

***** 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

**February 23, 2004
4:30 P.M.**

INVOCATION: Rev. Cheryl Thomas
Calvary Baptist Church

04-345 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Overman and Vlassis.**

04-346 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

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***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

04-347 3. APPROVING CONSENT AGENDA – items 3 through 54: **Moved by Hensley to adopt Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-348 4. Approving the following Alcoholic Beverage License Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
(B)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(C)	CENTRAL CITY LIQUOR	1460 2ND AVE	C Beer
(D)	CENTRAL CITY LIQUOR	1460 2ND AVE	B Wine
(E)	CHAT NOIR CAFE	644 18TH ST	C Beer/Wine
(F)	DAHLS FOODS	3425 INGERSOLL AV	E Liquor
(G)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(H)	FORTY THREE RESTAURANT AND BAR Liquor		1000 WALNUT ST
(I)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(J)	HY VEE FOOD STORE #3	3221 SE 14TH ST	C Beer
(K)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(L)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVENUE	C Beer
(M)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVENUE	E Liquor
(N)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVENUE	B Wine
(O)	KELLYS LITTLE NIPPER	1701 E GRAND AVENUE	C Liquor
(P)	KUM & GO #142	4140 PARK AVE	B Wine
(Q)	LA HACIENDA RESTAURANT	111 ARMY POST RD	C Liquor
(R)	LINNS SUPER MARKET	3805 6TH AVE	C Beer
(S)	PEGGYS TAVERN	3020 FOREST AVENUE	C Liquor
(T)	RACCOON RIVER BREWING COMPANY	200 10TH ST	C Liquor
(U)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine

- 04-349 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- 04-350 (A) 8th & Mulberry Parking Garage Demolition – Receiving of Bids, (3-9-04), Setting Date of Hearing, (3-22-04), (Construction Estimate - \$650,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

- 04-351 (B) Brook Run Park and Riley Park Improvements – Receiving of Bids, (3-9-04), Setting Date of Hearing, (3-22-04), (Construction Estimate - \$260,555). **Moved by Overman to adopt. Motion Carried 7-0.**

- 04-352 7. Approving Electric Distribution System Agreement with MidAmerican Energy Company street lighting, traffic signals and irrigation system for Martin Luther King Jr. Parkway Fleur Drive Intersection/Bridges Combined Project, not to exceed \$578.12. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-353 8. Approving Professional Services Agreement with Veenstra & Kimm, Inc. (Robert Veens Jr., President, WDM), in conjunction with Stormwater Sample Collection and Compositi 2004 through 2006. ([Council Communication No. 04-086](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-354 9. Approving addendum to I-235 Preconstruction Agreement, M. L. King Jr. Pk Interchange and Cottage Grove for 19th Street Bridge Replacement. ([Council Communication No. 04-085](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Na Brooks.**
- 04-355 10. Approving Highland Park Streetscape (IDOT Project) – designating lowest respons bidder, Jasper Construction Services, Inc., (Steven J. Rhoads, President, Newt approving contract and bond and permission to sublet. **Moved by Overman to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-356 (A) Approving Supplemental Agreement No. 2 with Brian Clark and Associates, for construction phase services. ([Council Communication No. 04-087](#)) **Moved by Overman to adopt. Motion Carried 6-1. Absent: Coleman.**

SPECIAL ASSESSMENTS

11. Levying assessments for costs of Nuisance Abatement-NAC Emergency Or (Community Development) for the following:
- 04-357 (A) Schedule No. 2004-03. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-358 (B) Schedule No. 2004-51. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Approving deletion of NAC-Emergency Assessments at various locations as follows:
- 04-359 (A) Schedules 2003-08, 2003-79, and 2004-25 (Charges were waived by Administrative Hearing). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-360 (B) Schedules 2004-02 and 2004-25 (Property transferred ownership). **Moved**

Hensley to adopt. Motion Carried 7-0.

- 04-361 13. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits January 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-362 14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees January 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-363 15. Approving Division Assessment Schedule for Pleasant View Drive Paving Preliminary Schedule No. 2002-01. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-364 16. Approving correction of Sewer Assessment Schedule for 2307 E. 21st Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-365 17. Approving acquisition of right-of-way for SE 14th Street and East Indianola Avenue Intersection Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-366 18. Establishing Fair Market Value and authorizing acquisition of remaining properties Western Gateway Project. (Call City Clerk's Office for list). ([Council Communication No. 04-095](#)) **Moved by Overman to adopt. City Manager to provide a report on Clear Channel outdoor properties. Motion Carried 6-1. Absent: Coleman.**
19. Approving Tax Abatement Applications as follows:
- 04-367 (A) Additional value added by improvements made during 2003 (718 applications) ([Council Communication No. 04-077](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-368 (B) Park Fleur Apartments/Condominiums (72 applications). ([Council Communication No. 04-076](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
20. Approving Tax Abatement Applications for the following:
- 04-369 (A) Property at 3212 Forest Avenue (Sigma Chi Fraternity) for improvements made during 2001. ([Council Communication No. 04-078](#)) **Moved by Hensley to adopt and to request that the County Assessor apply the tax abatement retroactively to apply to the taxes due in fiscal year 2003/2004. Motion Carried 7-0.**

