



**\*\*\* 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 '11-' 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 9, 2011  
4:30 PM**

**PROCLAMATION – 4:15 PM**

[National](#) Public Works Week

**SPECIAL PRESENTATION**

[Don Tripp](#) - 2011 Iowa Park & Recreation Association - **Slattery/Trueblood** Professional Award Recipient

**INVOCATION:** Council Member Brian Meyer

- [11-0759](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-0760](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0761](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 46: **Moved by Hensley to adopt the balance of the Consent Agenda. 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.



- [11-0764](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

## **PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

- [11-0765](#) (A) [Fire](#) Station Emergency Generator, HVAC, and Sprinkler Improvements: Receiving of bids, (5-24-11), Setting date of hearing, (6-13-11). (Construction Estimate - \$729,600). ([Council Communication No. 11-280](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0766](#) (B) [3<sup>rd</sup>](#) & Court Parking Garage LED Lighting: Receiving of bids, (5-24-11), Setting date of hearing, (6-13-11). (Construction Estimate - \$335,000). ([Council Communication No. 11-279](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0767](#) (C) [2011](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (5-24-11), Setting date of hearing, (6-13-11). (Construction Estimate - \$521,680). ([Council Communication No. 11-268](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0768](#) (D) [2011](#) Sidewalk Replacement Program: Receiving of bids, (5-24-11), Setting date of hearing, (6-13-11). (Construction Estimate - \$299,150). ([Council Communication No. 11-271](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0769](#) 8. [Approving](#) IDOT Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2010 to June 30, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0770](#) 9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for 6<sup>th</sup> Avenue over Des Moines River Bridge rehabilitation, not to exceed \$180,431. ([Council Communication No. 11-272](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0771](#) 10. [Approving](#) Change Order No. 3 with McAninch Corporation for additional work on the Mulberry Street Paving – 13<sup>th</sup> Street to 15<sup>th</sup> Street (Central Iowa Services Shelter building site), not to exceed \$85,387.50. ([Council Communication No. 11-281](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0772](#) 11. [Approving](#) Change Order No. 8 with Elder Corporation for additional work on the SE 6<sup>th</sup> Street Widening – E. Court Avenue to the Des Moines River, not to exceed \$47,900. ([Council Communication No. 11-270](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Items regarding Airport Business Park Plat 3:

- [11-0773](#) (A) [Rescind](#) previous private construction contract approval per Roll Call No. 11-0512, dated March 28, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0774](#) (B) [Approving](#) Private Construction Contract between Sternquist Construction Inc. and ODC Gannett Ave., LLC for paving improvements, \$265,672. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0775](#) (C) [Approving](#) Private Construction Contract between Elder Corporation and ODC Gannett Ave., LLC for storm and sanitary sewer improvements, \$180,698. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0776](#) 13. [Approving](#) private construction contract between Gator Excavating, Inc. and Hubbell Construction Services for storm sewer improvements in 2201 Forest Avenue, \$15,460.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0777](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

- [11-0778](#) 15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-03. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0779](#) 16. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2011-06. **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for April 2011:
- [11-0780](#) (A) [Credits](#). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0781](#) (B) [Fees](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

**LAND/PROPERTY TRANSACTIONS**

- [11-0782](#) 18. [Severance](#) of the western portion of Copper Creek Lake Park, for annexation into Pleasant Hill. ([Council Communication No. 11-285](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0783](#) 19. [Tax](#) Abatement Application for improvements to property located at 1900 SE 6<sup>th</sup> Street, South View Senior Apartments completed in 2010. ([Council Communication No. 11-264](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor apply the tax abatement to the January 1, 2011 assessment date, as if the application had been timely processed by the City. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- [11-0784](#) 20. [Recommendation](#) from Council Member Brian Meyer to appoint Timothy Fitzgerald to the Plan and Zoning Commission, Seat 14, for a five-year term commencing July 1, 2009 to expire July 1, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0785](#) 21. [Recommendation](#) from Council Member Brian Meyer to reappoint Donald Puck to the Building and Fire Code Board of Appeals, Seat 14, for a three-year term commencing April 1, 2011 to expire April 1, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0786](#) 22. [Communication](#) from Chair of the Zoning Board of Adjustment advising of the resignation of LeaAnn Flaten from Seat 4, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [11-0787](#) 22-I. [Recommendation](#) from Council Member Halley Griess to appoint Robert Griffin to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2009 to expire October 18, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

