

***** 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

January 12, 2004, 4:30 P.M.

SPECIAL PRESENTATION

Special recognition of the City from the Iowa Army National Guard, to recognize employers who support employees in the Guard and Reserve

Lt. Col. Russell Perry

Fire Inspector Brian O'Keefe

INVOCATION: Rev. Susan Bowman

First United Methodist Church

- 04-5 1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Mahaffey, Brooks and Vlassis.**

- I. Approving reappointment of the following:
 - 04-6 (A) City Manager **Moved by Brooks to adopt. Motion Carried 6-0.**
 - 04-7 (B) City Attorney **Moved by Brooks to adopt. Motion Carried 6-0.**
 - 04-8 (C) City Clerk **Moved by Brooks to adopt. Motion Carried 6-0.**
 - 04-9 (D) Chief Deputy City Clerk **Moved by Brooks to adopt. Motion Carried 6-0.**

 - 04-10 (E) Deputy City Attorneys and Assistant City Attorneys **Moved by Brooks to adopt. Motion Carried 6-0.**

 - 04-11 (F) Approving recommendation of Mayor Cownie for appointment of Council Member Chris Coleman as Mayor Pro Tem for the year 2004. **Moved by Brooks to adopt. Motion Carried 6-0.**

- 04-12 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Coleman to adopt. Motion Carried 6-0.**
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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.**

- 04-13 3. **APPROVING CONSENT AGENDA – items 3 through 55: Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS

04-14

4. Approving the following Alcoholic Beverage License Applications:
Moved by Hensley to adopt. Motion Carried 6-0.

NEW APPLICATIONS

(A)	DENNY D'S SPORTS BAR Liquor	607 SE 30TH ST	C
(B)	DES MOINES ASIAN FOOD Beer	1623 6TH AVE	C
(C)	EL CANCUN NIGHT CLUB Liquor	900 E ARMY POST ROAD	C
(D)	HESSEN HAUS Liquor	101 4TH STREET	C

RENEWAL APPLICATIONS

(E)	A DONG RESTAURANT Beer/Wine	1511 HIGH ST	C
(F)	CASEYS GENERAL STORE #2244 Beer	2150 E ARMY POST ROAD	C
(G)	CASEYS GENERAL STORE #2322 Beer	4331 PARK AVE	C
(H)	CONY ISLAND #2 Beer	3700 SW 9TH ST	B
(I)	DES MOINES AIR NATIONAL GUARD Liquor	3100 MCKINLEY AV	A
(J)	DIAMOND JACKS Liquor	3000 E GRAND AVE	C
(K)	EL VAQUERO Liquor	3211 INDIANOLA AVE	C
(L)	FAREWAY STORE #900 Beer.	100 E EUCLID AVE	C
(M)	FAREWAY STORE #900 Wine	100 E EUCLID AVE	B
(N)	GIT N GO STORE #18 Beer	6501 SE 14TH ST	C
(O)	HY VEE FOOD STORE #4 Liquor	4707 FLEUR DR	E
(P)	JIFFY #924 Beer	3718 SW 9TH ST	C
(Q)	KUM & GO #552 Beer	4944 DOUGLAS AVE	C
(R)	LOUIES CHINESE AND THAI FOOD Beer	1022 E 12TH ST	B
(S)	MR V'S Liquor	206 INDIANOLA AVE	C
(T)	PAPILON Beer/Wine	2718 DOUGLAS AVENUE	C
(U)	TROPHYS SPORTS BAR & GRILL Liquor	2701 DOUGLAS AVE	C
(V)	WAHEGURU CITGO Beer	2701 INGERSOLL AVE	C

04-15

- 4I. Approving Class C Liquor License for Rookies, 6151 Thornton Avenue, (pending completed inspections by Building and Fire Departments). Sponsor: Brooks. **Moved by Hensley to adopt. Motion Carried 6-0.**

