

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 22, 2003 4:30 P.M.

SPECIAL PRESENTATION - 4:00 P.M.:

Recognition of Governor Robert D Ray's 75th Birthday

INVOCATION: Pastor Tony Thurston

College Avenue Christian Church

03-2160 1. ROLL CALL: **Present: Brooks, Coleman, Cownie, Hensley, and Vlassis. Absent: Daniels and McPherson. Council Member McPherson entered the meeting prior to discussion of item 34.**

03-2161 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2162 2A. Approving request from Council Member Brooks, to rename East First Street from Locust to I-235 as Robert D Ray Drive. **Moved by Brooks to receive, file and refer to Plan and Zoning Commission and City Legal Department for a recommendation and ordinance change at the November 3, 2003 Council meeting. Motion Carried 6-1. Absent: Daniels.**

03-2163 3. APPROVING CONSENT AGENDA - items 3 through 54: **Moved by Brooks to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

03-2164 4. The following Beer/Liquor Applications: **Moved by Brooks to adopt. Motion Carried 5-2.**

NEW APPLICATIONS

- (1) Milindo Nayarit, 1704 E Grand Avenue, B Beer.
- (2) Bistro Montage, 2724 Ingersoll Avenue, C Liquor.
- (3) Hitz, 204 3rd Street, C Liquor.

(4) Los Pinos, 3311 SE 14th Street, C Liquor.

RENEWAL APPLICATIONS

(5) Godfathers Pizza, 3022 SE 14th Street, B Beer.

(6) Godfathers Pizza, 4119 University Avenue, B Beer.

(7) Loco Joes, 4100 Merle Hay Rd., B Beer.

(8) Ag Food & Gas Mart II, 1516 SE 1st, C Beer.

(9) Ag Food & Gas Mart III, 2110 Guthrie Avenue, C Beer.

(10) Git-N-Go Store #33, 865 42nd Street, C Beer.

(11) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., C Beer.

(12) QuikTrip #500, 3700 Hubbell Avenue, C Beer.

(13) Wal Mart Supercenter, 5101 SE 14th Street, C Beer.

(14) Arirang Restaurant, 5514 Douglas Avenue, C Beer/Wine.

~~(15) Big Dog Bar & Grill, 2222 Forest Avenue, C Liquor.~~

(16) Des Moines Izaak Walton League, 4343 George Flagg Pkwy., C Liquor.

(17) Embassy Club, 1011 Locust Street, C Liquor.

(18) Ingersoll Dinner Theater, 3711 Ingersoll Avenue, C Liquor.

(19) Merle Hay Lanes, 3800 Merle Hay Rd., C Liquor.

(20) Smokeys Triangle Tap, 2506 Post, C Liquor.

(21) Des Moines Club, 666 Grand Avenue, A Liquor.

(22) Des Moines Marriott Hotel, 700 Grand Avenue, B Liquor.

(23) Embassy Suites Hotel, 101 E Locust Street, B Liquor.

(24) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., B Wine.

(25) QuikTrip #500, 3700 Hubbell Avenue, B Wine.

- (26) Wal Mart Supercenter, 5101 SE 14th Street, B Wine.
- (27) Des Moines Marriott Hotel, 700 Grand Avenue, E Liquor.
- (28) Drake Liquor Store, 2106 Forest Avenue, E Liquor.
- ~~(29) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., E Liquor.~~
- (30) Wal Mart Supercenter, 5101 SE 14th Street, E Liquor.

TRANSFER TO NEW LOCATION

- (31) Dahls, 3400 E 33rd Street, C Beer. Permanent transfer from 3710 Hubbell Avenue on September 30, 2003. Pending approval of Building and Fire Departments.
- (32) Dahls, 3400 E 33rd Street, B Wine. Permanent transfer from 3710 Hubbell Avenue on September 30, 2003. Pending approval of Building and Fire Departments.
- (33) Dahls, 3400 E 33rd Street, E Liquor. Permanent transfer from 3710 Hubbell Avenue on September 30, 2003. Pending approval of Building and Fire Departments.