- 04-370 (B) Property at 4440 Hubbell Avenue for improvements made after annexation in 2003. ([Council Communication No. 04-073](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-371 21. Approval of late filed Tax Abatement applications for 2003 – (10 applications). ([Council Communication No. 04-072](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-371 22. Denial of Tax Abatement Applications for the following:
- 04-372 (A) Property at 1435 East Madison. ([Council Communication No. 04-074](#)) **Moved by Mahaffey to refer to City Manager for a recommendation at the March meeting regarding process to include this property in an abatement application. Motion Carried 7-0.**
- 04-373 (B) Properties at 2708 Grand Avenue and 4000 SW 9th Street. ([Council Communication No. 04-075](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-374 23. Recommendation of Council Member Tom Vlassis to appoint Jennifer Irsfeld James to Historic Preservation Commission (Seat 7) for a three year term commencing October 1, 2003 to expire October 18, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-375 24. On 2003 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-376 25. On assessment of \$300 penalty to BMJ Food Mart, 3625 Ingersoll, for violation of Iowa Cigarette Laws, (3-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-377 26. On request from Baker Real Estate L.P. to amend the approved PUD Conceptual Plan for a portion of property at 4500 Hubbell Avenue to allow maximum of 156 multiple-family units, (3-8-04). **Moved by Overman to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-378 27. On sale of a portion of the vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, to Teresa M. Russo, \$50, (3-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-379 28. On sale of property in the vicinity of 202 E. Fulton Drive, to Des Moines Habitat for Humanity, Inc., \$5,805, (3-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-380 29. Approving payment of \$83.95 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in case Maria Garces v. Gerald Roger Lovejoy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-381 30. Approving payment of \$361 to the Law Firm of Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for legal services related to collective bargaining. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-382 31. Approving payment of \$4,840.85 to Ahlers & Cooney, P.C. for general matters for 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-383 32. Approving payment of \$21,958.65 to Ahlers & Cooney, P.C. for consultation and legal services regarding revision of the Wastewater Reclamation Authority Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-384 33. Approving payment of \$727.12 from Ahlers & Cooney, P.C. for services related to Supplement Nos. 12 and 13 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-385 34. Approving payment of \$2,694.09 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, Federal funding, Riverport West Redevelopment and related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-386 35. Submitting various traffic regulation changes as follows: ([Council Communication 04-084](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance – Both Sides of Walker Street, East of East 9th Street.
 - (B) Corner Clearance – West Side of East 42nd Street, South of Boyd Street.
 - (C) Corner Clearance – West Side of 4th Street, South of Park Street.
 - (D) Corner Clearance – North Side of Wolcott Avenue, East of SW 31st Street.
 - (E) Handicapped Parking Space Modification – North Side of High Street, East of Martin Luther King Jr. Parkway.
 - (F) Relocate Traffic Control Signal from 14th and Ingersoll to 15th and Ingersoll.

- (G) Allied/Park Sign and Meter Ordinance Changes.
- (H) Code Adjustments for Field Signing – 7th Street, Locust Street to Grand Avenue.
- (I) One-Sided Parking Restriction – Hillsboro Plat III.
- (J) One-Sided Parking Restriction – Brook Run Village Plat X.
- (K) One-Sided Parking Restriction – Meadowlands Plats I and II.
- (L) One-Sided Parking Restriction – Three Lakes Estates Plats IV and V.
- (M) One-Sided Parking Restriction – Woods On The River Plat VI.
- (N) One-Sided Parking Restriction – Lakeview Heights Plats I and II.
- (O) Request for Handicapped Parking – West Side of 16th Street, South of Gill Street.
- (P) Request for All Way Stops – 38th and Franklin, 38th and Adams, and 50th Holcomb.
- (Q) Parking Restriction – South Side of East Bell Avenue from SE 14th Street to feet West.
- (R) Corner Clearance – East Side of Oaklyn Drive, North of Lower Beaver Road.

