



***** 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 '13-' 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

City Hall, City Council Chambers

December 9, 2013

4:30 PM

3:30 PM

Farewell Reception – Council Member Halley Griess, Ward I

4:00 PM

Swearing In Ceremony – Ward IV Council Member Carl Voss

SPECIAL PRESENTATIONS – 4:15 PM

[Recognition](#) for Julie Evans

PROCLAMATIONS

[Holiday](#) Food Project

INVOCATION: Council Member Hensley

- [13-1867](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Voss and Moore.**
- [13-1868](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1869](#) 3. APPROVING CONSENT AGENDA * – items 3 through 39: **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.

LICENSES AND PERMITS

13-1870

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt; refer item (T) Scores Sports Bar to the City Manager and City Attorney to work with applicant to create a Good Neighbor Agreement and continue for two weeks. *Council Member Coleman voted “No” on items (P) Lickety Liquor and (V) Super Quick 2.**

NEW APPLICATIONS

| | | | |
|----------------|---------------------------|----------------------------|---------------------|
| (A) | BUFFALO WILD WINGS | 3311 SE 14TH ST | C Liquor |
| (B) | DELTA HOUSE | 918 E EUCLID AVE | C Liquor |
| (C) | LA PIZZA HOUSE | 1013 SE 14TH ST | C Liquor |
| (D) | TRIANGLE TAP | 2506 POST ST | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|------------------|------------------------------|--------------------------------|---------------------|
| (E) | B & B SUPER MARKET | 2001 SE 6TH ST | C Beer |
| (F) | DAHLS FOODS | 1819 BEAVER AVE | E Liquor |
| (G) | DAHLS FOODS | 1320 E EUCLID AVE | E Liquor |
| (H) | DES MOINES CLUB | 666 GRAND AVE | A Liquor |
| (I) | FELIX & OSCARS | 4050 MERLE HAY RD | C Liquor |
| (J) | FONGS PIZZA | 223 4TH ST | C Liquor |
| (K) | GIT N GO STORE #2 | 1307 ARMY POST RD | C Beer |
| (L) | HY VEE FOOD STORE #2 | 2540 E EUCLID AVE | E Liquor |
| (M) | HYATT PLACE | 418 6TH AVE | B Liquor |
| (N) | LA TAPATIA | 1440 DES MOINES ST | C Beer |
| (O) | LA TAPATIA III | 4007 SE 13TH ST | C Beer |
| * (P) | LICKETY LIQUOR | 2501 HUBBELL AVE | E Liquor |
| (Q) | LOS LAURELES | 1518 E GRAND AVE | C Liquor |
| (R) | LOVELY FOOD MART *(1) | 4600 FLEUR DR | C Beer |
| (S) | NOW OR LATER RESTAURANT | 3750 E UNIVERSITY | C Liquor |
| * (T) | SCORES SPORTS BAR | 2335 HICKMAN RD | C Liquor |
| (U) | SMOKE SHOP | 1918 SE 14TH STREET | E Liquor |
| * (V) | SUPER QUICK 2 | 1824 HUBBELL AVE | E Liquor |
| (W) | TUMEA AND SONS | 1501 SE 1ST ST | C Liquor |
| (X) | WEST END WINES | 22 9TH ST | C Liquor |

SPECIAL EVENTS APPLICATIONS

(Y) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License
Class B Beer License with Class C Native Wine for private social event on December 31, 2013.

13-1871

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

PUBLIC IMPROVEMENTS

6. Number not used.

[13-1872](#) 7. [Approving](#) Change Order No. 1 with Edge Commercial, LLC for additional work on the Police Department Evidence Storage Facility – Phase II, not to exceed \$58,254. ([Council Communication No. 13-592](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Accepting completed construction and approving final payment for the following:

[13-1873](#) (A) [2012](#) ADA Sidewalk Ramp Program – Contract 1, Navarro Enterprise Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1874](#) (B) [2012](#) ADA Sidewalk Ramp Program – Contract 2, MPS Engineers, PC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1875](#) (C) [2012](#) Levee Improvements – Contract 2, J & K Contracting, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1876](#) (D) [2012](#) Sidewalk Replacement Program, T K Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1877](#) (E) [Fire](#) Station No. 1 Replacement, Oakview DCK, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1878](#) (F) [Gray's](#) Lake Northwest Shoreline Retaining Wall, J & K Contracting, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[13-1879](#) 9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code (Schedule No. 2013-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[13-1880](#) 10. [Authorize](#) voluntary acquisition and to approve and accept real estate documents for property at 3015 Seneca Avenue from Ruth H. Porter for the Seneca Avenue Storm Water Improvements Project. ([Council Communication No. 13-591](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1881](#) 11. [Acceptance](#) of temporary easement from U.S. Bank National Association for the Beaver Avenue Streetscape Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-1882](#) 12. [Approving](#) 166 tax abatement applications for the additional value added by improvements completed during 2013. ([Council Communication No. 13-577](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1883](#) 13. [Approving](#) final subdivision entitled “Brownstones on 7th Street Plat 1” in the vicinity of 325 SW 7th Street. ([Council Communication No. 13-578](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1884](#) 14. [Approving](#) acquisition of 1712 8th Street through donation from Half Moon Holdings, LC. ([Council Communication No. 13-583](#)) **Moved by Moore to defer consideration to the December 23rd Council Meeting; refer to the City Manager for a detailed listing of responsible parties and lien amounts. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-1885](#) 14-I [Approving](#) recommendation from Council Member Chris Coleman for appointment of Timothy Woods to the Sister City Commission, Seat 7, for a 5-year term commencing April 28, 2013 to expire April 28, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1886](#) 15. [Communication](#) from Kevin Techau advising of his resignation from the Library Board of Trustees, Seat 4, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [13-1887](#) 16. [Communication](#) from Doug Romig, Housing Services Director, advising of the resignation of Anwar Elnour from the Housing Services Board, Seat 11, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [13-1888](#) 17. [Communication](#) from Bill Gray advising of his resignation from the Zoning Board of Adjustment, Seat 3, effective December 31, 2013. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [13-1889](#) 17-I [Accepting](#) resignation of Carl Voss from the Traffic Safety Committee, Seat 7, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-1890](#) 18. [On](#) conveyance by installment contract of 1704 South Union Street to Neighborhood Development Corporation (NDC) for \$145,560, (12-23-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1891](#) 19. [On](#) conveyance of vacated segments of the north/south alley north of Cleveland Avenue and south of Washington Avenue between E. 18th Street and De Wolf Street to Crane Chapel Church of God in Christ, \$200 and to Joshua Smith, \$75, (12-23-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-1892](#) 20. [On](#) correction of vacation and conveyance of a dead end segment of SW 11th Street, south of Kirkwood Avenue to Des Moines Independent Community School District, \$1, (12-23-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1893](#) 21. [On](#) vacation and conveyance of a segment of E. 26th Street right-of-way adjoining 2597 Dean Avenue to Johnson Brothers of Iowa, Inc., \$625, (12-23-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1894](#) 22. [Scheduling](#) a new hearing on application of Loffredo Gardens, Inc. to rezone 4001 SW 63rd Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial), (12-23-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1895](#) 23. [On](#) License Agreement with AT & T Corporation upon property located in and adjacent to vacated Mulberry Street, between 13th and 16th Street, \$5,000, (12-23-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1896](#) 24. [Approving](#) payment to Ahlers & Cooney, PC for legal services related to environmental issues, \$490. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1897](#) 25. [Approving](#) payment to Belin McCormick law firm and reimbursement of photocopy costs in conjunction with Kragnes v. City of Des Moines, \$4,046. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1898](#) 26. [Approving](#) payment to Gary Kruse for two (2) workers’ compensation claims. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [13-1899](#) 27. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Jeff Cronin, Scott Dreyer, Tony Sposeto and Paul Stout. ([Council Communication No. 13-596](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [13-1900](#) 28. [2013](#) Emergency Solutions Grant (ESG) Funding. ([Council Communication No. 13-585](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1901](#) 29. [2013](#) Letter of Agreement for the Holiday Food Project with the Catholic Pastoral Center. ([Council Communication No. 13-581](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-1902](#) 30. [Contract](#) with Best Heating, Cooling and Electric Incorporated for the provision of low-income residential furnace and water heater replacement, tune and clean and repair services for an initial term until June 30, 2014 with up to five additional one-year renewal terms. ([Council Communication No. 13-579](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1903](#) 31. [Second](#) Amendment to Management Agreement with C Corporation for Bright Grandview and Waveland Golf Courses. ([Council Communication No. 13-584](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1904](#) 32. [Amending](#) the Schedule of Fees regarding cemeteries. ([Council Communication No. 13-587](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1905](#) 33. [Letter](#) of Support for the YMCA's U.S. Olympic Training Center within the Wellmark YMCA Project. **Moved by Hensley to receive, file and authorize the Mayor to sign a letter of support for the YMCA's project on behalf of the City Council. Motion Carried 7-0.**
- [13-1906](#) 34. [Exception](#) to the procurement ordinance Request for Proposals requirement for good cause and approving an agreement with Nestingen, Inc. d/b/a RelyDB for database administrative services. ([Council Communication No. 13-599](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
35. Bids from the following:
- [13-1907](#) (A) [Century](#) Link (Glen F. Post III, President) for a call routing system upgrade for use by the Police Department, \$330,746.44. (Three bids mailed, two received). ([Council Communication No. 13-586](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1908](#) (B) [Excel](#) Mechanical (Alisa Smith, Owner) for replacement HVAC equipment at Four Mile Community Center for use by the Park & Recreation Department, \$102,507. (Nine bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1909](#) (C) [G & S](#) Service (Glen Mikel, President) for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for City-owned vehicles for use by the Equipment Maintenance Center, \$35,000. (Eight bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1910](#) (D) [Physio-Control](#) (Brian Webster, President) for defibrillators per State of Iowa Contract for use in the ambulance by the Fire Department, \$396,491.36 ([Council Communication No. 13-598](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1911](#) (E) [The Baker Group](#) (BJ Baker III, Chairman & CEO) per State of Iowa contract for building automation products and services to upgrade the existing system for City Hall, \$63,868. ([Council Communication No. 13-588](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-1912](#) 36. [Procurement](#) of replacement vehicles requested by Fleet Maintenance for various City Departments from the following, total cost \$802,561.80: ([Council Communication No. 13-601](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- Charles Gabus Ford (Gene Gabus, General Manager), \$227,563.
- Stivers Ford (Scott Politte, President), \$186,711.
- Toyota of Des Moines (Steve Luebke, Vice President/General Manager), \$46,320.
- Bob Brown Chevrolet (Ron Brown, Owner), \$25,666.90.
- Karl Chevrolet (Carl Moyer, Owner), \$44,143.90 (Fourteen bids mailed, eight received.)
- Stivers Ford (Scott Politte, President) per State of Iowa Contract, \$272,157.

