

***** 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

**November 22, 2004
4:30 P.M.**

PROCLAMATIONS (4:15 P.M.)

World Aids Awareness Day

RECOGNITIONS (4:20 P.M.)

Reno, Canine Corps Member

INVOCATION: Reverend Janette Scott
Central Presbyterian Church

04-2477 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.**

04-2478 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis 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.**

04-2479 3. **APPROVING CONSENT AGENDA – items 3 through 46: Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-2480 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (A) TASTE OF THAILAND 215 E WALNUT ST C Beer/Wine

RENEWAL APPLICATIONS

- (B) B & B SUPER MARKET 2001 SE 6TH ST C Beer
(C) CLUB 2000 422 INDIANOLA AVE C Liquor
(D) DRAKE LIQUOR STORE 2106 FOREST AVE E Liquor
(E) FELIX & OSCARS 4050 MERLE HAY ROAD C Liquor
(F) FIESTA CANCUN MEXICAN REST 5118 SE 14TH ST C Liquor
(G) GINOS RESTAURANT & LOUNGE 2809 6TH AVE C Liquor
(H) HAPPY JOES PIZZA & ICE CREAM 4743 SE 14TH ST B Beer
(I) KUM & GO #208 3200 SE 14TH ST C Beer
(J) KUM & GO #2722 2211 UNIVERSITY AVE C Beer
(K) KUM & GO #2731 3104 UNIVERSITY AVE C Beer
(L) LORI AND ROYS PLACE 2301 HUBBELL AVE C Liquor
~~(M) MR V'S 206 INDIANOLA AVE C Liquor~~
(N) ROYAL MILE 210 4TH ST C Liquor
(O) SKIPS 4000 FLEUR DR C Liquor
(P) SLEEPY HOLLOW SPORTS PARK 4051 DEAN AVE C Liquor
(Q) SMOKE SHOP 1918 SE 14TH STREET C Beer
(R) SUDSUCKERS 1511 E ARMY POST RD C Liquor
(S) VAUDEVILLE MEWS 212 4TH ST C Liquor

- 04-2481 4-II Approving Five-Day Class C Liquor License for Foxboro Grill at 3631 SW 61st Street for an event on December 4, 2004. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-2482 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 04-2483 6. Resolution Ordering Construction of Southeast Ridge Trunk Sanitary Sewer-Phase Receiving of Bids, (12-14-04), and Setting Date of Hearing, (12-20-04). (Construction Estimate - \$3,329,090). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-2484 7. Approving execution of Iowa Department of Transportation Agreement for 2nd Ave (Iowa 415) and Douglas Avenue Traffic Signal Improvements. ([Council Communication No. 04-596](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2485 8. Approving Iowa Department of Transportation Preconstruction Agreement for E. Sheri Avenue-Morton Avenue-Boyd Street-E. Hull Avenue Noise Wall. ([Council Communication No. 04-594](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**
- 04-2486 9. Approving Iowa Department of Transportation Change Order to Keo Way (Birds R Phase 1 Storm Sewer Outlet. ([Council Communication No. 04-597](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**
10. Approving Private Construction Contracts for the following:
- 04-2487 (A) Eco-Tech Construction, LLC and Scott Street Enterprises for Sanitary Sewer Improvements in E. Ovid Avenue and E. 14th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2488 (B) Elder Corporation and 3031 Grand Condominiums LLC for Storm Sewer Improvements at 3031 Grand Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
11. Approving completion and recommending acceptance of the following Private Construction Contracts for Park Place Plat 2, located at E. Park Avenue and SE 24th Street Court:
- 04-2489 (A) Eco-Tech Construction, LLC and Oaks Development for Street Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2490 (B) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2491 (C) McAninch Corporation and Oaks Development for Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
12. Approving completion and recommending acceptance of the following Private Construction Contracts for The Meadowlands Plat 2, located at East Indianola Avenue and Bloomfield Road:
- 04-2492 (A) Eco-Tech Construction and Oaks Development for Street Improvements PCC Pavement Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2493 (B) McAninch Corporation and Oaks Development for Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2494 (C) McAninch Corporation and Oaks Development for Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

13. Approving completion and recommending acceptance of the following Private Construction Contracts for Easter Lake Cove, located at Easter Lake Drive and SE Court:

04-2495 (A) Eco-Tech Construction, LLC and Oak Mills L.C. for Street Paving Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2496 (B) McAninch Corporation and Oak Mills L.C. for Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2497 (C) McAninch Corporation and Oak Mills L.C. for Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

14. Approving completion and recommending acceptance of the following Private Construction Contracts for proposed Three Lakes Estates Plat 4 Subdivision at Sweetwater Drive and SE 27th Street:

04-2498 (A) Sternquist Construction and Erickson Development, Inc. for Paving Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2499 (B) Van Hauen & Associates, Inc. and Erickson Development, Inc. for Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2500 (C) Van Hauen & Associates, Inc. and Erickson Development, Inc. for Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

15. Approving completion and recommending acceptance of the following Private Construction Contracts between Eco-Tech Construction, LLC and Oaks Development Company for Easter Lake South Plat 2, located at East Payton Avenue and SE 31st Street:

04-2501 (A) Street Paving Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-2502 (B) Subgrade Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2503 (C) Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2504 (D) Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2505 16. Communication from The Waldinger Corporation requesting permission to sublet items CBD Traffic Signal Upgrade. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 17. Levying assessment for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
 - 04-2506 (A) Schedule No. 2004-12. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-2507 (B) Schedule No. 2004-59. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 18. Approving deletion of special assessments for the following:
 - 04-2508 (A) 2330 Dean Avenue – Schedule 2004-11. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-2509 (B) 2340 E. Walnut – Schedule 2004-10. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 19. Approve and accept real estate documents for the following:
 - 04-2510 (A) 2243 Morton Avenue for the I-235 Sanitary Sewer Relocation Project – Group \$2,515 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-2511 (B) 4337 Park Avenue for the Park Avenue Widening Project, \$3,950 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-2512 19. (C) 7420 SW 9th Street for the SW 9th Culvert Repair at Luster Lane Project, \$3,150 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 04-2513 (D) 1540 East Diehl Avenue for the General Storm Water Utility Project, \$2 plus closing costs.

costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-2514 20. Accept real estate tax certificates from Polk County for property located near SW 9th St and Indianola Road for the American Discovery Trail Project-Riverpoint Segment. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2515 21. Authorization to proceed with right-of-way acquisition for Deans Lake Outlet Storm Sewer Project – Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2516 22. Approving Certificate of Partial Completion for Airport Business Park Plats 1 & 2 Developed by ABC Partners, L.P. ([Council Communication No. 04-583](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2517 23. Approving release of Subdivision Bond No. IAC 21642 from Merchants Bonding Company in amount of \$8,493 as security for completion of required improvements on PARK FOREST PLAT NO. 2. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-2518 24. Recommendation of Council Member Chris Coleman to appoint Marc R. Wallace to serve on the Plan and Zoning Commission to fill unexpired term of Robert Mahan commencing July 1, 2001 to expire July 1, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2519 25. Approving the New Vision Neighborhood Association's Revised Bylaws including changing their name to Cheatom Park Neighborhood. ([Council Communication No. 04-604](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-2520 26. Regarding request from Dennis A. Murray, 2501 University Avenue, for vacation and conveyance of excess East 25th Street right-of-way, west of and adjoining subject property and east of the traveled way, subject to conditions. **Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-2521 27. On request from Neighborhood Development Corporation to rezone property north of I Grand Avenue between East 15th Street and East 16th Street from "C-2" General Retail Highway Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District, (12-6-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2522 27I On vacation and conveyance of a portion of the public rights-of-way adjoining 111- Street to Neodata Books/Distribution Services, Inc., \$100, (12-6-04). SPONSOR: Hensl **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-2523 28. Approving payment of \$1,603.35 to Spiegel & McDiarmid for consultation and service facilitate Economic Development, Community Revitalization, Homeland Security related projects. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2524 29. Approving payment of \$20,000 to Craig Wadsworth for injury sustained during course scope of employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-2525 30. Regarding request from Barnes Properties that commercial tax abatement be extended the "Airport Crossroads" development area located north of County Line Road on the v side of Fleur Drive, south of the Airport Commerce Park South Urban Renewal Area ([Council Communication No. 04-603](#)) **Moved by Vlassis to approve and direct City Manager and City Attorney to draft the necessary documents to extend commercial tax abatement for this area with similar development requirements and limitations that are imposed on the adjacent Airport Commerce Park South area. Motion Carried 6-1. Nays: Brooks.**
- 04-2526 31. Submitting Traffic Regulation Changes as follows:([Council Communication No. 04-5](#)) **Moved by Vlassis to receive, file and refer to Legal Department for preparation proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance-east side of East 22nd Court, north of Maple Street.

