

**\*\*\* 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 '05-' 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**

**March 7, 2005 4:30 P.M.**

**PROCLAMATIONS – 4:15 P.M.**

Best Buddies Iowa

**INVOCATION:** Council Member Vlassis

05-520 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

05-521 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.**

05-522 3. **APPROVING CONSENT AGENDA – items 3 through 44: Moved by Hensley to adopt. Motion Carried 7-0.**

## LICENSES AND PERMITS

- 05-523 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

### RENEWAL APPLICATIONS

(A)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(B)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(C)	HAIRY MARYS	2307 UNIVERSITY AVE	C Liquor
(D)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	C Liquor
(E)	INDEPENDENT LODGE #4	1601 6TH AVE	C Liquor
(F)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(G)	JOHNNYS ITALIAN STEAKHOUSE	6800 FLEUR DR	B Liquor
(H)	KELLYS LITTLE NIPPER	1701 E GRAND AVENUE	C Liquor
(I)	NUT POB RESTAURANT	3322 INDIANOLA AVE	C Beer/Wine
(J)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(K)	WAVELAND GOLF COURSE	4908 UNIVERSITY AVE	C Liquor

## PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:
- 05-524 (A) 2004-05 Paving Program – Receiving of Bids, (03-29-05), and Setting Date of Hearing, (4-11-05). (Construction Estimate - \$990,319). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-525 (B) Park Avenue Widening – SW 42<sup>nd</sup> Street to SW 56<sup>th</sup> Street – Receiving of Bids, (03-29-05), and Setting Date of Hearing, (4-11-05). (Construction Estimate - \$3,707,229). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-526 (1) Approving Agreement with MidAmerican Energy Company for relocation of power lines and valves near the intersection of George Flagg Parkway and Park Avenue. \$100,000. ([Council Communication No. 05-117](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-527 (C) Western Gateway Improvements – Receiving of Bids, (03-29-05), and Setting Date of Hearing, (4-11-05). (Construction Estimate - \$5,240,000). ([Council Communication No. 05-105](#)) **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Brooks and Vlassis. Pass: Cownie.**
- 05-528 (1) Communication from Downtown Community Alliance regarding Capital funding commitment for Gateway project. **Moved by Hensley to receive and forward. Motion Carried 4-2-1. Nays: Brooks and Vlassis. Pass: Cownie.**

- 05-529 (2) Communication from Downtown Community Alliance regarding operating maintenance (O & M) funding commitment for Gateway project. **Moved Hensley to receive and file. Motion Carried 4-2-1. Nays: Brooks & Vlassis. Pass: Cownie.**
6. Approving items regarding Southeast Connector Project:
- 05-530 (A) Execution of Iowa Department of Transportation Agreement. ([Council Communication No. 05-098](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-531 (B) Execution of Professional Services Agreement with Kirkham Michael & Associates (Dale Miller, President, Omaha, NE) for design services, not to exceed \$4,000,000. ([Council Communication No. 05-099](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-532 (C) Execution of Professional Services Agreement with Kirkham Michael & Associates (Dale Miller, President, Omaha, NE) for Land Use and Economic Development Study, not to exceed \$50,000. ([Council Communication No. 05-100](#)) **Moved Hensley to adopt. Motion Carried 7-0.**
- 05-533 7. Approving execution of Iowa Department of Transportation Agreement for Union Railway Bridge Renovation. ([Council Communication No. 05-096](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-534 8. Receive and file bids on Principal Park Seating Expansion and Outfield Improvements. ([Council Communication No. 05-115](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-535 9. Authorization to proceed with Corridor Preliminary Design and Appropriate Sections Final Design of East Indianola Avenue Widening – SE 14<sup>th</sup> to Army Post Road. ([Council Communication No. 05-097](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-536 10. Communication from Rognes Corp. requesting permission to sublet certain items on Street & Forest Avenue Storm Sewer Improvements Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-537 11. Approving completion and recommending acceptance for Sylvan Theater Restoration by Brocon Services LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- 05-538 12. Real estate documents for property for the East 16<sup>th</sup> Street and East Sheridan Avenue Storm Water Improvements Project, \$0 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
13. Establishing fair market value and authorizing acquisition of property for the following:
- 05-539 (A) American Discovery Trail Project – Walnut Creek Segments 1 and 2, \$30,200 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-540 (B) Leetown Creekway Box Replacement Project – Phase 3, \$92,930 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-541 14. Authorization to proceed with acquisition of the necessary right-of-way for the Airport Runway 13R/31L Project, (Estimated \$16,000,000). ([Council Communication No. 112](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-542 15. Recommendation of Mayor Frank Cownie to appoint Anthony Michael Bell to seat 10 on the Access Advisory Board for a four-year term commencing June 15, 2003 to expire June 15, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-543 16. Recommendation of Mayor Frank Cownie to appoint Jesse Taylor to seat 2 on the Agricultural Resources of Central Iowa Board. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-544 17. Communication from Larry James, Jr. advising of his resignation from the Housing Appeals Board (Seat 6) effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his years of service. Motion Carried 7-0.**
- 05-545 18. Communication from Bill Wedeking advising of his resignation from the Access Advisory Board (Seat 11) effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his years of service. Motion Carried 7-0.**