OUTDOOR SERVICE APPLICATIONS

- (34) Court Avenue Brewing Company, 309 Court Avenue, C Liquor. Temporary outdoor service area in conjunction with Octoberfest on October 11, 2003. Pending approval of Building and Electrical Departments.

03-2165 5. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2166 6. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Brooks to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS

03-2167 7. Resolution ordering construction of WRF W3 Water System Improvements, Receiving of Bids, (10-7-03), and Setting Date of Hearing, (10-20-03). (Construction Estimate - \$387,400). **Moved by Brooks to adopt. Motion Carried 5-2.**

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

03-2168 (A) 2002 Sidewalk Replacement Program - Designated Neighborhoods, \$15,779.12 is now due and remaining balance of \$6,059.98 to be paid at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2169 (B) East Locust Streetscape Improvements, \$9,120 is now due and remaining balance of \$125,090.85 to be paid at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2170 9. Approving Private Construction Contract between Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Clarke Company, Ltd., (John J. Clarke, President, DSM, Owner) for construction of paving improvements for proposed Woods on the River Plat #8 in vicinity of Whispering Ridge Drive and East King Avenue - \$90,719.40. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2171 10. Approving Private Construction Contract between Eco-Tech Construction, L.L.C., (Steve Gillotti, Owner, Grimes, Contractor) and Oaks Development, (John C. Kline, President, WDSM, Owner) for construction of Street Improvements for PCC paving in new development, Park Place Estates Plat 2 in vicinity of E. Park Avenue and SE 24th Street Court - \$42,750. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2172 11. Approving execution of grant agreement to obtain release of previously approved grant funds for construction of outlet storm sewers in conjunction with the I-235 Project. ([Council Communication No. 03-471](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2173 12. Approving professional services agreement with Veenstra & Kimm, Inc. (H. R. Veenstra Jr., President, West Des Moines) for design services, right-of-way acquisition and construction phase services in conjunction with the WRA Four Mile Interceptor Extension, \$660,336. ([Council Communication No. 03-474](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2174 13. Approving Supplemental Agreement No. 2 with Snyder & Associates, Inc. (Stephen P. Rowe, President, Ankeny) for wetland mitigation design and construction services for the Easter Lake Retention Basins - Phase 2, not to exceed \$14,535. ([Council Communication No. 03-472](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

SPECIAL ASSESSMENTS

03-2175 14. Petition and waiver forms for sidewalk program/request to repair sidewalk executed by owner of two (2) properties and authorizing City Manager to proceed with construction. **Moved by Brooks to adopt. Motion Carried 5-2.**

15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development & Public Works) for the following:

03-2176 (A) Schedule No. 2003-07. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2177 (B) Schedule No. 2003-29. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2178 (C) Schedule No. 2003-56. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2179 (D) Schedule No. 2003-79. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2180 (E) Schedule No. 2003-89. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2181 (F) Schedule No. 2003-80. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2182 16. Deletion of NAC-Emergency Orders Assessment Schedule No. 2002-08, Certificate 00-09124-00 for 3407 E. 8th Street - \$368.22. **Moved by Brooks to adopt. Motion Carried 5-2.**

LAND/PROPERTY TRANSACTIONS

17. Approving the following for DEER RIDGE II, Plat 1, located in vicinity of Creston Avenue and east of SW 63rd Street: ([Council Communication No. 03-465](#)).

03-2183 (A) City Plan Commission recommendations for preliminary subdivision. **Moved by Brooks to receive and file. Motion Carried 5-2.**

03-2184 (B) Final subdivision plat. **Moved by Brooks to adopt. Motion Carried 5-2.**

18. Approving the following for PARKSIDE EAST, Plat 1, located in vicinity of Douglas Avenue and east of Four Mile Creek: ([Council Communication No. 03-464](#)).