31. (B) Corner Clearance-east side of Beaver Avenue, north and south of 37th Street.
- (C) Corner Clearance-south side of Cottage Grove Avenue, west of 26th Street.
- (D) Stop Sign Removal-east approach of Easter Lake Drive and SE 34th Street.
- (E) Additional Parking Meters-south side of Locust Street from 9th Street to 12th Street
- 04-2527 32. Regarding report on street signs for the Martin Luther King Jr. Parkway, (continued from October 25, 2004 Meeting). **Moved by Vlassis to adopt recommendations as outlined. Motion Carried 7-0.**

APPROVING

- 04-2528 33. Publication of Concurrent Notice of Finding No Significant Impact and Intent to Request Release of Funds, and authorization to execute the Request for Release of Funds Certification, for \$800,000 of Iowa State HOME funds for the East Village Square residential project. ([Council Communication No. 04-585](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2529 34. Economic Development Loan Agreement with Protocol Driven Healthcare, Inc. to assist with relocation. ([Council Communication No. 04-590](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 04-2530 35. First Amendment to Development Agreement with Airport Commerce Park L.C. for a two-year extension regarding development of Airport Commerce Park South. ([Council Communication No. 04-584](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2531 36. Fiscal Year 2004-2005 Annual Management Fee and Right-of-Way Management Program Budget. ([Council Communication No. 04-591](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2532 37. Iowa Department of Transportation Property Lease Agreement for rental of bridge inspection vehicle for University Avenue Bridge over Des Moines River. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2533 38. Professional Services Agreement with the Center for Transportation Research and Education for assistance in studying the impact of opening three downtown streets in the Court Avenue area to two-way traffic. ([Council Communication No. 04-592](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

- 04-2534 38. (A) Communication from the Court Avenue Business Association. **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Brooks.**
- 04-2535 39. Amendment One to the Police Department's Neighborhood Based Service Delivery (NBSD) Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2536 40. Receive and file communication from the Licensing and Appeals Board regarding proposed change to the Plumbing Code. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 04-2537 41. Long-term Operation and Maintenance Agreement and associated property transaction costs for construction of "Des Moines Welcomes You" brick structure and landscaping on Highway 65/69 and Bloomfield Road as provided by South Side Revitalization Partnership. ([Council Communication No. 04-598](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2538 (A) Private Construction Contract between RL Wood Development Company and South Side Revitalization Partnership for construction of sign improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2539 42. Development of Soldiers Field (SE 22nd and Hartford Streets) for South Des Moines League and Regional Baseball Event use. ([Council Communication No. 04-600](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2540 43. Employer VantageCare Retirement Health Savings (RHS) Plan Adoption Agreement for Supervisory, Professional and Management employees. ([Council Communication No. 04-589](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
44. Bids from the following:
- 04-2541 (A) Wingfoot Commercial Tire Systems as the primary supplier and Bauer Built Tires as the secondary supplier for an annual contract with two additional one-year renewal options to furnish tire services to the Fleet Maintenance Center. (Six bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2542 (B) Medtronic Physio-Control as the sole area wide distributor for defibrillators compatible with existing equipment for use by the Fire Department, \$150,498. ([Council Communication No. 04-586](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-2543 45. Civil Service Entrance Lists for Senior Refuse Collector, Airport Field Maintenance Manager, and Accountant. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 04-2544 46. Finance Director to draw checks for check registers of November 24, and December 2004; and to draw checks for bills of the Des Moines Municipal Housing agency for weeks of November 22 and November 29, 2004; and to draw checks for biweekly payroll for November 24, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 04-2545 47. Amending Section 26-42 of the Municipal Code regarding required separation between buildings to permit the entire width of a public right-of-way to be counted. ([Council Communication No. 04-588](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**
- 04-2546 (A) Final consideration of ordinance above, (waiver requested by the Community Development Director), requires 6 votes. **Moved by Hensley 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 now pass, #14,393. Motion Carried 6-1. Nays: Brooks.**
- 04-2547 (B) Declaring intent to maintain Vine Street between 3rd and 4th Streets as a permanent public right-of-way to permit the Science Center of Iowa garage to be constructed adjacent to the right-of-way. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