## APPROVING

- 05-546 19. Directing advertisement for sale of \$29,080,000 General Obligation Refunding Bonds Series 2005A, (Bonds will be sold on March 16, 2005). ([Council Communication No. 116](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- 05-547            20. On vacation and sale of a segment of 24<sup>th</sup> Place between College Avenue and 24<sup>th</sup> Street Edward J. Lint, \$400, (3-28-05). **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-548            21. Approving payment of \$312.20 to Ahlers & Cooney, P.C. for services related to IRS audit of hospital bonds issued by the City on behalf of Iowa Lutheran Hospital. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-549            22. Approving payment of \$3,042.47 to Ahlers & Cooney, P.C. for general matters in 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-550            23. Approving payment of \$1,552.45 to Ahlers & Cooney, P.C. for services related to Supplement No. 15 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-551            24. Approving payment of \$7,179.61 to the Nyemaster Law Firm for consultation services in conjunction with collective bargaining and related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-552            25. Approving payment of \$29,172.42 to Myrle Atwood for workers' compensation benefits for an injury in the course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- 05-553            26. Submitting out-of-state travel for Lynette Collins. ([Council Communication No. 05-109](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- 05-554            27. Neighborhood Finance Corporation (NFC) Certificate of Consistency with City's 2009 Consolidated Plan. ([Council Communication No. 05-106](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-555            28. First Amendment to the Development Agreement with Raccoon Valley Investment Company, L.C./Fleur Drive Commercial Urban Renewal Area. ([Council Communication No. 05-110](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-556 29. Amended Conceptual Development Plan for the SOHO Condominiums, 412-418 E. Locust Street. ([Council Communication No. 05-102](#)) **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- 05-557 30. The Verde Partners, L.L.C. application for Enterprise Zone Benefits. ([Council Communication No. 05-109](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-558 31. The Walden Point, LP application for Enterprise Zone Benefits. ([Council Communication No. 05-101](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-559 32. Economic Development Loan documents to BayTSP, Inc., 601 E. Locust. ([Council Communication No. 05-111](#)) **Moved by Coleman to adopt; refer to the City Manager to review the need for high-level technology infrastructure in Des Moines. Motion Carried 7-0.**
- 05-560 33. Theater Rental Agreement with Hoyt Sherman Place for the Youth Advisory Board's annual Metro Star Event performance on March 31, 2005. ([Council Communication No. 05-113](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 05-561 34. Items regarding Downtown Des Moines Self-Supported Municipal Improvement District
- 05-561 (A) Budget for Fiscal Year July 1, 2005 to June 30, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-562 (B) Operating Agreement to operate, manage, and undertake SSMID service improvements and activities including implementation of the Operation Downtown project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-563 (C) Parking Garage Service Agreement to provide enhanced level of security and clean services for City parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-564 35. Amendment No. 1 to the WRA Operating Contract to allow WRA Board to adopt and apply a preference in the procurement of goods and services for bidders or proposals located within any participating community. ([Council Communication No. 05-112](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-565 36. Bids from the following:
- 05-565 (A) Leotek Electronics, \$56,118.40 and General Traffic Controls, \$16,891.20 for various traffic signal modules to be used by the Traffic & Transportation Signal Shop. (bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-566 (B) Holmes Oldsmobile per State of Iowa Contract CT2768-E for two pickup trucks to be used by the Traffic & Transportation Signal Shop, \$31,638. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-567 37. Receipt of the Legislative Update for the 81<sup>st</sup> Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 7-0.**
- 05-568 38. Resolution to Seek Federal Funding in 2005 for Des Moines Priority Projects. ([Communication No. 05-118](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Pat Brooks.**
- 05-569 39. Civil Service Entrance Lists for Legal Secretary and Horticulture Inspector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-570 40. Authorizing the Finance Director to draw checks on the registers of March 10, March 17, and March 25, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 7, March 14, and March 21, 2005; and to draw checks for biweekly payroll due March 18, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 05-571 41. Amending Chapter 26 of the Municipal Code regarding maintenance, repair, equipment use and occupancy of all residential rental buildings and structures, by providing an exception for single-family dwellings and duplexes occupied by the owner or member of that owner's immediate family. **Moved by Hensley that this ordinance do now pass, [#14,417](#). Motion Carried 7-0.**
- 05-572 42. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#14,418](#). Motion Carried 7-0.**
- (A) Parking Meter Changes in Response to East Village Development.
- (B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Downtown University Area.
- (C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10<sup>th</sup> Street Lofts, L.L.P.
- (D) Corner Clearance – North Side of East Walnut Street, east of E. 18<sup>th</sup> Street.