04-387 36. Submitting out-of-state travel for Christine Hensley and Andrea Hauer. ([Council Communication No. 04-071](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Na Overman.**

APPROVING

04-388 37. Downtown Self-Supported Municipal Improvement District budget for fiscal year extending from July 1, 2004 to June 30, 2005. ([Council Communication No. 04-090](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

04-389 38. Neighborhood Commercial Revitalization Program Loan for renovation of 414 East Street, \$50,000. ([Council Communication No. 04-096](#)) **Moved by Overman to approve. City Manager will send a letter of encouragement from the City Council. Motion Carried 7-0.**

- 04-390 39. Predevelopment loan in the amount of \$6,528 for proposed renovations to 420 East Lo Street. ([Council Communication No. 04-098](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-391 40. Authorizing Request For Proposals for Phase I Environmental Assessments related to Moines Brownfields Economic Redevelopment Initiative. ([Council Communication No. 04-089](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-392 41. Recommendations on various City-owned properties in Valley Drive Garden Street Area (now known as George Flagg Parkway). ([Council Communication No. 04-091](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-393 42. Phase I of the Americans with Disabilities (ADA) Transition Plan. (on file in City Clerk's Office). ([Council Communication No. 04-079](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-394 43. Prepayment of \$2,065,000, 1997 Polk County Park and Ride Bonds. ([Council Communication No. 04-082](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-395 44. Authorizing Park and Recreation Director or his designee to sign and submit applications for grants or other giving programs for planning, development, maintenance, and operation of facilities, structures and programs undertaken by Des Moines Park and Recreation Department. ([Council Communication No. 04-080](#)) **Moved by Coleman to approve. City Manager will provide the Council with a periodic list of the grant applications that have been sent. Motion Carried 7-0.**
45. NUMBER NOT USED.
- 04-396 46. Labor Agreement with American Federation of State, County and Municipal Employees Council 61 and its Affiliated Local 3673 (AFSCME) for Housing Services Department. ([Council Communication No. 04-093](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**
- 04-397 47. Receive and file Library Labor Agreements for July 1, 2004 through June 30, 2005. ([Council Communication No. 04-094](#)) **Moved by Coleman to receive and file. Motion Carried 6-1. Nays: Brooks.**
- 04-398 48. Receipt of the Legislative Update of the 80th Iowa General Assembly. **Moved by Overman to receive and file the attached report. Motion Carried 7-0.**
- 04-399 49. Bid from Bob Brown Chevrolet per State of Iowa Contract CT2751 for two passenger vehicles to be used by the Police Department, \$33,285.03. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-400 50. Civil Service Entrance List for Park and Recreation Customer Service Representative, Promotional Lists for Fire Medic and Senior Police Officer. **Moved by Hensley receive and file. Motion Carried 7-0.**
- 04-401 51. Authorizing Finance Director to issue checks on the registers of February 26, 2004 March 4, 2004; and to draw checks for the bills of the Des Moines Municipal House Agency for the weeks of February 23 and March 1, 2004; and to draw checks for biweekly payroll due employees of City on March 5, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-402 52. On vacation of portions of Vale Street, Railroad Court, Railroad Avenue, SE 24th Court and SE 25th Street. **Moved by Overman that this ordinance do now pass, [#14,318](#). Motion Carried 7-0.**
- 04-403 53. On vacation of portions of SW 28th Court, SW 28th Street, SW 30th Street, and Lincoln Avenue, between previously vacated Army Post Road and Relocated Army Post Road. **Moved by Hensley that this ordinance do now pass, [#14,318](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-404 54. Amending Section 114-3203 of the Municipal Code to place a “Police Only” parking restriction near 611 Forest Avenue. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 04-405 55. Amending Sections 26-1120 and 26-1152 regarding permits related to sewer construction. ([Council Communication No. 04-088](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. MOTION FAILED 1-6. Nays: Cowley, Brooks, Coleman, Mahaffey, Overman and Vlassis.**

WITHDRAWN

- 04-406 (A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires six votes.
- 04-407 56. Amending Chapter 42 of the Municipal Code regarding nuisance abatement process and procedure. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

04-408 (A) Final consideration of ordinance above, requires 6 votes. **Moved by Vlassis to**
the rule requiring that an ordinance must be considered and voted on
passage at two Council meetings prior to the meeting at which it is to be fin
passed be suspended, that the ordinance be placed upon its final passage
that the ordinance do now pass, [#14,319](#). Motion Carried 7-0.

57. NUMBER NOT USED.

COMMUNICATIONS/REPORTS

04-409 58. From Jan DeBartolo, 312 6th Avenue, requesting sign change in loading zone on
Avenue between Locust and Walnut Streets. **Moved by Hensley to grant the request**
speak; refer to City Manager and Traffic Department for review and
recommendation. Motion Carried 6-1. Absent: Vlassis.

04-410 59. From Beth Wilson regarding culture in Des Moines. **Moved by Hensley to receive a**
file. Motion Carried 6-1. Absent Vlassis. Ms. Wilson did not appear at the meeting.