04-16

5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-0.**

04-17

6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

- 04-18 7. Resolution Ordering Construction of the following:
(A) Merle Hay Road and Aurora Avenue Traffic Signal Upgrade - Receiving of Bids, (02-03-04), and Setting Date of Hearing, (02-09-04). (Construction Estimate - \$23,995). **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-19 (B) Highland Park Streetscape – Receiving of Bids by IDOT (01-27-04), and Setting Date of Hearing, (02-09-04). (Construction Estimate - \$1,244,741.86). **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-20 8. Approving Professional Services Agreement with EarthTech, Inc., (Alan Krusi, CEO, Long Beach, CA) for engineering services for McKinley Avenue Corridor Study, widening from Fleur Drive to E. Indianola Avenue, \$212,000. ([Council Communication No. 04-008](#)) **Moved by Hensley to adopt. City Manager to report on the types of projects that will use consultants. Motion Carried 6-0.**
- 04-21 9. Approving Addendum No. 3 to Urban Design Standards for Public Improvements, 2001 Edition, and Addendum No. 5 to Urban Standard Specifications for Public Improvements, 1998 Edition. ([Council Communication No. 04-007](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-22 10. Approving permission to sublet and request for extension of time to May 31, 2004 for Van Hauen & Associates, Inc., for M.L. King Jr. Parkway Raw Water Line Relocation Project. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-23 11. Approving completion and recommending acceptance of the following Private Construction Contracts:
(A) The Concrete Paving Company, Ltd. and Army Post Plaza, L.L.C. for construction of Street Improvements for installation of east-bound left turn lane in Army Post Road, turning into Army Post Plaza Shopping Center at 1000 E. Army Post Road. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-24 (B) The Underground Company, Ltd. and UPT, Inc. DBA Baratta's Restaurant for construction of alley improvements to pave 75' of alley behind 4 Davis Avenue, 170' south of Davis Avenue on South Union Street, west side of road. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-25 (C) The Weitz Company, Inc. and Norwest Bank Iowa, N.A. for construction of Street Paving Improvements on Plum Street from 6th Avenue to 7th Street to serve Norwest Bank, 115 - 7th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-26 (D) Russell Construction, Inc. and Galesburg, LLC. for construction of Median Improvements on E. 14th Street, north of E. University, west of E. 14th Street to serve Walgreens. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-27 (E) The Underground Company and Hubbell Realty Company for

construction of Storm Sewer Improvements for new MC intake along north curb line of Murphy Street, 95' west of west curb line of SW 7th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**

- 04-28 (F) Cornerstone Commercial Contractors, Inc. and O'Reilly Automotive, Inc. for construction of Alley Paving Improvements to 14' wide alley west of E. 14th Street (Hwy. 69) and south of O'Reilly Auto Parts, 3390 E. 14th Street, including paving 247' of alley. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-29 (G) Schlievert Plumbing, Inc. and Critchett Piano & Organ Companies for construction of Storm Sewer Improvements addition to east side of 56th Street between Douglas Avenue and Madison Avenue to service Critchett Piano's warehouse, 3811 - 56th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-30 (H) Corell Contractor, Inc. and Drake University for construction of Storm Sewer Improvements for storm sewer intake on north curb line of Forest Avenue, west of 29th Street, to serve new Drake University parking lot, 2901 Forest Avenue. **Moved by Hensley to adopt. Motion Carried 6-0.**
12. Accepting completed construction and approving final payment for the following:
- 04-31 (A) Fleur Drive Resurfacing McKinley Avenue to Army Post Road, Des Moines Asphalt & Paving Co. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-32 (B) 2003 PCC Pavement Resurfacing Program, Grimes Asphalt & Paving Corp. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-33 (C) 2003 City-wide PCC Pavement Restoration Program, P.G. Construction, Inc. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-34 (D) 2002 Sewer Relining Program, Visu-Sewer Clean & Seal, Inc. **Moved by Hensley to adopt. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

- 04-35 13. Approving correction of NAC-Emergency Sewer Repair Assessment Schedule 2003-81 for 1250 - 10th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-36 14. Deletion of NAC-Emergency Order Special Assessments at 1293 E. 19th Street Property (ownership of property has transferred), Schedule 2003-08, Certificate 00-10659-00 for \$616.34. **Moved by Hensley to adopt. Motion Carried 6-0.**
15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development and Public Works) for the following:
- 04-37 (A) Schedule 2004-01. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-38 (B) Schedule 2003-90. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-39 (C) Schedule 2003-83. **Moved by Hensley to adopt. Motion**

Carried 6-0.

- 04-40 16. Petition and Waiver forms for curb replacement program/request to repair driveway executed by owners of two properties, and authorizing City Manager to proceed with construction. **Moved by Hensley to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

- 04-41 17. Approve and accept real estate documents for property at 1429 Maine Street, for the Clark Street Pump Station Project, \$2,550 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-42 18. Approve and accept real estate documents for property for the Agrimergent Technology Park Storm Water Pump Station Project. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-43 19. Approve and accept real estate documents for property at 810 Morton Avenue, for the Upper Union Park Sewer Separation Project-Phase II, \$100 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-44 20. Approve and accept real estate documents for property at 2509 Mann Avenue, for the Closes Creek Storm Water Improvement Project, \$150 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-45 21. Approve Corrected Quit Claim Deed for portion of vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive due to scrivener's error. **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-46 22. Approving extension of time to February 6, 2004 for filing final subdivision plat entitled Carman Estates Plat 3, in vicinity of Hart Avenue, east of Indianola.
- WITHDRAWN**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-47 23. Granting waivers pursuant to Section 2-1054(f) to Scott Allen and Emily Lawson, Urban Design Review Board Members, to remain on the board. ([Council Communication No. 04-011](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-48 24. Regarding preliminary subdivision plat for August Home Plat 1, vicinity of 2200 Grand Avenue. **Moved by Hensley to receive and file. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