- (E) Corner Clearance – East and West Sides of Polk Boulevard, north and south Harwood Drive.
- (F) Petition for Four-Way Stop – East 40<sup>th</sup> Court and Hull Avenue.
- (G) Implement Traffic Regulations for Martin Luther King, Jr. Parkway from Fleur Drive to I-235 and for West Martin Luther King, Jr. Parkway from SW 2<sup>nd</sup> to Fleur Drive

43. On amendments to Zoning Ordinance and Site Plan Regulations:

- 05-573 (A) To provide consistent treatment of signage and allowed building height in “D” Downtown Riverfront District. **Moved by Hensley that this ordinance do not pass, #14,419. Motion Carried 6-1. Nays: Brooks.**
- 05-574 (B) To establish new “C-3B” Central Business Mixed Use District. **Moved by Hensley that this ordinance be deferred until the March 28<sup>th</sup> Council meeting. Motion Carried 7-0.**
- 05-575 (C) To establish design guidelines for review of site plans for development within “C-3B” District, and requiring Plan and Zoning Commission approval of site plans for vehicle display lots in all districts. **Moved by Hensley that this ordinance be deferred until the March 28<sup>th</sup> Council meeting. Motion Carried 7-0.**
- 05-576 (D) To rezone Riverpoint West area to “C-3B” District. **Moved by Hensley that this ordinance be deferred until the March 28<sup>th</sup> Council meeting. Motion Carried 7-0.**
- 05-577 (E) To rezone property in vicinity of 122 and 200 SW 16<sup>th</sup> Street to impose additional regulations under “S-O” District. **Moved by Hensley that this ordinance be deferred until the March 28<sup>th</sup> Council meeting. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- 05-578 44. Amending Chapter 18 of the Municipal Code regarding number of dogs and cats allowed per household, and waiver process to allow a fourth dog in a household. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Coleman.**
- 05-579 (A) Final consideration of ordinance above, (waiver requested by City Clerk), requiring 75% 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, #14,419. Motion Carried 6-1. Nays: Coleman.**



**ORDINANCES - FIRST CONSIDERATION**

- 05-580            45. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes follows: **Moved by Hensley that this ordinance be considered and given first vote passage. Motion Carried 7-0.**
- (A) Truck Route Revisions.
  - (B) Removal of Parking Meters and Installation of Loading Zone-West Side of Avenue, north of Crocker Street.
  - (C) Installation of Handicapped Parking Meters Adjacent to Pappajohn Higher Education Center.
  - (D) Installation of Handicapped Parking Meters Adjacent to the Insurance Exchange Building at 5<sup>th</sup> Avenue and Grand Avenue.
  - (E) Four-Way Stop-East 13<sup>th</sup> Street and Grandview Avenue.
  - (F) Allow Parking in the Evening and Weekends on the North Side of Locust Street between 9<sup>th</sup> Street and 10<sup>th</sup> Street.
  - (G) Request for Stop Signs and Corner Clearance Parking Restrictions in Area Around Drake Stadium.
- 05-581            (H) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance now pass, [#14,421](#). Motion Carried 7-0.**