23. Approving workers' compensation claims for the following:
- [11-0788](#) (A) [Thomas](#) Davis, \$8,440.86. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0789](#) (B) [Terry](#) Dotts, \$6,609.15. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0790](#) 24. [Approving](#) payment of \$12,500 to Roxanne Gillum for a lawsuit alleging failure to be promoted. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

- [11-0791](#) 25. [Submitting](#) travel and training request for T. M. Franklin Cownie. ([Council Communication No. 11-276](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [11-0792](#) 26. [Fiscal](#) Year 2009 Continuum of Care (COC) Closeout Certification Documents, Iowa Continuum Outcome & Universal Needs Toolkit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0793](#) 27. [Shelter](#) Plus Care (S+C) Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 11-288](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0794](#) 28. [Memorandum](#) of Understanding with Des Moines Area Metropolitan Planning Organization for advance of funds in conjunction with HUD Sustainable Communities Regional Planning Grant. ([Council Communication No. 11-282](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0795](#) 29. [Application](#) from ND22 Fleming LLC for Enterprise Zone Benefits on construction of 110 residential units at 604 Walnut Street in the Gateway Enterprise Zone. ([Council Communication No. 11-290](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0796](#) 30. [A](#) \$5,000 Economic Development loan to CFI Sales, Inc. for renovation of 1701 E. Euclid Avenue. ([Council Communication No. 11-292](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0797](#) 31. [Loan](#) Agreement and Promissory Note documents for a Des Moines Action Loan Fund Forgivable Loan to Holm Graphic Services, Inc. at 601 SW 9<sup>th</sup> Street, \$20,000. ([Council Communication No. 11-284](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [11-0798](#) 32. [Financial](#) Assistance Contract with The Iowa Department of Economic Development for state assistance for the expansion of the Hewlett-Packard Facility at 3600 Army Post Road. ([Council Communication No. 11-274](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0799](#) 33. [Amendment](#) No. 1 to FY2008 Special Weapons and Tactics (SWAT) Grant for the Weapons of Mass Destruction (WMD) Tactical Officers Leadership Taskforce extending the performance period to June 30, 2011. ([Council Communication No. 11-273](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [11-0800](#) 34. [Amendment](#) to Parking License Agreement with Wells Fargo Financial, Inc. for parking spaces in the Eighth and Mulberry Parking Garage for a term commencing December 1, 2009 and ending on December 31, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0801](#) 35. [One](#)-year renewal agreement with Holland & Knight, LLP (Richard Gold, Partner) from May 1, 2011 to April 30, 2012 for professional federal government relations services. ([Council Communication No. 11-289](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [11-0802](#) 36. [Amendment](#) No. 1 to State Energy Program Grant Sub-Recipient Contract changing the scope of work on the HVAC system at the Des Moines International Airport by reducing the cooling phase. ([Council Communication No. 11-277](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0803](#) 37. [First](#) Amendment to Advertising Concession Agreement with In-Ter-Space Services, Inc. d/b/a Clear Channel Airports for Des Moines International Airport. ([Council Communication No. 11-275](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0804](#) 38. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1<sup>st</sup> Street and Indianola Avenue, SW 1<sup>st</sup> Street and Columbus Avenue, 1804 SW 1<sup>st</sup> Street, 1703 S. Union Street and Granger Avenue, and 11 Dunham Avenue in recognition of Annual Corpus Christi Celebration on May 23, 2011. **Moved by Hensley to receive, file and approve banners. Motion Carried 7-0.**
- [11-0805](#) 39. [Application](#) from 6<sup>th</sup> Avenue Corridor Business District requesting approval for banners to be displayed along 6<sup>th</sup> Avenue from University north to Hickman to distinguish the 6<sup>th</sup> Avenue Business District. **Moved by Hensley to receive, file and approve banners. Motion Carried 7-0.**
40. Bids from the following:
- [11-0806](#) (A) [Motorola](#) (John P. Molloy, Vice President) for replacement mobile radio equipment per State of Iowa Contract for use by Public Works Department, \$112,098. ([Council Communication No. 11-263](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0807](#) (B) [Tait](#) North America (Steve Craig, President) for replacement radio equipment per Western States Contracting Alliance (WSCA) price agreement for use by the Police Department, \$44,664.92. ([Council Communication No. 11-278](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0808](#) (C) [Peterbilt](#) (Brian Wilson, President) for purchase of two (2) replacement rear-load refuse trucks for use by Public Works Department, \$394,560. ([Council Communication No. 11-262](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0809](#) (D) [Utility](#) Equipment Company (Mike Coryn, President), Cretex Concrete Products (Rolf Dahl, President), Contech Construction Products (Ron Keating, President) and Midwestern Culvert (Brian Stone, President) for annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department, annual estimated amount \$80,000. (Six bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0810](#) 41. [Exception](#) to procurement ordinance competitive bidding requirement for good cause with 2<sup>nd</sup> Wind Exercise, Inc. for ten (10) cross training machines for use by the Fire Department, \$37,850. ([Council Communication No. 11-261](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0811](#) 42. [Civil](#) Service Promotional List for Building Inspector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-0812](#) 43. [Distribution](#) of a Preliminary Official [Statement](#) and the use of electronic bidding procedures for sale of \$46,735,000 General Obligation Bonds, Series 2011A for FY2011-12 Capital Improvement Budget (bonds will be sold on May 25 at 10:00AM and a special Council meeting will be held at 4:30 PM). ([Council Communication No. 11-286](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0813](#) 44. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of May 9 and May 16, 2011; to draw checks for [bills](#) of the Des Moines Municipal Housing agency for weeks of May 9 and May 16, 2011; and to draw checks for biweekly payroll due May 20, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