- 04-49 25. On vacation of portions of Vale Street, Railroad Court, Railroad Avenue, SE 24th Court and SE 25th Street, (1-26-04). **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-50 26. On vacation of portions of SW 28th Court, SW 28th Street, SW 30th Street, and Littell Avenue, between previously vacated Army Post Road and Relocated Army Post Road, (1-26-04). **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-51 27. On sale of City property at 1730 and 1740 E. 41st Court, to Michael L. and Rebecca S. Dank, (abutting property owners), \$1,100, (1-26-04). **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-52 28. On request from United Properties Investment Company, L.C. to rezone

property in the vicinity of 8900 85th Avenue and southwest of the interchange of Fleur Drive (85th Avenue in Warren County) and Iowa Highway 5 from “A-1” (Agricultural District) to “PUD” (Planned Unit Development), and for approval of the proposed “PUD” conceptual plan entitled “Echo Valley Community Concept Plan”, subject to revisions, (1-26-04). **Moved by Hensley to adopt. Motion Carried 6-0.**

04-53 29. On request from SE 14, L.L.C. to rezone property at 5801 SE 14th Street from “R1-80” (One Family Residential) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow development of a mini-storage complex, subject to conditions, (1-26-04). **Moved by Hensley to adopt. Motion Carried 6-0.**

04-54 30. On 14th Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization area, to amend the map of the Model Cities South Urban Revitalization sub-area, (2-9-04). ([Council Communication No. 04-009](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

04-55 31. On Voluntary annexation of territory in the Historic Fort Des Moines area, (3-8-04). **Moved by Hensley to adopt. Motion Carried 6-0.**

32. On Issuance of General Obligation Refunding Bonds, (for Essential Corporate Purpose), for the following, (1-26-04):

04-56 (A) \$36,000,000, Series 1995C, 1996E and 1997B.

WITHDRAWN

04-57

WITHDRAWN

(B) \$23,500,000, Series 1996D.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

04-58 33. Approving payment of \$1,508.81 to Myers & Jenkins for representation in the UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 6-0.**

04-59 34. Approving payment of \$7,500 to Lawrence W. Luncsford and Sharon Luncsford as a result of an auto accident on November 16, 2003. **Moved by Hensley to adopt . Motion Carried 6-0.**

04-60 35. Approving payment of \$7,500 to State Farm Insurance as subrogee of Mary Ann Jackson for bodily injury and property damage claim as a result of an auto accident. **Moved by Hensley to adopt . Motion Carried 6-0.**

04-61 36. Approving payment of \$52.69 to Duncan, Green, Brown, Langeness & Eckley for representation relating to airport parking garages. **Moved by Hensley to adopt . Motion Carried 6-0.**

04-62 37. Approving payment of \$40.50 to Ahlers & Cooney, P.C. for environmental concerns in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 6-0.**

04-63 38. Approving payment of \$248.37 to Hall & Associates for Iowa Department of Natural Resources in issuance of a National Pollution Discharge Elimination System Permit for the Wastewater Reclamation Authority Treatment Plant. **Moved by Hensley to adopt . Motion Carried 6-0.**

04-64 39. Approving payment of \$288.55 to Ahlers & Cooney, P.C. for environmental law services in conjunction with the acquisition of environmentally contaminated properties for Martin Luther King, Jr.

Parkway Project (DICO). **Moved by Hensley to adopt . Motion Carried 6-0.**

- 04-65 40. Approving payment of \$67.50 to Sullivan & Ward, P.C. Law Firm for services related to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements. **Moved by Hensley to adopt . Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

- 04-66 41. Submitting out-of-state travel for Angela Holloway and John Hagener. ([Council Communication No. 04-002](#)) **Moved by Hensley to adopt . Motion Carried 6-0.**

- 04-67 42. Submitting traffic regulation changes for “Police Only” parking in front of 611 Forest Avenue, (continued from December 22, 2003). **Moved by Vlassis to receive and file and refer to Legal for preparation of proper legislation. Motion Carried 6-0.**