\*\*Council considered Items 62 thru Board of Health next\*\*

**HEARINGS (OPEN AT 5:12 P.M.) (ITEMS 46 THRU 61)**

- 05-582            46. On amendment to the Annual Budget for current fiscal year ending June 30, 2005. **Moved by Coleman to adopt the amended 2005 budget as published, incorporating applicable changes as outlined in Exhibit "A" Budget Changes to Published Hearing Notice. Motion Carried 6-1. Nays: Brooks.**
- 05-583            (A) On proposed Annual Budget for fiscal year ending June 30, 2006. **Moved by Coleman to adopt the Proposed 2006 budget as published, incorporating applicable changes as outlined in Exhibit "A" Budget Changes to Published Hearing Notice, including the following: 1. Select option 3 – to reduce the rate from 17.22539 to 16.52, with a corresponding adjustment in franchise fee. 2. Regarding bullet #14 – Amend – to reduce the Enterprise, General, Transit, Employee Development and Road Use Tax, travel/training/dues & membership by 10%. 3. Set date of public hearing on the Franchise Fee amendment to March 28, 2005 at 5:30 P.M. Motion Carried 6-1. Nays: Brooks.**
- 05-584            47. On Application for Certificate of Public Convenience and Necessity to operate a Limousine Service, requested by David and Heather Grabill, Freedom Taxicab/Cabmobile.com, Ankeny. ([Council Communication No. 05-095](#)) **Moved by Hensley to adopt the denial. Motion Carried 6-1. Pass: Cownie.**
- 05-585            48. On sale of vacated north/south alley right-of-way south of Scott Avenue and between 27<sup>th</sup> Court and SE 28<sup>th</sup> Street, to Charles W. and Dorothy A. Spotts, \$50, and to Michael Scott Sr. and Lorraine D. Scott, \$50. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-586            49. On sale of City-owned property at 1703-13<sup>th</sup> Street, to Jack and Julie Brooks, \$5,600. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-587            50. On sale of City-owned property east of 3048 Raccoon Street, to R.M. Madden, \$5,100. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-588            51. On sale of City-owned landlocked property, south of Ingersoll Avenue, north of Grand Avenue and west of Martin Luther King, Jr. Parkway to Timothy J. Flanagan Corporation. **Moved by Hensley to continue the hearing to March 28th Council meeting at 5:30 P.M. Motion Carried 7-0.**
- 05-589            52. On vacation and sale of portion of E 7<sup>th</sup> Street between Lyon Street and I-235 to Community Choice Credit Union, \$4,000 (to correct publishing error). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-590            (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-591 (B) Final consideration of ordinance above, (waiver requested by applicant), require 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, #14,4**  
**Motion Carried 7-0.**
- 05-592 53. On vacation and sale of the north/south alley between 41<sup>st</sup> and 42<sup>nd</sup> Streets, from Rob Avenue to 250' north, to The Shops at Roosevelt, LLC, \$14,000. **Moved by Hensley to adopt. In the future the City Manager will indicate where funds from the sale of the property are being deposited. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**
- 05-593 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**
- 05-594 54. On Supplement No. 9 to the Iowa Air National Guard Lease Agreement to extend the lease to 2060. ([Council Communication No. 05-107](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-595 55. On Lease Agreement with the South Des Moines Girls Amateur Softball Association for lease of Carney Softball Fields at 2501 SW 30th Street (to correct publishing error). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-596 56. On Riverpoint West Detention Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Saxton, Inc., (Russell Saxton, President, Leon, IA), \$800,486.05. **Moved by Kiernan to reject all bids and close the hearing. This project will be re-bid as soon as possible. Motion Carried 6-1. Nays: Hensley.**
- WITHDRAWN**
- 05-597 (A) Approving contract and bond and permission to sublet.
- 05-598 57. On Agrimergent Technology Park – Clearing & Grubbing Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Reilly Construction Co., Inc. & Affiliates, (Robert R. Reilly, President, Ossian, IA), \$327,810. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-599 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 05-600 58. On Denman Fountain Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Underground Company, Ltd., (Duane Burkhardt, President, DSM), \$22,800. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-601 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-602 59. On 2004 Expanded Street Resurfacing Program – Residential: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President, DSM), \$956,088. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-603 (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-604 60. On 2004 Expanded Street Resurfacing Program – Arterial: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President, DSM), \$1,063,810.30. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-605 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-606 61. On Woodlawn Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Hensley Const., Inc., (Keith Purdy, President, DSM), \$85,884.33. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-607 (A) Approving contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 6:15 P.M.\*\***