Council considered Items 65 through 68 next

HEARINGS (Opened at 5:45 P.M.) (Items 60 thru 64)

04-411 60. On Urban Renewal Purchase Agreement and sale of property to Neighborh
Development Corporation, to develop Wherry Block Building, 1600 6th Avenue
adjacent land. ([Council Communication No. 04-097](#)) **Moved by Vlassis to adopt.**
Motion Carried 7-0.

04-412 61. On proposal to reallocate \$1,500,000 of unspent proceeds of the Aviation System Reve
Bonds, Series 1998. ([Council Communication No. 04-081](#)) **Moved by Hensley**
adopt. Motion Carried 7-0.

04-413 (A) Authorization for additional actions. **Moved by Hensley to adopt. Mot**
Carried 7-0.

04-414 62. On Supplement No. 15 to the governmental lease-purchase master agreement with Ban

America Leasing & Capital, LLC, for acquiring five automated refuse trucks, not exceed \$725,000. ([Council Communication No. 04-083](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

- 04-415 (A) Authorization for additional actions. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-416 63. On vacation of the East/West alley right-of-way in the block bounded by E. Grand Des Moines Street and by E. 4th and E. 5th Street. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-417 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-418 (B) Final consideration of ordinance above, (waiver requested by City Manager requires 6 votes. **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, [#14,3](#) Motion Carried 7-0.**
- 04-419 64. On appeal from Donald R. Hay, 1160 E. Aurora Avenue, regarding recommended denial of a Limousine License. **Moved by Hensley to grant application for a six (6) month probationary period. Motion Carried 7-0.**

END HEARINGS AT 5:50 P.M.

****Council considered 69 and balance of the agenda next****

APPROVING

- 04-420 65. Recommendation of City Council Employee Evaluation Sub-Committee regarding City Manager. **Moved by Vlassis to approve the recommendation as contained in the Committee's letter. Council Member Coleman votes "No" on item "B", additional 120 hours of vacation to be used not later than 3-31-05. Motion Carried 5-2. Nays: Cownie and Overman.**
- 04-421 66. Recommendation of City Council Employee Evaluation Sub-Committee regarding City Attorney. **Moved by Vlassis to approve the recommendation as contained in the Committee's letter. Motion Carried 6-1. Nays: Overman.**

- 04-422 67. Recommendation of City Council Employee Evaluation Sub-Committee regarding Human Resources Director. **Moved by Vlassis to approve the recommendation as contained in the Committee's letter. Motion Carried 6-1. Nays: Overman.**
- 04-423 68. Recommendation of City Council Employee Evaluation Sub-Committee regarding City Clerk. **Moved by Vlassis to approve the recommendation as contained in the Committee's letter. Motion Carried 6-1. Nays: Overman.**
- 04-424 68I. Discussion regarding contribution of Mayor and Council Members to health insurance participation program, effective July 1, 2004. **Moved by Vlassis to approve the recommendation as contained in the attached letter. Motion Carried 7-0.**

****Council considered Hearing Items 60 thru 64****

- 04-425 69. Neighborhood Finance Corporation Program changes to Rehabilitation Loan Program Program Lending Areas. ([Council Communication No. 04-099](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

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.

- 04-426 1. Request from Council Member Jerry Overman to speak regarding his visit to McKee/Phillips School. **Moved by Overman to receive, file, and grant the request to speak. Motion Carried 7-0.**
- 04-427 2. Request from Jodi Lynn Thomas, 6701 Hickman Road, Lot #60, Urbandale, to speak regarding her dog. SPONSOR: Vlassis. **Moved by Coleman to receive and grant the request to speak. Motion Carried 7-0.**

BOARD OF HEALTH

04-428 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 6-1. Absent: Coleman.**

HEARINGS

04-429 1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 613 Porter; Titleholder: EMC Mortgage Corporation. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

AUTHORIZING

2. Court Authority to abate the public nuisance at the following locations:

04-430 (A) 1238 13th Street (vacant), Titleholder: Morgan Stanley Dean Witter Mortgage Capital, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

04-431 (B) 20 E. Diehl (vacant), Titleholders: Darrell H. and Sharon L. Lovell. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

04-432 (C) 4120 E. Euclid (vacant), Titleholder: The Estate of Seymone M. Chunn-Bibb; Mortgage Holders: Bank of America and Federal Employees Credit Union. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

COMMUNICATION

04-433 3. Communication regarding demolition cost reserve held by State Farm Insurance Companies for the fire damaged structure located at 1218 Virginia. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1. Absent: Coleman.**

04-434 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:01 P.M. Motion Carried 6-1. Absent: Coleman.**