[13-1913](#) 37. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 9 and December 16, 2013; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 9 and December 16, 2013; and to draw checks for biweekly payroll due on December 13, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[13-1914](#) 38. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District. **Moved by Hensley that this ordinance do now pass, #15,240. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[13-1915](#) 39. [On](#) request from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow an expansion of the existing building at 1541 E. Grand Avenue for Pedestrian-Oriented Mixed-Neighborhood Level Retail or Office uses. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[13-1916](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), 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, #15,241. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [13-1917](#) 40. **Amending** Chapter 42 of the Municipal Code regarding administrative hearing and abatement process for nuisances associated with the use and maintenance of drainage facilities. ([Council Communication No. 13-600](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-1918](#) 41. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 13-589](#)) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Ordinance changes in conjunction with the newly-constructed Southwest Connector at Iowa 28.
 - (B) Revision to Municipal Code to agree with field conditions near the World Food Prize – north side of Walnut, west of Water Street.
 - (C) Accessible parking space – west side of 2nd Avenue near the Polk County Election Office.
 - (D) Central Campus Student Parking Lot turn restriction – 2020 and 2140 Grand Avenue.
 - (E) Parking Restriction – east side of E. 16th Street, south of Hull Avenue.
 - (F) Final consideration of ordinance above, 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, [#15,242](#). Motion Carried 7-0.**
- [13-1919](#)
- [13-1920](#) 42. **Establishing** the Beavertdale Self-Supported Municipal Improvement District (SSMID) and providing for establishment of a combined capital improvement and operation fund and the levy of an annual tax. ([Council Communication No. 13-595](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- [13-1921](#) 42-I **From** Council Member Christine Hensley to speak regarding the 63rd and Grand Avenue Bridge and intersection. **Moved by Hensley to refer to the City Manager and City Attorney for review and recommendation regarding the following: 1. Process to enhance landscaping on right-of-way areas near the Grand Avenue Bridge at 63rd Street. 2. Potential for reimbursing businesses impacted by the Grand Avenue Bridge at 63rd Street construction project. Motion Carried 7-0.**
- [13-1922](#) 42-II **From** Council Members Chris Coleman and Christine Hensley to discuss Jackson Street Bridge. **Moved by Hensley to refer to the City Manager for a report on how the City could work with other interested parties to rehabilitate rather than demolish the bridge. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 43 THRU 47)