- [11-0814](#) 45. [To](#) expand the Metro Center Urban Renewal District. **Moved by Hensley that this ordinance do now pass, [#15,012](#). Motion Carried 7-0.**

#### **ORDINANCES - SECOND CONSIDERATION**

- [11-0815](#) 46. [On](#) vacation of A.H. Blank Park at 7011 SW 9<sup>th</sup> Street, and A.H. Blank Park Zoo at 7401 SW 9<sup>th</sup> Street, as parkland. ([Council Communication No. 11-265](#)) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**



[11-0816](#)

- (A) **Final** consideration of ordinance above (waiver requested by Blank Park Zoo Foundation, Inc.), requires six 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 do now pass, #15,013. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

[11-0817](#)

- 47. **Amending** Chapter 10 of the Municipal Code, regarding Class E Liquor Licenses, (amendment required due to recent State Code changes). **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to City Manager and Legal for review and recommendation on Zoning options and control on impacts to the City and to document City time spent on review of these licenses. Motion Carried 7-0.**

**COUNCIL REQUESTS**

- 48. **From** Council Member Brian Meyer, to speak regarding the following items:

[11-0818](#)

- (A) Initiate paving of County Line Road, near SE 14<sup>th</sup> Street. **Moved by Meyer to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

[11-0819](#)

- (B) Install sidewalks on E. Park Avenue, from SE 14<sup>th</sup> Street to SE 18<sup>th</sup> Court. **Moved by Meyer to receive, file and refer to the City Manager to find funding within 30 days to complete sidewalks and notify Pioneer Park and Riverwoods Neighborhood Associations of progress. Motion Carried 7-0.**

[11-0820](#)

- (C) Approach IDOT, to rename Highway 65/5 around Des Moines as Interstate 335. **Moved by Meyer to refer to City Manager to approach IDOT and Congressional delegation. Motion Carried 7-0.**

**COMMUNICATIONS/REPORTS**

[11-0821](#)

- 49. **From** Restoration Ingersoll, represented by Ted Irvine, requesting the creation of an Urban Renewal Tax Increment Financing (TIF) District for Ingersoll Avenue as an extension of the Metro Center Urban Renewal District. **Moved by Hensley to receive, file and refer to the City Manager for a report and recommendation with a timeline and to designate staff to work with Restoration Ingersoll. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 57)**