03-2185 (A) City Plan Commission recommendations for preliminary subdivision. **Moved by Brooks to receive and file. Motion Carried 5-2.**

03-2186 (B) Final subdivision plat. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2187 19. Approve and accept real estate at 3120 and 3202 East 35th Street for the Gay Lea Wilson Recreational Trail Project, \$700 plus closing costs. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2188 20. Approve and accept Quit Claim Deed for Monroe-Rice Elementary School Drop Off Lane Project, closing costs only. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2189 21. Approving Tax Abatement applications for additional value added by improvements made during 2003. (193 applications on file in City Clerk's Office). ([Council Communication No. 03-463](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2190 22. Approving Tax Abatement application for property at 2846 Druid Hill Drive that was timely filed during the calendar year 2000. ([Council Communication No. 03-466](#)). **Moved by Brooks to adopt, and to request that the County Assessor and Auditor apply the application retroactively to the January 1, 2001, valuation as if the application had been timely processed and forwarded to the County by March 1, 2001. Motion Carried 5-2.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-2191 23. Communication from Rebecca Danilson advising of her resignation from the Access Advisory Board (Seat #15) effective immediately. **Moved by Brooks to receive, file, and accept resignation with appreciation for service. Motion Carried 5-2.**

STREET CLOSURES

03-2192 24. Approving recommendation of Street Use Team to close the following streets:
Moved by Brooks to adopt. Motion Carried 5-2.

(1) Heather Lesley, representing Meadow Wood Circle Neighborhood, requesting permission to close Meadow Wood Circle from 3636 Brook Ridge to 5210 Meadow Wood Circle on Saturday, October 4, 2003 from 3 PM to 7 PM for a neighborhood block party.

(2) Chris Burch, representing Salisbury House Foundation, requesting permission to close northbound Tonawanda from the Salisbury House drive to east/west Tonawanda on Saturday, October 4, 2003 (Raindate of Sunday, October 5, 2003) from 1 PM to 5 PM for Salisbury Auto Classic.

(3) Amy Donnelly, representing Linden Heights Neighborhood, requesting permission to close Foster Drive to Woodlawn Drive on north and south and east to where Woodlawn Drive connects on Saturday, October 11, 2003 from 3 PM to 9 PM for a neighborhood block party.

(4) Larry James, representing Drake Neighborhood Association, requesting permission to close 20th Place from Meek to Mondamin Avenue on Saturday, September 27, 2003 from 3 PM to 5 PM for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

03-2193 25. Regarding request from Barbara Marchant for vacation and conveyance of Webster Street, north of Hillside and east/west alley between South Union Street and vacated Webster Street, north of Hillside, subject to conditions. **Moved by Brooks to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 5-2.**

SETTING DATE OF HEARINGS

03-2194 26. On vacation of the North/South alley between 15th and 16th, and between Pleasant and Park Street, (10-6-03). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2195 27. On sale of City property at 215 Watson Avenue, to Richard W. and Alma E. Ziebell, \$4,950 and to Ninetyone CVJC, L.L.C., \$7,425, (10-6-03). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2196 28. On sale of City property in the vicinity of 5001 SE 5th Street to Frank Shillak Waite, \$4,400, (10-6-03). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2197 29. On Council-initiated request to rezone property at 1181 9th Street, from "R-3" (Multiple-Family Residential), and "R-4" (Multiple Family Residential) to "C-1" (Neighborhood Retail Commercial) to allow for redevelopment of property for off-street parking accessory to reuse the building at 800 University as part of the Des Moines Area Community College campus, (10-6-03). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2198 30. On voluntary annexation of territory within the Historic Fort Des Moines area, (11-17-03). **Moved by Brooks to adopt. Motion Carried 5-2.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-2199 31. Approving settlements made by City Attorney not exceeding \$5,000. **Moved by Brooks to receive, file and affirm settlements made by City Attorney. Motion Carried 5-2.**

03-2200 32. Approving payment of \$1,258.23 to William Jenkins and law firm of Myers & Jenkins for representation of City in the UAL Corporation bankruptcy. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2201 33. Approving payment of \$9,200.50 to law firm of Duncan, Green, Brown, Langeness & Eckley for representation of City in matters involving the airport parking garages. **Moved by Brooks to adopt. Motion Carried 5-2.**