APPROVING

- 04-68 43. Release of Economic Development Grant to Water Street Brownstones, LLC. ([Council Communication No. 04-012](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

- 04-69 44. Proposal from Neighborhood Development Corporation to purchase and redevelop Wherry Block Building, 1600 6th Avenue and adjacent vacant property, 1602-1620 6th Avenue in Metro Center Urban Renewal Project. ([Council Communication No. 04-010](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-70 45. Closeout documents for the fiscal year 1999 Supportive Housing Program (SHP) Grants, \$1,030,302. **Moved by Hensley to adopt . Motion Carried 6-0.**

- 04-71 46. Reallocation of \$4,800 of Weed & Seed funding from the Executive Office for Weed & Seed (EOWS). ([Council Communication No. 04-001](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

- 04-72 47. Grant application to the State of Iowa Department of Natural Resources Recreation Infrastructure Grant Program (RIG) to rebuild Union Park Wading Pool, \$50,000. ([Council Communication No. 04-014](#)) **Moved by Hensley to approve. Motion Carried 6-0.**

- 04-73 48. Second Amendment to 28E Agreement with Friends of Des Moines Botanical Center terminating the agreement except to retain the Friends’ repayment of Botanical Center Volunteer Supervisor and Botanical Center Education Curator salaries. ([Council Communication No. 04-015](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

49. The following items regarding the Riverpoint Segment in American Discovery Trail (ADT):

- 04-74 (A) Iowa Department of Transportation (IDOT) Grant Agreement for development, \$345,000. ([Council Communication No. 04-013](#)) **Moved by Hensley to approve. Motion Carried 6-0.**

- 04-75 (B) Acceptance of State Resource Enhancement and Protection (REAP) Grant from Iowa Department of Natural Resources (IDNR) for construction, \$300,000. ([Council Communication No.](#)

- 04-76 (C) [04-016](#)) **Moved by Hensley to approve. Motion Carried 6-0.**
 Approving proposed alignment, and authorizing acquisition of necessary properties for the project. ([Council Communication No. 04-019](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-77 50. Grant application to the State of Iowa Department of Natural Resources Recreation Infrastructure Grant Program (RIG) to provide directional signage to and on-site signage for Blank Park Zoo, \$16,650. ([Council Communication No. 04-017](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-78 51. Negotiation of agreement with Des Moines Water Works Board of Trustees to allow City to continue to provide liquor beverage services at Botanical Center until Des Moines Water Works obtains a license or until April 30, 2004, whichever is sooner. ([Council Communication No. 04-020](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-79 52. Temporary parking plan for Allied Insurance at City's 5th and Keo Garage during State Wrestling and Basketball Tournaments to be held February 23 through March 19, 2004. ([Council Communication No. 04-023](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- 04-80 53. Bids from the following:
 (A) American LaFrance Corporation (Ladson, SC) for two 75' aerial ladder trucks, \$1,067,989. (Eleven bids mailed, one received). ([Council Communication No. 04-004](#)) **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Hensley.**
 (B) Truck Country for two 56,000 tandem axle trucks, \$186,606. (Seven bids mailed, four received). ([Council Communication No. 04-005](#))
- 04-81 54. Authorizing Finance Director to issue checks on the registers of January 15, 2004 and January 22, 2004; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 12 and January 19, 2004; and to draw checks for biweekly payroll due employees of City on January 23, 2004. **Moved by Hensley to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-83 55. Amending Chapter 102 of the Municipal Code regarding qualifications of the Skywalk Committee. **Moved by Hensley that this ordinance do now pass, [14,308](#). Motion Carried 6-0.**

* * * * * END CONSENT AGENDA * * * * *
 Council considered Item 57 next

ORDINANCES - FIRST CONSIDERATION

- 04-84 56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes on Aurora Avenue between Beaver and Merle Hay, (Hoover High School area). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- 04-85 (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, 14,309. Motion Carried 6-0.**
- 04-86 57. Amending Chapters 2, 102, 122, and 74 of the Municipal Code regarding community garden leases, to allow planting on right-of-way and City property. ([Council Communication No. 04-018](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- 04-87 58. Amending Chapter 74 of the Municipal Code regarding various Park and Recreation facility fees and charges. ([Council Communication No. 04-021](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

Council considered Item 56 next and then 58 thru 62

COUNCIL REQUESTS

- 04-88 59. Request from Council Members Vlassis and Coleman, to discuss traffic concerns at 38th and Franklin and on 50th between Hickman and Aurora. **Moved by Vlassis to receive, file and grant request to speak; refer to City Manager and Traffic and Transportation to review placing four-way stops at 38th and Franklin and at 38th and Adams, and a three-way stop at 50th and Holcomb for a report at the February 9 Council meeting. Motion Carried 6-0.**

