



*** 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 '09-' 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

October 26, 2009 4:30 PM

PROCLAMATIONS – 4:15 PM

Right of Way Recognition Month

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church
E. 25th and Capitol

- [09-1897](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**
- [09-1898](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1899](#) 3. APPROVING CONSENT AGENDA – items 3 through 44: **Moved by Vlassis to adopt the balance of the Consent Agenda. 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.

LICENSES AND PERMITS

09-1900

- 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A)	ALDI INC #03	3940 E 14TH STREET	C Beer
(B)	ALDI INC #29	500 E ARMY POST RD	C Beer
(C)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(D)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(E)	CARLOS O'KELLYS	6250 SE 14TH ST	C Liquor
(F)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(G)	DUBLIN	2307 UNIVERSITY	C Liquor
(H)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(I)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(J)	HESSEN HAUS	101 4TH STREET	C Liquor
(K)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(L)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(M)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(N)	SUPER QUICK	303 SE 30TH ST	C Beer

SPECIAL EVENTS APPLICATIONS

- (O) HY-VEE WINDSOR HEIGHTS 519 PARK ST Five (5) Day License
Special Class C Liquor License for Pottery For Prevention event on November 6, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (P) RUSSELL GILMAN 519 PARK ST Five (5) Day License
Class C Liquor License for an event on November 7, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

PUBLIC IMPROVEMENTS

- 5. Ordering construction of the following:

09-1901

- (A) Police Department Metro Star Building Improvements: Receiving of bids, (11-24-09), and Setting date of hearing, (12-7-09). (Construction Estimate - \$416,300). (Council Communication No. 09-750) **Moved by Vlassis to adopt. Motion Carried 7-0.**

09-1902

- (B) SE 6th Street Bridge over the Des Moines River Rehabilitation: Receiving of bids, (11-24-09), and Setting date of hearing, (12-7-09). (Construction Estimate - \$2,387,597.50) (Council Communication No. 09-749) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-1903](#) 6. [Approving](#) Professional Services Agreement with RDG Planning and Design for the Des Moines Skywalk structural and mechanical conditions and improvements study, not to exceed \$135,000. ([Council Communication No. 09-741](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1904](#) 7. [Approving](#) Change Order No. 1 with Reilly Construction Co., Inc. for adjustment of quantities on the E. Indianola Avenue Widening Phase 1, not to exceed \$80,386. ([Council Communication No. 09-743](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1905](#) 8. [Approving](#) Change Order No. 2 with Elder Corporation for additional work on the Cownie Soccer Fields Improvements – Phase 3, not to exceed \$90,420. ([Council Communication No. 09-744](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1906](#) 9. [Approving](#) designation of lowest responsive, responsible bidder as Proshot Concrete, Inc., Timothy McDougle, President, \$179,664, and approval of contract and bond, and permission to sublet on 1706 Pennsylvania Avenue Soil Stabilization. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1907](#) 10. [Approving](#) Private Construction Contract between Halbrook Excavating, Inc. and Tai Village, Inc. for sanitary sewer improvements in 4200 ML King Jr. Parkway, \$2,750. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1908](#) 11. [Communication](#) from Van Hauen & Associates, Inc. requesting permission to sublet certain items on 2009 Sewer Repair Contract 1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment for the following:
- [09-1909](#) (A) [Grimes](#) Asphalt & Paving Corp. – American Discovery Trail – Segment 4. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1910](#) (B) [Grimes](#) Asphalt & Paving Corp. – 2008 Expanded Street Resurfacing Program, Contract 2. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

WITHDRAWN

- [09-1911](#) 13. ~~[Approving](#) deletion of rental inspection assessment at 2022 34th Street.~~
14. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for September 2009 on the following:
- [09-1912](#) (A) [Fees](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1913](#) (B) [Credits](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-1914](#) 15. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the SE 6th Street widening – Court Avenue to Des Moines River project. ([Council Communication No. 09-748](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [09-1915](#) 16. [Regarding](#) request from Divine Temple Church of God in Christ, 707 Buchanan Street, to vacate segments of right-of-way adjoining their property, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [09-1916](#) 17. [On](#) request from Erazm Rokitnicki to rezone 2134 E. Grand Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow conversion of legal non-conforming book bindery office to an event/assembly hall, (11-9-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1917](#) 18. [On](#) request from Josh Spencer to rezone 1800 Euclid Avenue from “C-1” (Neighborhood Retail Commercial), “C-2” (General Retail and Highway Oriented Commercial) and “U-1” (Floodplain) to “M-2” (Heavy Industrial) to allow a tree contracting business and wood yard for display and sales of firewood, (11-9-09). (Plan and Zoning Commission recommends DENIAL) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1918](#) 19. [On](#) Zoning text amendments to Section 134-278 and 134-1296 to address dwellings made non-conforming by annexation and automatic imposition of “A-1” Agricultural District regulations, (11-9-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1919](#) 20. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services for Michael G. Marks to do business as Marks Limousine Service, (11-9-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [09-1920](#) 21. [Submitting](#) travel and training requests for Raymond Carrington and Tom Vlassis. ([Council Communication No. 09-754](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

