in the City. Motion Carried 7-0.**
- 04-1026 (A) Recommendation of Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 7-0.**
36. The following items regarding Lighthouse Communications, Inc. (Jim Masterson, CEO, DSM):
- 04-1027 (A) Communication from City Manager regarding proposed economic development loan. ([Council Communication No. 04-242](#)) **Moved by Brooks to approve the preliminary loan terms and to authorize the City Manager to negotiate the final terms of agreement with Lighthouse Communications, Inc. Motion Carried 7-0.**
- 04-1028 (B) Execution of necessary documents for enterprise zone benefits. **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1029 37. Request from Knapp Properties, Inc. to extend deadline to June 22, 2004 for satisfaction or waiver of conditions for property at 2103 Ingersoll Avenue in accordance with Purchase Agreement. ([Council Communication No. 04-244](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

- 04-1030 38. Selection of Apex Environmental Inc., Barker Lemar Engineering Consultants, Environmental Resource Services, Stanley Consultants Inc., and Tetra Tech EM Inc. to conduct Phase I environmental assessment work in select areas. ([Council Communication No. 04-225](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
39. NUMBER NOT USED.
40. Authorizing and providing for the issuance of the following General Obligation Refunding Bonds and levying a tax to pay:
- 04-1031 (A) \$21,335,000 Series 2004A. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1032 (B) \$33,300,000 Series 2004B. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1033 41. Selection of McGladrey & Pullen, LLP as the City's independent financial auditor and directing negotiation and execution of a contract for fiscal years ending June 30, 2004, 2005 and 2006, with the option of two one-year renewals. ([Council Communication No. 04-228](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1034 42. Amendment to Occupational Health Care Services Agreement with Des Moines University Clinic (DMU). ([Council Communication No. 04-226](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1035 43. Fully insured health insurance plan for employees and retirees of the City for the period July 1, 2004 through June 30, 2005. ([Council Communication No. 04-229](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan.**
- 04-1036 44. Amended and Substituted License Agreement with Qwest Corporation for telecommunications cabinet on Fire Station property at 1727 E. Walnut Street. ([Council Communication No. 04-237](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1037 45. One-Year Extension of Downtown Parking System Management Contract with Ampco System Parking (Mark Muglich, Vice President, San Francisco, CA). ([Council Communication No. 04-241](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1038 46. Amendment to Consulting Agreement with MAXIMUS, Inc. for preparation of Central Service Cost Allocation Plan for fiscal year 2003. ([Council Communication No. 04-230](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
47. Bids from the following:
- 04-1039 (A) Quad County Implement for a utility tractor to be used by the Wastewater Reclamation Facility, \$27,999. (Nine bids mailed, three received). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1040 (B) Car Quest and NAPA Auto Parts for primary and secondary suppliers of automotive parts to be used by the Fleet Maintenance Center. (Seven bids mailed, two received). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1041 (C) ASAP Software Express per State of Iowa Contract CT2545 for Microsoft software products to be used by the Information Technology Department, \$269,126. ([Council Communication No. 04-245](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1042 48. Civil Service Entrance List for Tree Trimmer. **Moved by Brooks to receive and file. Motion Carried 7-0.**
- 04-1043 49. Authorizing Finance Director to issue checks on the registers of May 20, May 27, and June 3, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 17, May 24, and May 31, 2004; and to draw checks for biweekly payroll due employees on May 28, 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-1044 50. On vacation of the North/South alley adjoining 3009 SW 9th Street. **Moved by Brooks that**

this ordinance be considered and given second vote for passage. Motion Carried 7-0.

- 04-1045 51. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Brooks that this ordinance be considered and given second vote for 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.

- 04-1046 (D) Final reading of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes. **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 by suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, 14,338. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 04-1047 52. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. 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 Brookline Heights.

(F) Four-Way Stop-Intersection of Kingman Boulevard and Thirty-fifth Street.

- 04-1048 (G) Final consideration of ordinance above, requires 6 votes. **Moved by Vlassis 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 ant that the ordinance do now pass, #14,339. Motion Carried 7-0.**

- 04-1049 53. Amending Chapter 2 of the Municipal Code regarding procurement by solicitation of competitive bids, and procurement by request for proposals. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 04-1050 54. From Youth Advisory Board regarding the success of MetroStar 2004. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

- 04-1051 55. From Stephen Clark, 1407 – 2nd Place, and Alisa Payton, 2902 – 2nd Avenue requesting to speak regarding an extension of time for completion of renovation and stay of demolition for property at 1406 – 2nd Place. **Moved by Vlassis to receive, file, and grant the requests to speak. Staff will continue to monitor the progress and report back at the October 11, 2004 meeting. Motion Carried 7-0.**

Council considered Hearing Items 58 thru 67 next

- 04-1052 56. From Jeanne Johnson, Riverbend Neighborhood Association, requesting to speak regarding assignment of tax certificate for 1800 7th Street. **Moved by Vlassis to receive, file and grant the request to speak; refer to the City Manager and Legal Department for review and recommendation at the June 7, 2004 meeting. Motion Carried 7-0.**