- [11-0822](#) 50. **On** vacation as parkland and right-of-way and Long-term Lease, Operation, Management and Maintenance Agreement of Des Moines Botanical Center and adjacent grounds to Greater Des Moines Botanical Garden. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Moore.**
- [11-0823](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.**
- [11-0824](#) (B) **Final** consideration of ordinance above (waiver requested by Greater Des Moines Botanical Garden), requires six votes. **Moved by Mahaffey 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, #15,014. Motion Carried 6-1. Nays: Moore.**
- [11-0825](#) (C) **Approving** Urban Renewal Development Agreement. ([Council Communication No. 11-266](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Moore.**
- [11-0826](#) 51. **On** request from Paul Koester to rezone 1704 High Street from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial), to develop a 21-unit apartment building. **Moved by Hensley to adopt; refer to Traffic and Transportation to review stop sign at 17<sup>th</sup> and High Streets. Motion Carried 6-1. Absent: Coleman.**
- [11-0827](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [11-0828](#) 52. **On** conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and to continue to May 23, 2011 at 5:00 PM. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0829](#) 53. **On** conveyance of permanent water main easement across 4315 SE 14<sup>th</sup> Street to Des Moines Water Works, \$1. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0830](#) 54. **On** vacation and conveyance of an irregular shaped segment of Grand Avenue right-of-way at intersection with Fleur Drive, adjoining 1800 Grand Avenue to Des Moines Independent Community School District, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0831](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [11-0832](#) (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six 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 do now pass, [#15,015](#). Motion Carried 7-0.**
- [11-0833](#) 55. [On](#) request from Wesley Retirement Services, Inc. for amendment to Wesley Acres PUD Conceptual Plan at 3520 Grand Avenue to add 66 additional parking spaces on campus and to construct a 4,650 sq. ft. addition on the north side of John Stoddard Health Center, subject to administrative review of final PUD Conceptual Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0834](#) 56. [On](#) application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service, (continued from April 11th). ([Council Communication No. 11-267](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Nays: Hensley.**
- [11-0835](#) (A) [Letter](#) of support for City Cab. **Moved by Meyer to receive and file. Motion Carried 6-1. Nays: Hensley.**
- [11-0836](#) 57. [On](#) Demolition at 717 Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids. ([Council Communication No. 11-269](#)) **Moved by Hensley to adopt; refer to City Manager for review and recommendation to report back to Council on May 23, 2011. Motion Carried 7-0.**
- [11-0837](#) (A) [Accepting](#) completed construction and approving final payment for asbestos removal at 717 Grand Avenue, former YWCA, REW Services Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 6:17 PM \*\*\*

## APPROVING

- [11-0838](#) 58. [Designating](#) lowest responsible bidder on Grandview Golf Course Clubhouse as CPMI Construction, L.C., (Richard H. Janssen, President), \$2,191,130 (includes Alternate #1 – lower level golf cart storage). ([Council Communication No. 11-287](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0839](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0840](#) 59. [Intergovernmental](#) 28E Agreement with BRAVO Greater Des Moines, Inc. ([Council Communication No. 11-291](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0841](#) 60. [Agreements](#) with PNC Bank, N.A., for assignment of its claims and mortgage to the Des Moines Building at 405 6<sup>th</sup> Avenue and 513 Locust Street. ([Council Communication No. 11-283](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### EXTRA ITEMS

- [11-0842](#) 1. Request from Mayor Cownie to discuss HF691 impact on property taxes and City of Des Moines. **Moved by Hensley to receive and file comments and refer to the City Manager to distribute information to Polk County Delegation and State Legislators. Motion Carried 6-0. Council Member Meyer declares a conflict of interest and abstains from voting.**

#### BOARD OF HEALTH

- [11-0843](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

- [11-0844](#) 1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 3422 57<sup>th</sup> Street, main structure, Titleholder: Aeon Financial, LLC. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-0845](#) 2. [Notification](#) from State Farm Insurance Companies dated April 15, 2011 stating their insured, Jerry Boots, 2428 SW 9<sup>th</sup> Street, sustained a fire loss on March 31, 2011. State Farm Insurance Companies is holding a fire escrow equal to 10% of the damages, which are yet to be determined; however the escrow will be greater than \$10,000. **Moved by Hensley to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days (180 days) of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

- [11-0846](#) MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 6:54 PM. Motion Carried 7-0.**

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All-America City  
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