22. Supportive Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD) for the following:
- [09-1921](#) (A) [Homeless](#) Management Information System. ([Council Communication No. 09-734](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1922](#) (B) [House](#) of Mercy Transitional Housing Program. ([Council Communication No. 09-732](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1923](#) 23. [2009](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care program application. ([Council Communication No. 09-733](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1924](#) (A) [Communication](#) from Chair of Polk County Housing Continuum Board. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1925](#) 24. [Major](#) Amendment #6 of Community Development Block Grant (CDBG) Program Disaster Recovery Housing Fund Contact with Iowa Department of Economic Development to add funds. ([Council Communication No. 09-752](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1926](#) 25. [Third](#) amendment to Jumpstart Housing Assistance Program Grant Agreement. ([Council Communication No. 09-753](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
26. Amendment to terms of Home Loans for renovation of low-income rental housing for the following:
- [09-1927](#) (A) [Oakridge](#) Neighborhood Associates, L.P. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1928](#) (B) [Oakridge](#) Neighborhood Associates, Phase II, L.P. ([Council Communication No. 09-763](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1929](#) 27. [HOME](#) contract documents with MLK Brickstone, L.P. for \$250,000 loan for new construction of 18 units of low-income rental housing at 1045 19th Street. ([Council Communication No. 09-738](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-1930](#) 28. [HOME](#) contract documents with Anawim (d/b/a Anawim Housing) for new construction of six low-income rental housing units as part of mixed-use building at 2024 Forest Avenue. ([Council Communication No. 09-739](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1931](#) 29. [Amended](#) Neighborhood Stabilization Program (NSP) Contract with the Iowa Department of Economic Development and related supporting Documents. ([Council Communication No. 09-751](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1932](#) 30. [Urban](#) Renewal Development Agreement with 6000 Aurora LLC for redevelopment of former Silver Cinema Building at 6000 Aurora Avenue. ([Council Communication No. 09-740](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1933](#) 31. [Environmental](#) covenants upon portions of SW 11th and Murphy Street within the old Pittsburg/Des Moines Steel Site required to complete cleanup and qualify for a “No Further Action” letter from the Iowa Department of Natural Resources. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1934](#) 32. [Sidewalk](#) café lease serving alcohol with Rogers Entertainment, Ltd. d/b/a Legends at 216 Court Avenue. ([Council Communication No. 09-736](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1935](#) 33. [Amendment](#) of Agreement with Sprint Solutions, Inc. for cell phone service and authorizing IT Director to execute and to negotiate future amendments. ([Council Communication No. 09-737](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1936](#) 34. [Acceptance](#) of Project Safe Neighborhoods 2009 Anti-Gang Initiative Grant, \$25,877. ([Council Communication No. 09-758](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1937](#) 35. [Submittal](#) of FY2008 Revised Annual Certification Report and FY2009 Annual Certification Report to the U.S. Department of Justice. ([Council Communication No. 09-760](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1938](#) 36. [Sub-Grantee](#) Agreements to administer FFY 2008 Homeland Security Grant Program Funds from Iowa’s Homeland Security and Emergency Management Division. ([Council Communication No. 09-759](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1939](#) 37. [Communication](#) from Iowa Events Center requesting permission to place a temporary banner on the north side of Veterans Auditorium in association with AQS Quilt Show and Contest to be held from October 16th through November 1, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1940](#) 38. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design for 7 banners to be displayed in Downtown Des Moines on Locust Street in winter 2009. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**