04-1053 57. From Lyla Dozier, 741 27th regarding Woodland Heights Organization's request to remove four properties from the June certificate tax sale---922 24th, 800 24th, 814 29th, and 736 27th. **Moved by Hensley to receive, file, and grant the request to speak; refer to the City Manager and Legal Department for review and recommendation at the June 7, 2004 meeting. Motion Carried 7-0.**

HEARINGS (Opened at 5:32 P.M.) (Items 58 thru 67)

- 04-1054 58. On the following General Obligation Bonds:
- (A) \$11,460,950 (Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1055 (1) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1056 (B) \$19,316,200 (Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1057 (1) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1058 (C) \$644,850 (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1059 (1) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1060 (D) \$736,150 (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1061 (1) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1062 (E) \$781,850 (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1063 (1) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1064 (F) Directing advertisement for sale of three series of General Obligation Bonds - \$32,940,000, (bonds will be sold on June 7). ([Council Communication No. 04-231](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1065 59. 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 and related land use regulation to a specific site; and also establish a schedule of fees for provision of this service. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1066 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1067 (B) Final consideration of ordinance above, requires 6 votes, (waiver requested by Community Development Director). **Moved by Vlassis that the rule requiring that an ordinance 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 do now pass, #14,340. Motion Carried 7-0.**
- 04-1068 60. On sale of City property at 916 University Court, to Nicholas C. Martinez, \$2,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1069 61. 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

and Highway-Oriented Commercial), to allow for a retail center use of the property in conjunction with the planned religious assembly use, and to continue to June 21, 2004 at 5:30 P.M. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1070 62. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 212 acres, and to continue to June 7, 2004 at 5:30 P.M. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1071 63. On Clark Street Sanitary Sewer Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Rognes Corp., (Warren Rognes, President), \$1,049,401. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1072 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1073 64. On Cownie Soccer Complex Concession Shelter Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President, DSM), \$45,000. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-1074 (A) Approving contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-1075 65. On SW 9th Street and Virginia Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Price Industrial Electric, Inc., (Jeremy Price, President, Hiawatha, IA), \$68,303.50. **Moved by Hensley to adopt. City Manager to report back on McDonald's financial responsibility. Motion Carried 6-1. Nays: Vlassis.**
- 04-1076 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**
- 04-1077 66. On Sylvan Theater Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services, LLC, (Chris Brault, Managing Partner, Johnston), \$246,100. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1078 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1079 67. On 2004 Sanitary Sewer Televising Program Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hydro-Klean, Inc., (Andrew W. Merial, CEO), \$100,799. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1080 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

- 04-1081 68. Resolution regarding the Court Avenue Project as proposed by Court Avenue Partners, (Jim Hubbell and Harry Bookey). ([Council Communication No. 04-246](#)) **Moved by Hensley to receive and file, and to direct the City manager to proceed with the renegotiation of redevelopment project as proposed by Court Avenue Partners for presentation at the June 7, 2004 Council meeting. City Manager to also recommend a plan for the larger area. Motion Carried 6-1. Nays: Brooks.**

END HEARINGS AT 5:45 P.M.

****Council considered Items 56 thru Board of Health next****

BOARD OF HEALTH

04-1082 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

HEARING

04-1083 1. On resolution to cause the removal of the structures located at 1305 E. 38th Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable action to be taken, Titleholders: Mark and Jean Murray. **Moved by Vlassis to adopt. Motion Carried 7-0.**

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:

WITHDRAWN

- 04-1084 (A) 2443 Capitol Avenue (garage structure), Titleholders: Oral D. and Mary E. Matney.
- 04-1085 (B) 2604 Logan Avenue, Titleholder: Thomas A. Waddle. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1086 (C) 1311 Oak Park Avenue, Titleholder: Charles G. Walls. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1087 (D) 449 Tonawanda Drive, Titleholders: James F. Hiatt, Michael A. Hiatt, Patrick E. Hiatt; Tax Certificate Holder: Christine Frank d/b/a Tax 221. **Moved by Hensley to defer to the June 7 meeting. Motion Carried 7-0.**
- 04-1088 (E) 2540 SE 14th Street, Titleholder: Fellowship Tabernacle. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1089 (F) 1315 E. 38th Street, Titleholder: Francis Lloyd. **Moved by Vlassis to adopt. Motion Carried 7-0.**
3. The Engineering Department to remove the following structures:
- 04-1090 (A) 2423 E. 11th Street, Titleholder: Dan L. Howe and Robbie L. Howe; Contract Buyer: Dawn VanderSluis; Mortgage Holder: Community State Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1091 (B) 1152 22nd Street; Titleholder: Primo Acquisition I, L.L.C. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1092 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:05 P.M. Motion Carried 7-0.**

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