CITY MANAGER COMMUNICATIONS

03-2202 34. Submitting out-of-state travel for Michael Armstrong and David Bair. ([Council Communication No. 03-454](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Council Member Cownie votes "No" on the travel request for Michael Armstrong.**

03-2203 35. Submitting traffic regulation change for a two-way traffic operation of Buchanan Street between East 7th Street and Pennsylvania Avenue. ([Council Communication No. 03-473](#)). **Moved by Brooks to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**

03-2204 36. Regarding Adult Crossing Guards during the noon crossing period for 2003-2004

school year. ([Council Communication No. 03-470](#)). **Moved by Brooks to approve. Motion Carried 5-2.**

03-2205 37. Regarding economic development loan to GCommerce, Inc., (Steven Smith, Chief Executive Officer, Valley Cottage, NY), \$250,000. ([Council Communication No. 03-457](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels.**

APPROVING

03-2206 38. Amendment to the East Village Study Block Development Plan implementation timeline. ([Council Communication No. 03-469](#)). **Moved by Brooks to approve. Motion Carried 5-2.**

03-2207 39. City Manager Recommendation regarding Pawn Shop Ordinance. ([Council Communication No. 03-467](#)). **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

WITHDRAWN 03-2208 (A) Alternate Resolution. ([Council Communication No. 03-478](#)).

****Council Considered Hearing Items 62 thru 69 next****

03-2209 40. Contract LIHEAP-04-07-J for energy related assistance for low-income persons from October 1, 2003 to September 30, 2004, \$155,970. **Moved by Hensley to adopt. Staff to monitor Federal funding levels and look to CDBG funds if necessary. Motion Carried 5-2.**

03-2210 41. Agreement with the Iowa Department of Commerce, Alcohol Beverage Division for participation in the Tobacco Retailer Compliance Program, \$20,000. ([Council Communication No. 03-475](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2211 42. Iowa Federal Recreation Trails grant application to the Iowa Department of Transportation for the renovation of the 1.7 mile Bill Riley Trail, \$250,000. ([Council Communication No. 03-462](#)). **Moved by Brooks to approve. Motion Carried 5-2.**

03-2212 43. Statewide Transportation Enhancement Program grant application to the Iowa Department of Transportation for renovation of Court Avenue railroad bridge for a multi-use recreational trail connecting the Pat Dorrian Trail and Riverpoint Trails, a component of the Principal Riverwalk, \$2,500,000. ([Council Communication No. 03-461](#)). **Moved by Hensley to approve. Motion Carried 5-2.**

03-2213 44. 28E Agreement with the Des Moines Independent Community School District for the School Resource Program. ([Council Communication No. 03-476](#)). **Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Brooks.**

03-2214 45. Receipt of proposed regulation regarding parking charges at Des Moines International Airport effective November 24, 2003 from Airport Board Chair. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2215 46. Submitting Official Financial Report for City Streets for FY2003 to Iowa Department of Transportation (IDOT) for continued eligibility of Road Use Tax Allotments. ([Council Communication No. 03-477](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2216 47. Request for Proposals (RFP) for collection agency services. ([Council Communication No. 03-460](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2217 48. Request for Proposals (RFP) for a new agent-broker services contract effective March 1, 2004 for risk management and insurance issues. ([Council Communication No. 03-458](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2218 49. Request for Proposals (RFP) for the City's health insurance plan. ([Council Communication No. 03-468](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

WITHDRAWN 03-2219 50. Request for Qualifications (RFQ) for consultant services for storm, sanitary, and solid waste utilities billing and financial reporting. ([Council Communication No. 03-455](#)).