COUNCIL REQUESTS

- 04-2548 48. From Council Member Michael Kiernan to discuss forming a Live Music Commission. **Moved by Kiernan to receive, file and refer to the City Manager for review and recommendation. Motion Carried 6-1. Nays: Brooks.**

COMMUNICATIONS/REPORTS

- 04-2549 49. Petition from area property owners requesting speed control on E. 40th Court between Sheridan and Hull and a stop sign at E. 40th Court and Hull (4-Way). **Moved by Mahaffey to receive, file and refer to the City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 50 THRU 56)

50. On items regarding the Drake University Stadium Renovation:

04-2550 (A) Hearing on vacation of 28th Street from Forest to Clark. **Moved by Vlassis to continue the public hearing on the proposed vacation to December 6, 2004 at 5:30 P.M. in the Council Chambers. Motion Carried 7-0.**

WITHDRAWN

04-2551 ~~(1) Second consideration of ordinance above.~~

04-2552 (B) Hearing on vacation and conveyance of Clark Street from 27th to 28th. **Moved by Vlassis to continue the public hearing on the proposed vacation and conveyance to December 6, 2004 at 5:30 P.M. in the Council Chambers. Motion Carried 7-0.**

WITHDRAWN

04-2553 ~~(1) Second consideration of ordinance above.~~

51. Items regarding the proposed rezoning of property east of E. 19th Street between Lyon and Des Moines Streets, (Council-initiated at request of Leachman Lumber Company):

04-2554 (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan to change the land described above from Low Density Residential to General Industrial classification. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-2555 (B) Hearing on proposed rezoning of the above property from "R1-60" (One Family, Low Density Residential) to "M-1" (Light Industrial). **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN

04-2556 ~~(C) First consideration of an ordinance rezoning 4 lots owned by Leachman Lumber Company and the adjoining alley to Limited "M-1", as recommended by the Plan and Zoning Commission.~~

04-2557 (D) ALTERNATE RESOLUTION: First consideration of ordinance rezoning 9 lots including 2 lots owned by Stanley Hines and Craig Leete, and the adjoining alley to Limited "M-1". **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

52. On request from Carl Guiffre on behalf of Pick N Payless, Inc. for relief from temporary moratorium on commencement or expansion of "M-2" (Heavy Industrial) uses, to permit new auto salvage business in vicinity of 1701 Maury Street. ([Council Communication 04-599](#))

04-2558 (A) Resolution to DENY relief. **Moved by Brooks to adopt and deny the request for relief from the temporary moratorium. Motion Carried 7-0.**

WITHDRAWN

04-2559 ~~(B) ALTERNATE RESOLUTION: to GRANT relief.~~

WITHDRAWN

04-2560 ~~53. On request from Triton Homes, LLC for approval of an amendment to the approved R-Oaks Centre PUD Concept Plan for property at 6000 Creston Avenue, to change approved 72 units of multifamily residential to 72 units of townhome, subject to revisions, (continued from November 8, 2004).~~

04-2561 54. On request from Luther Care Service for amendment to the Luther Park Center PUD Concept Plan for property at 2908 E. 16th Street, to define the design and site configuration of a conceptually approved multifamily residential building proposed to be three-stories and containing 32 independent senior living apartments on the first and second stories and 19 assisted living quarters on the third story subject to revisions on the Plan. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

04-2562 55. On Resolution of Necessity for the City Wide Paving Program for the following: **Moved by Hensley to adopt all items excluding Terrace Drive. The hearing for Terrace Drive will be continued to the December 20th Council Meeting at 5:30 PM. Motion Carried 7-0.**

APPROVED (A) Paving of College Avenue from 56th Street to Merle Hay Road.