### **CITY MANAGER RECOMMENDATIONS**

- 05-608 62. Regarding preliminary terms of agreement with Heritage Affordable Housing for Mulberry Lofts rehabilitation project at 112 – 11<sup>th</sup> Street. ([Council Communication 05-108](#)) **Moved by Coleman to receive, file and approve the preliminary terms of agreement set forth in the Council Communication and to direct the City Manager to proceed with negotiations of a formal development agreement with Heritage Affordable Housing consistent with the terms set forth in the Council Communication. Motion Carried 6-1. Pass: Hensley.**

## APPROVING

- 05-609            63. Intergovernmental 28E Agreement with Meredith Corporation Foundation for acceptance of a charitable gift to be used for improvements to American Discovery Trail Riverport Segment and Fleur Trail Connection. ([Council Communication No. 05-119](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
64. Items regarding the East Village Square Apartments, southwest corner of E. 4<sup>th</sup> and Grand Street. ([Council Communication No. 05-103](#))
- 05-610            (A) Receive and file communications from the Urban Design Review Board. **Moved by Brook to receive and file. Motion Carried 5-1-1. Nays: Coleman. Pass: Mahaffey.**
- 05-611            (B) Addendum to Development Agreement and Conceptual Development Plans. **Moved by Brooks to adopt. Motion Carried 5-1-1. Nays: Coleman. Pass: Mahaffey.**
- 05-612            (C) Home Program Loan and Documents. **Moved by Brooks to adopt. Motion Carried 5-1-1. Nays: Coleman. Pass: Mahaffey.**
- 05-613            65. Authorizing Legal action to obtain title to abandoned public nuisance property at 1543 - 1547 Grand Street. ([Council Communication No. 05-120](#)) **Moved by Hensley 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.

- 05-614            1. Approving Tax Abatement Application for Vine Street Lofts (Phase I) at 101 2<sup>nd</sup> Avenue. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-615            2. Setting Date of Hearing on request from John Shors to amend the "R-6" Development Ordinance for the Park at Southern Hills for property at 2950 SW 30<sup>th</sup> to revise permitted development from 8 units of townhomes on private cul-de-sac to development of a single-family dwelling, (3-28-05). SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-616            3. Approving resolution clarifying approved salary adjustment. SPONSOR: Coleman. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan.**

## BOARD OF HEALTH

05-617 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a Board of Health. Motion Carried 7-0.**

### AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:

05-618 (A) 1412 2<sup>nd</sup> Place, Titleholder: ADG Group, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-619 (B) 1456 4<sup>th</sup> Street, Titleholder: Z Fin 11. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-620 (C) 818 E. 25<sup>th</sup> Court, Titleholder: Jo Ann Reese; Mortgage holder: CitiFinancial, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-621 (D) 651 28<sup>th</sup> Street, Titleholder: Randy L. Simonini; Mortgage holder: Polk County Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to cause the removal of the following structures:

05-622 (A) 2244 Des Moines Street, Titleholder: Levi Paul. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-623 (B) 1101 Filmore Street, Titleholders: Edward Moss d/b/a Midwest Housing and Susan Moss d/b/a Midwest Housing. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-624 (C) 1126 Walker Street, Titleholder: GLH Enterprises, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-625 (D) 1246 E. 22<sup>nd</sup> Street, Titleholder: GLH Enterprises, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**\*\*Council considered Hearing Items next\*\***

05-626 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:15 P.M. Motion Carried 7-0.**

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All-America City  
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