03-2220 51. Civil Service Promotional List for Senior Police Officer. **Moved by Brooks to receive and file. Motion Carried 5-2.**

52. Bids for the following:

03-2221 (A) Elliott Equipment Company (Grimes, IA) for a trailer-mounted sewer cleaner to be used by the Wastewater Reclamation Facility, \$19,770. (Five bids mailed, two received). ([Council Communication No. 03-459](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2222 (B) ASAP Software Express (Buffalo Grove, IL) per State of Iowa contract CT2545 for Symantec software products to be used by the Information Technology Department, \$27,012.50. **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2223 (C) Emergency Medical Products (Waukesha, WI) for an annual contract with 2 additional one year renewal options to furnish medical and pharmaceutical supplies to the Fire Department, \$100,000. (Ten bids mailed, six received). **Moved by Brooks to adopt. Motion Carried 5-2.**

03-2224 (D) Information Builders Inc. (New York, NY) sole area wide distributor for an annual software maintenance contract for Webfocus and iWay software products to be used by the Information Technology Department, \$33,237. **Moved by Brooks to adopt. Motion Carried 4-1-2. Nays: Hensley.**

03-2225 53. Authorizing Finance Director to issue checks on check registers of September 25 and October 2, 2003; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 22 and September 29, 2003; and to draw checks for biweekly payroll due on October 3, 2003. **Moved by Brooks to adopt. Motion Carried 5-2.**

ORDINANCES - FINAL CONSIDERATION

03-2226 54. Amending Chapter 42 of the Municipal Code deleting the grading permit one-call surcharge. **Moved by Brooks that this ordinance do now pass, [#14,276](#). Motion Carried 5-2.**

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

ORDINANCES - FIRST CONSIDERATION

03-2227 55. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

- (1) Designation of Handicapped Parking Meters--East and West Sides of 6th Avenue, North of Walnut Street.
- (2) Corner Clearance--North Side of East Locust Street, West of Pennsylvania Avenue.
- (3) Loading Zone--North Side of Locust Street, East of 2nd Avenue.
- (4) Loading Zone--North Side of Raccoon Street, East of SE 8th Street.

COUNCIL REQUESTS

03-2228 56. Request from Jeff Witte, 2501 Morton Avenue, to discuss the street lighting program. **Moved by Brooks to grant the request to speak. Council will discuss this issue at their workshop on October 7, 7:30 A.M., in the St. Etienne Conference Room, 602 E. 1st Street. Motion Carried 5-2.**

03-2229 57. From Council Member Frank Cownie, to speak regarding process to complete Brody Park project. **Moved by Hensley to receive and file. Motion Carried 5-2.**

COMMUNICATIONS/REPORTS

03-2230 58. From Kent Sovern, Greater Des Moines Partnership, to speak regarding the annual lobbying trip to Washington D.C. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2.**

03-2231 59. Petition from area residents regarding plans for extension of Three Lakes Parkway. **Moved by Brooks to receive, file and refer to City Manager, Planning and Zoning, and Public Works for a recommendation. Motion Carried 5-2.**

03-2232 60. From John Limke, 1119 Grand Avenue, requesting to speak regarding parking restrictions on Grand Avenue, 11th & 12th Streets. **Moved by Hensley to receive, file and grant the request to speak; remove the restrictions effective immediately until an ordinance can be passed. Motion Carried 5-2.**

03-2233 61. From Lauris Olson, 213-4th St. #6, to speak regarding a moratorium on closure of 4th Street between Walnut and Court. **Moved by Hensley to grant the request to speak; refer to City Manager to work with appropriate staff and Downtown Community Alliance for a recommendation regarding downtown events. Motion Carried 5-2.**

HEARINGS (Opened at 6:13 P.M.) (Items 62 thru 69)

03-2234 62. On vacation and sale of the east/west alley between E. Granger and E. Dunham from SE 3rd to SE 4th to 9 abutting property owners. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

03-2235 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

03-2236 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks 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, [#14,277](#). Motion Carried 6-1. Absent: Daniels.**

03-2237 63. On sale of alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9th Street, to 5 abutting property owners. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

03-2238 64. On sale of City-owned property at 223, 225, 301, 305, and 309 East Holcomb Avenue to TMJ Investments, \$24,750. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

03-2239 65. On sale of property at 6217 Edwards and 6220 Welker to R.M. Madden Construction, Inc., \$20,030. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

03-2240 66. On sale of alley right-of-way between North Union and East 8th Street, south of Wisconsin to 3 abutting property owners. **Moved by McPherson to adopt. Motion Carried 6-**

1. Absent: Daniels.

67. On application from Eleanor Bates to rezone her residence at 229 Franklin Avenue from the "R-3" (Multiple Family Residential) and "FW" (Floodway) to "C-2" (General Retail and Highway Oriented Commercial) to permit portions of residence to be converted to commercial use.