CONTINUED (B) Paving of Terrace Drive from 28th Street to Lincoln Place Drive.

APPROVED (C) Paving of E. 28th Street from south of Dean Avenue to E. Grand Avenue.

APPROVED (D) Alley between Penn and E. 8th Street from Buchanan to Fremont.

APPROVED (E) Curb and Gutters on Urbandale Avenue from Merle Hay west to City limit.

04-2563 (F) Authorization for acquisition of necessary right-of-way and easements. **Moved by Hensley to adopt all items excluding Terrace Drive, which will be considered at the December 20th Council Meeting. Motion Carried 7-0.**

04-2564 56. On proposed connection fee ordinance for Southeast Ridge Area Trunk Sewer System Benefited District. ([Council Communication No. 04-595](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

04-2565 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 04-2566 56. (B) Final consideration of ordinance above. **Moved by Brooks 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, [#14,394](#). Motion Carried 7-0.**

****END HEARINGS AT 6:53 P.M.****

CITY MANAGER RECOMMENDATIONS

- 04-2567 57. Recommending Water Street, (formerly SW 1st Street), Bridge over the Raccoon R adjacent to Principal Park, be closed to vehicular travel and maintained for pedestrian emergency vehicle travel only. ([Council Communication No. 04-602](#)) **Moved Hensley to receive and file and to refer to the City Plan and Zoning Commission report and recommendation. Motion Carried 7-0.**
- 04-2568 58. Regarding Preliminary Terms of Agreement with Nelson Development for economic development assistance for the Liberty Building and Equitable Building. ([Council Communication No. 04-601](#)) **Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of a formal development agreement with Nelson Development consistent with the terms set forth in the accompanying Council Communication. Motion Carried 5-1-1. Na Brooks. Pass: Vlassis.**

EXTRA ITEMS

1. Items regarding the City streetlight system:
- 04-2569 (A) Recommendation from City Manager regarding a comprehensive study of the City streetlight system. **Moved by Brooks to receive, file and eliminate the \$250,000 allocation; and refer to the City Manager for review and recommendation regarding the process. Motion Carried 7-0.**
- 04-2570 (B) Request from Council Member Michael Kiernan to place an item on the City Council Workshop agenda for Wednesday, November 24th at 7:30 AM regarding consideration and possible action to restore power to all City streetlights. **Moved by Kiernan to place this item on the November 24th City Council workshop agenda. Motion Carried 7-0.**

BOARD OF HEALTH

04-2571 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at 6:00 P.M. at the Board of Health. Motion Carried 7-0.**

HEARING

04-2572 1. On resolution to cause the removal of the garage structure located at 2124 E. 23rd Street through the administrative process and to charge for the enforcement costs incurred in bringing the structure through administrative removal action or to determine appropriate equitable action to be taken. Titleholder: Timothy Rough a/k/a Timothy Routh; Legal Interest Holders: Paul Routh, Paul Routh, Paul Gentile, CitiFinancial, Inc., Aames Homes Loan, James McDonough, Janette McDonough, and Mortgage Investor Services, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

AUTHORIZING

2. Court action to secure authority to cause the abatement of the following public nuisance structures:

04-2573 (A) 1805 Allison Avenue, Titleholder: Michael Dooley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

04-2574 ~~(B) 3020 Bowdoin Street, Titleholders: Michael and June McClish.~~

04-2575 (C) 1900 Francis Avenue, Titleholder: Thanh Nguyen; Mortgage Holder: CitiFinancial Mortgage Company, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

04-2576 ~~(D) 700 Gray Street, Titleholder: David Ellis.~~

04-2577 (E) 1703 Mondamin Avenue, Titleholder: Patricia Woods; Mortgage Holder: Fairbank Capitol Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2578 (F) 1448 8th Street, Titleholder: Jader Akber; Mortgage Holder: ABN Mortgage Group, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2579 3. The Engineering Department to cause the demolition of the structure at 973 27th Street. Titleholders: Lois A. Ousley a/k/a Lois A. Ousley Edwards and Michael Edwards; Mortgage Holder: U.S. Bank N.A.; Legal Interest Holder: Lederman Bonding Company and RM/US Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2580 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:53 P.M. Motion Carried 7-0.**