COMMUNICATIONS/REPORTS

- 04-89 60. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2004. **Moved by Brooks to receive, file and authorize the City Clerk to transmit the budget to the Polk County Auditor. This item will be discussed at a Council Workshop. Motion Carried 6-0.**
- 04-90 61. From Highland Park SSMID Board regarding recommended budget for the Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 1, 2004. **Moved by Vlassis to receive and file. Motion Carried 6-0.**
- 04-91 62. From Larry James, Jr., on behalf of Rachel and Jason Hemp, regarding a waiver of fees associated with a public nuisance at 1120 – 21st Street. **Moved by Hensley to receive, file and grant request to speak; grant the waiver subject to an occupancy permit being issued within a six-month period. Staff to work with the owners to find alternate funding for these changes. Motion Carried 6-0.**

****Council considered Hearing Items 64 thru 67 next****

- 04-92 63. From Brian R. Kohlwes, 1828 – 44th Street, regarding a residential street light. **Moved by Vlassis to receive and file. Mr. Kohlwes did not speak at the meeting. Motion Carried 6-0.**

****Council considered 68 thru balance of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 64 thru 67)

- 04-93 64. On Council-initiated request to rezone property in the 1600 block of 6th Avenue from “C-1” (Neighborhood Retail Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial), subject to conditions. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-0.**

- 04-94 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

- 04-95 (B) Final consideration of ordinance above, (waiver requested by Neighborhood Development Corporation), requires 6 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, 14,310. Motion Carried 6-0.**

- 04-96 65. Close the hearing on lease of the Pioneer-Columbus Community Center, to Polk County, for use by the State of Iowa Department of Human Services Site offices. **Moved by Brooks to close the hearing. Motion Carried 6-0.**

- 04-97 66. On Lease Agreement with the Boys and Girls Club of Central Iowa for the use of Logan Community Center, 1740 East Garfield Avenue. ([Council Communication No. 04-022](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**

- 04-98 67. On assessment of \$300 penalty to Southridge Amoco, 6300 SE 14th Street, for violation of Iowa Cigarette Laws. **Moved by Brooks to adopt. Motion Carried 6-0.**

**** END HEARINGS at 5:38 P.M. ****

****Council considered Item 63 next****

APPROVING

- 04-99 68. Diminution of positions. ([Council Communication No. 04-003](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

- 04-100 1. Request from Council Member Tom Vlassis to discuss process and

schedule for filling the At-Large vacancy. SPONSOR: Vlassis. **Moved by Vlassis to discuss and adopt the schedule and process. Motion Carried 6-0.**

- 04-101 2. Approving appointments to Metropolitan Planning Organization (MPO). SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 6-0.**

BOARD OF HEALTH

- 04-102 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

- 04-103 1. Court authority to abate the public nuisance at the following locations:
(A) 2050 E. Army Post Road (vacant), Titleholders: Kenneth K. and Francis W. Hunt. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-104 (B) 2080 E. Army Post Road (vacant), Titleholders: Kenneth K. and Francis W. Hunt. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-105 (C) 3724 Chicago Avenue (vacant), Titleholder: R.A. Birkinbine; Contract Buyers: Kenneth D. and Denise K. Avery, III. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-106 (D) 5804 Snyder Avenue (garage), Titleholder: The Estate of Mary Alice Lane. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-107 (E) 402 Virginia Avenue (vacant), Titleholder: U.S. Bank, N.A. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-108 (F) 1450 E. Walnut Street (vacant), Titleholders: Charles and Edith C. Ruperto. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-109 (G) 3846 9th Street (garage), Titleholder: Melody H. Owens; Mortgage
WITHDRAWN Holder: Nationwide Advantage Mortgage Company f/k/a Allied Group Mortgage Company.

- 04-110 (H) 244 SE 30th Street (vacant), Titleholders: Lisa and Manuel Hernandez; Mortgage Holder: Wells Fargo. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-111 (I) 666 33rd Street (garage), Titleholders: Thomas H. Wood, Sr. Trust and Marianna Ledlie; Contract Buyers: Thomas H. and Charlotte Ann Wood, Jr.; Tax Certificate Holders: Z Fin 41 and BH/US Bank. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-112 2. The Engineering Department to remove the following structures:
(A) 1315 Harrison Avenue, Titleholder: Michael L. Dooley; Contract Buyers: James D. and Janet Mayer. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-113 (B) 605 Leach Avenue, Titleholder: Mary Worthington. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- 04-114 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:30 P.M. Motion Carried 6-0.**

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