- [09-1941](#) 39. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2009. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
40. Bids from the following:
- [09-1942](#) (A) [Western](#) Waterproofing (Tom Longer, Branch Manager) and Superior Painting & Epoxy Coating (Tony Negrete, Owner) for sandblasting and painting services of pools to be used by Parks and Recreation Department, \$66,427.75. (Twelve bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1943](#) (B) [Foster](#) & Freeman USA Inc. (David Tobin, President) for three forensic fuming cabinets to be used by Police Department, \$48,122.83. (Seven bids mailed, four received). ([Council Communication No. 09-735](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1944](#) (C) [Optics](#) Planet (Mark Levitin, CEO) for thermal imaging cameras to be used by Police Department, \$28,620. (Nine bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1945](#) (D) [Auction](#) Outlet (Sandy Matchinsky, Owner) for an annual contract with up to four additional one-year renewal options to furnish auctioneering services to dispose of abandoned and/or surplus vehicles, equipment and unclaimed property to be used by the Police Department, \$50,000 annual estimated cost. (Nine bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1946](#) (E) [TNT](#) Landscaping (John Church, Owner) for plant materials for installation at various parks to be used by the Parks and Recreation Department, \$90,442. (Thirteen bids mailed, seven received). ([Council Communication No. 09-764](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1947](#) 41. [Civil](#) Service Promotional Lists for Fire Medic and Building Inspector. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-1948](#) 42. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 26 and November 2, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks October 26, 2009 and November 2, 2009; and to draw checks for biweekly payroll due November 6, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES – FINAL CONSIDERATION

[09-1949](#)

43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, [#14,901](#). Motion Carried 7-0.**

- (A) Extend Passenger Loading/Unloading on 5th Avenue adjacent to the Downtown School.
- (B) Back-In Angle Parking – both sides of E. 4th Street from E. Grand Avenue to Des Moines Street.
- (C) Additional Accessible parking spaces in the East Village.
- (D) Loading Zone in front of new Nationwide Insurance Building – south side of Locust between 12th and 13th Streets.
- (E) Removal of 7:00 am – 9:00 am parking restriction – E. Grand Avenue between Robert D. Ray Drive and Pennsylvania Avenue.

ORDINANCES – SECOND CONSIDERATION

[09-1950](#)

44. On request from State of Iowa to rezone property in the vicinity of 1111 E. Court Avenue from “R-4” (Multiple Family Residential) to “C-3A” (Central Business District Support Commercial). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[09-1951](#)

(A) Final consideration of ordinance above (waiver requested by Community Development Department), requires six votes. **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, [#14,902](#). Motion Carried 7-0.**

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

ORDINANCES – FIRST CONSIDERATION

- [09-1952](#) 45. Amending Chapter 70 of the Municipal Code, regarding hunting and use of firearms and bows and arrows on 20-acre parcels assessed as agricultural property zoned “A-1” (Agricultural). **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1953](#) (A) Final consideration of ordinance above, (waiver requested by Jamey and Joey Meyer, who initiated the request), requires 6 votes. ([Council Communication No. 09-765](#)) **Moved by Meyer 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, #14,903. Motion Carried 7-0.**
- [09-1954](#) 46. Amending Chapter 18 of the Municipal Code regarding the keeping of exotic and dangerous animals to specifically exempt the keeping of primates by the Iowa Primate Learning Sanctuary for research and educational programs. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1955](#) (A) Final consideration of ordinance above, (waiver requested by the Iowa Primate Learning Sanctuary d/b/a Great Ape Trust of Iowa), requires 6 votes. ([Council Communication No. 09-756](#)) **Moved by Meyer 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, #14,904. Motion Carried 7-0.**
- [09-1956](#) 47. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 09-742](#)) **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Installation of metered parking spaces on E. Grand Avenue near E. 2nd Street.
- (B) Code revisions to incorporate traffic regulations for streets in annexation areas.
- (C) Request to allow parking adjacent to 2134 E. Grand Avenue.
- [09-1957](#) (D) Final consideration of ordinance above. **Moved by Meyer 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, #14,905. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

- [09-1958](#) 48. ~~From David Costello with Hope Builders, 1105 Orchard Lane, requesting permission to speak regarding helping the homeless this winter.~~
- [09-1959](#) 49. **From** Chet Guinn to speak regarding a citizens' proposal to beautify the Peace Garden in Nollen Plaza. **Moved by Hensley to receive and file comments; refer to City Manager to coordinate meetings with all stakeholders and come back to Council on December 7, 2009 with a recommendation. Motion Carried 7-0.**
- [09-1960](#) 50. **From** Arthur McCarthy, 2411 24th Street, Apt #5, to speak regarding Hickman Pub, 2335 Hickman. **Moved by Vlassis to receive and file comments; refer to City Manager, Legal and Police Department for review and recommendation prior to the November 23, 2009 Council meeting. Motion Carried 7-0.**
- WITHDRAWN
- [09-1961](#) 51. ~~From Una Ray, 1315 E. 16th Street, to speak regarding Handy Man Service for the community.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 56)