- [13-1923](#) 43. **Hearing** on ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to textual clarifications of franchise fee. **Moved by Hensley to adopt and to approve amending the electric energy and gas franchises granted to MidAmerican Energy Company, subject to final passage of the ordinance. Motion Carried 7-0.**
- [13-1924](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-1925](#) (B) **Final** consideration of ordinance above (waiver requested by the Legal Department), 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, #15,243.**
- [13-1926](#) 44. **Hearing** on ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to temporary increase of franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment. **Moved by Coleman to adopt and to approve amending the electric energy and gas franchises granted to MidAmerican Energy Company, subject to final passage of the ordinance and approval at an election by an affirmative majority vote. Motion Carried 7-0.**
- [13-1927](#) (A) **Adoption** of Revenue Purpose Statement regarding use of revenue from electric energy and gas franchise fees. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [13-1928](#) (B) **First** consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-1929](#) (C) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), requires six votes. **Moved by Coleman 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, [#15,244](#). Motion Carried 7-0.**
- [13-1930](#) (D) [Call](#) of special election to consider approval of ordinance above. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [13-1931](#) (E) [Call](#) of special election to fill the vacant office of Ward IV City Council Member. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [13-1932](#) 45. [On](#) vacation of 6th Avenue and Grand Avenue right-of-way and of air space over Grand Avenue and 6th Avenue right-of-way adjoining 505 6th Avenue and for conveyance of easements to the Young Men's Christian Association of Greater Des Moines (YMCA), \$1,000. ([Council Communication No. 13-593](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1933](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-1934](#) (B) Final consideration of ordinance above (waiver requested by the 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, [#15,245](#). Motion Carried 7-0.**
- [13-1935](#) 46. [On](#) conveyance of a portion of the vacated north-south alley right-of-way located east of and adjacent to 1423 E. 16th Street to West Bank as Conservator for the Nyalat Dak Conservatorship, The Nyawal Dak Conservatorship, and the Shamkuer Dak Conservatorship, \$25. ([Council Communication No. 13-594](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1936](#)

47. **On** assessment of \$500 penalties for violation of Iowa alcoholic beverage laws (sale to minor) by the following (licenses will not be issued for any pending renewal applications until penalty is paid): **Moved by Griess to adopt. Motion Carried 7-0.**

- (A) Kum & Go #130, 2930 Hickman Road.
- (B) Kum & Go #207, 4200 Hubbell Avenue.
- (C) Sahota Food Mart, 1805 SE 14th Street.

*** END OF HEARINGS AT 5:38 PM ***

APPROVING

[13-1937](#)

48. **Review** of Zoning Board of Adjustment decision granting a use variance to allow property at 301 and 309 SE 8th Street to be used as a beverage container recycling facility for a term of 10 years. (Roll Call contains alternative motions, select A, B or C.) ([Council Communication No. 13-580](#)) **Moved by Voss to receive and file the staff report and comments received, and to decline to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.**

[13-1938](#)

49. **Review** of Zoning Board of Adjustment decision to grant a variance to a separation distance requirement and a conditional use permit to allow use of property at 727 SE 14th Street (Super Stop) as a gas station/convenience store with alcoholic liquor sales. (Roll Call contains alternative motions, select A, B or C.) ([Council Communication No. 13-582](#)) **Moved by Griess to receive and file the staff report and comments received, and to remand the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand. Motion Carried 7-0. Previous motion by Voss to adopt Alternative C failed 2-5. Hensley and Voss –YEA; Cownie, Coleman, Moore, Mahaffey and Griess—NAY.**

[13-1939](#)

50. **Consideration** of Class E Liquor License with C Beer and B Wine for Super Stop, 727 SE 14th Street. **Moved by Voss to continue to the January 13, 2014 meeting. Motion Carried 7-0.**

BOARD OF HEALTH

- [13-1940](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [13-1941](#) 1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2600 E. Elm Street, main structure and accessory structure, Titleholder: Elaine S. Cunningham; Mortgage Holder: U.S. Bank. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1942](#) 2. [Communication](#) from Celina Insurance Group, dated 11/21/13 stating their insured, Paul Kemp, 4701 SE 5th Street, sustained a fire loss on November 12, 2013. Celina Insurance Group is holding a fire escrow in the amount of \$10,000. **Moved by Voss 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.**
- [13-1943](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:48 PM. Motion Carried 7-0.**

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