03-2241 (A) Resolution **DENYING** request to amend Des Moines 2020 Community Character Land Use Plan to accommodate proposed rezoning. **Moved by Vlassis to adopt and deny the proposed amendment. Motion Carried 6-1. Absent: Daniels.**

03-2242 (B) Resolution closing public hearing and **DENYING** proposed rezoning. **Moved by Vlassis to adopt and deny the rezoning. Motion Carried 6-1. Absent: Daniels.**

03-2243 68. On request from Mercy College to rezone property at 928 6th Avenue from "C-2" (General Retail and Highway Oriented Commercial) to "C-3A" (Central Business District Support Commercial) to allow expansion of the main campus building, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Daniels.**

03-2244 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

03-2245 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley 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, [#14,278](#). Motion Carried 6-1. Absent: Daniels.**

03-2246 69. On authorization of a Loan Agreement and issuance of not to exceed \$2,500,000 General Obligation Capital Loan Notes, for the Metro Center Urban Renewal Area. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

03-2247 (A) Authorization for additional action. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

* * END HEARINGS at 6:18 P.M. * *

Council considered Item 70 next

APPROVING

70. Honorary Street Names for the following:

03-2248 (A) WAAC Road - as the honorary name of Chaffee Road extending south from Army Post Road. **Moved by Hensley to adopt. Motion Carried 5-2.**

03-2249 (B) Morris Road - as the honorary name of Dickman Road between SW 9th and Chaffee Road. **Moved by Hensley to adopt. Motion Carried 5-2.**

03-2250 (C) Morris Road - as the honorary name of West Street between SW 9th and SW 14th Streets. **Moved by Hensley to maintain "West Street" as the street name and to not give an honorary name. Motion Carried 5-2.**

****Council considered Items 40 thru balance of agenda next****

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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.

03-2251 1. Request from Council Member Brooks to discuss funding of Gateway West Project. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer the matter of bonding to the City Manager, for a report at the October 6 Council meeting, regarding impact of the City selling bonds. Motion Carried 5-2.**

A G E N D A

BOARD OF HEALTH

September 22, 2003

03-2252 MOTION TO CONVENE. **Moved by Hensley that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

AUTHORIZING

03-2253 1. Court authority to abate the public nuisance at 2711 Capitol (vacant mobile home) Titleholder: Citifinancial Mortgage Company, Inc. f/k/a Associates Financial Services Company, Contract Buyers: Chris J. Cantwell and Charlene R. Cantwell. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-2254 2. The Engineering Department to cause the removal of 3109 38th Street, Titleholder: Randy L. Simonini. **Moved by Vlassis to accept the construction plan and timeline as submitted, and assure that the City is notified if the contract is terminated; staff to continue to monitor progress. Motion Carried 4-1-2. Nays: Hensley.**

3. Release of the following fire escrow accounts:

03-2255 (A) Release of demolition cost reserve held by Allied Insurance under claim number 14Q62851 regarding the property known as 1512 E. Bell owned by Mark A. Dye and Christine Dye. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-2256 (B) Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E062-442 regarding the property known as 2347 E. Grand Avenue owned by Lovie Streeter and Twanise Streeter. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-2257 (C) Release of demolition cost reserve held by Leuwerke & Associates, Inc. under policy number 5172874 regarding the property known as 1430 4th Street owned by Kou Cavan. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-2258 (D) Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-D047-286 regarding the property known as 1426 16th Street owned by Alberta D. Manning. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-2259 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:47 P.M. Motion Carried 5-2.**