- [09-1962](#) 52. **On** vacation and conveyance of segment of SE 28th Street, north of E. Market Street to Greenstar Mid-America, LLC for \$900. ([Council Communication No. 09-746](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1963](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1964](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Meyer 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, #14,906. Motion Carried 7-0.**
- [09-1965](#) 53. **On** vacation and conveyance of the north/south alley adjoining 101 SW 5th Street to Rumely Lofts Limited Partnership for \$13,959 and to continue to November 9, 2009 at 5:00 PM. ([Council Communication No. 09-747](#)) **Moved by Hensley to continue the public hearing until November 9, 2009 at 5:00 PM in the Council Chambers. Motion Carried 7-0.**
- [09-1966](#) 54. **On** conveyance of an encroachment easement to allow for encroachment of existing building and improvements at 514 Foster Drive to Geoffrey J. Ingram, Trustee of Earl J. Ingram Revocable Management Trust, \$2,060. ([Council Communication No. 09-745](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1967](#) 55. [On](#) request from George Clayton to rezone 2218 E. 9th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow for use of garage for general motor vehicle repair. (Plan and Zoning Commission recommends **DENIAL**). **Moved by Mahaffey to DENY. Motion Carried 7-0.**

[09-1968](#) 56. [On](#) First Amendment to Operating Agreement and Terminal Lease with Delta Airlines, Inc. at the Des Moines International Airport. ([Council Communication No. 09-762](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

*** END HEARINGS AT 5:37 PM ***

APPROVING

WITHDRAWN

[09-1969](#) 57. ~~[Bid](#) from G & S Service Inc. (Glen Mikel, Owner) to furnish impounded vehicle towing and storage services for District 1 and District 2 for thirty-six months with two one-year renewal options to be used by the Police Department, \$41,000 estimated annual cost. (Ten bids mailed, four received). (Council Communication No. 09-757)~~

[09-1970](#) 58. [Proposal](#) from Creative Outdoor Advertising (COA) to provide a bus bench/street side amenities program on the streets of Des Moines that are served by public transit. ([Council Communication No. 09-755](#)) **Moved by Vlassis to adopt; refer to City Manager to bring back a contract for Council approval. Motion Carried 7-0.**

[09-1971](#) 59. [Letter](#) of consent for the Army Corps of Engineers to apply to the Secretary of the Interior to designate the Des Moines River Water Trail as a National Recreational Trail. ([Council Communication No. 09-761](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

EXTRA ITEMS

[09-1972](#) 1. [Communication](#) from Fran Koontz advising of her resignation from the Plan and Zoning Commission, Seat 11, effective immediately. Sponsor: Mahaffey. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

[09-1973](#) (A) [Recommendation](#) from Council Member Bob Mahaffey to appoint William Page to the Plan and Zoning Commission, Seat 11, for a five-year term commencing July 1, 2006 to expire July 1, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[09-1974](#) 2. [Communication](#) from Jeff Wagner, Manager, Blues on Grand, requesting to speak regarding downtown parking. Sponsor: Hensley. **Moved by Hensley to receive and file comments, and refer to City Manager, Traffic and Transportation and Police Department to work on immediate remedy of parking situation and a long-term permanent solution. Motion Carried 7-0.**

BOARD OF HEALTH

[09-1975](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[09-1976](#) (A) **[1712 Capitol Avenue](#)**, main structure and garage structure, Titleholder: Adair Holdings, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1977](#) (B) **[1012 SE 10th Street](#)**, main structure and accessory structure, Titleholders: Donald H. Howe (deceased) and Joyce A. Howe. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1978](#) (C) **[4315 SE 14th Street, Unit 5, Unit 8, Unit 10, and Unit 15](#)**, four main structures (mobile homes), Titleholders: Harold Rogers, Phyllis Rogers, and Harold Rogers and Phyllis Rogers d/b/a P & H Properties. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1979](#) (D) **[625 42nd Street](#)**, main structure and garage structure, Titleholder: LDF Development, LLC; Mortgage Holders: Kramer Mortgage Company, LC and U.S. Bank, National Association. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1980](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:00 PM. Motion Carried 7-0.**