

***** 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

February 28, 2005 4:30 P.M.

INVOCATION: Pastor Daniel Witkowski
St Johns Lutheran Church

- 05-391 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 05-392 1. **Presentation by the Greater Des Moines Convention and Visitors Bureau. Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-393 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1. Pass: Vlassis.**

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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.**
- 05-394 3. **APPROVING CONSENT AGENDA – items 3 through 58: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

05-395

4. Approving Alcoholic Beverage License Applications for the following: **Moved Hensley to adopt. Motion Carried 7-0. Council Member Kiernan declares a conflict of interest on Item 4(D) and abstains from voting.**

NEW APPLICATIONS

(A) 63RD ST TEXACO	111 63RD ST	C Beer
(B) CENTERPLATE	1 LINE DR	C Liquor
(C) J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(D) LOG CHAIN HONEY	2002 WOODLAND AVE	B Native Wine
(E) VALLEY BAIT	2248 GEORGE FLAGG PKWY	C Beer

RENEWAL APPLICATIONS

(F) B & B	2712 BEAVER AVE	C Liquor
(G) DAHLS FOODS	3425 INGERSOLL AV	E Liquor
(H) GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(I) HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(J) HY VEE FOOD STORE #1	3330 M L KING JR PKWY	C Beer
(K) HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(L) HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(M) LA HACIENDA RESTAURANT	111 ARMY POST RD	C Liquor
(N) LINNS SUPER MARKET	3805 6TH AVE	C Beer
(O) MARGARET'S	3020 FOREST AVENUE	C Liquor
(P) QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(Q) QUIKTRIP #544	3941 SE 14TH ST	C Beer
(R) RACCOON RIVER BREWING CO	200 10TH ST	C Liquor
(S) RICCELLIS SUPPER CLUB	3803 INDIANOLA AVE	C Liquor
(T) SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(U) SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer
(V) THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(W) WINSTONS PUB AND GRILLE	601 LOCUST ST	C Liquor

TRANSFER TO NEW LOCATION

- (X) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
Temporary transfer of license to Walnut Center from March 12, 2005 to March 13, 2005 for the Special Olympics.

OUTDOOR SERVICE APPLICATIONS

- (Y) AK OCONNORS 4050 URBANDALE AVE C Liquor
Temporary Outdoor Service in conjunction with St. Patricks Day celebration on March 16 and 17, 2005. Pending approval of Electrical and Fire Departments.

- 05-396 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-397 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:

- 05-398 (A) 2005 Sanitary Sewer Lining Program – Contract 1 – Receiving of Bids, (3-22-05), and Setting Date of Hearing, (3-28-05). (Construction Estimate - \$1,900,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-399 (B) 5th & Walnut Parking Garage Repairs – Receiving of Bids, (3-22-05), and Setting Date of Hearing, (3-28-05). (Construction Estimate - \$726,950). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-400 8. Approving Change Order No. 11 with Jensen Construction Co. and United Contracting Inc. for additional work on M.L. King Jr. Parkway and Fleur Drive Intersection/ Bridge Rehabilitation, Phase 1. (Construction Estimate - \$19,275). ([Council Communication No. 05-081](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-401 9. Approving Federal Aviation Administration AIP Grant Agreement for Airport Runway 31 Rehabilitation, Phase 2. ([Council Communication No. 05-080](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-402 10. Approving completed construction and final payment for 2004 HMA Pavement Milling and Resurfacing, Des Moines Asphalt & Paving Co. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-403 11. Approving completion and recommending acceptance of Storm Drain Improvements at 300 E. Locust between CPMI Construction, LC and 300 East Locust, LP. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

12. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Ordinance (Community Development) for the following:
- 05-404 (A) Schedule No. 2005-02. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-405 (B) Schedule No. 2005-50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-406 13. Approving deletion of NAC-Emergency Assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-407 14. Approving deletion of NAC-Emergency Assessment at 2635 Capitol Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-408 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-409 16. Real estate documents for property for the SW 9th Street and County Line Road Intersection Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-410 17. Authorization to proceed with early acquisition of property by voluntary purchase at 3000 SW 46th Street for future Southwest Connector Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-411 18. Approving release of Irrevocable Letter of Credit No. 2003-02-02 in amount of \$38,330 as security for Brook Run Village Plat 6 for satisfactory completion of required improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-412 19. Approving Tax Abatement applications for additional value added by improvements made during 2004. (474 applications) ([Council Communication No. 05-085](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-413 20. Approving late filed Tax Abatement applications filed in 2004 for tax abatement on improvements made to property in 2000 or 2001. ([Council Communication No. 05-085](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-414 21. Denial of four commercial Tax Abatement applications for 2004 for improvements to 4

E. 14th Street, 3700 Merle Hay Road, 822 Virginia, and 3009 SW 9th - not located in an eligible area. ([Council Communication No. 05-086](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-415 22. Communication from Civil Service Commission declaring Seat 3 vacant effective immediately. **Moved by Hensley to receive, file and approve. Motion Carried 7-0.**
- 05-416 23. Communication from Citizen Odor Board declaring Seats 11 and 21 vacant effective immediately. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-417 24. Recommendation of Council Member Tom Vlassis to appoint Robert Modersohn II to Seat 7 on the Park and Recreation Board for a four-year term commencing June 30, 2005 to expire June 30, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 24I. Recommendations from Council Member Tom Vlassis to reappoint the following:
- 05-418 (A) Edgar Hansell to the Airport Board of Trustees, Seat 4 for a four-year term commencing June 30, 2005 to expire June 30, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-419 (B) Peggy Dandy to the Human Rights Commission, Seat 4 for a three-year term commencing April 4, 2005 to expire April 4, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-420 (C) Emily Lawson to the Urban Design Review Board, Seat 8 for a three-year term commencing June 30, 2004 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-421 24II. Recommendation of Mayor Frank Cownie to appoint John A. Brooks to Seat 3 on the Civil Service Commission for a four-year term commencing April 1, 2002 to expire April 1, 2006. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest and abstains from voting.**
- 05-422 25. Communication from Margaret Ballard advising of her resignation from the Citizen Odor Board (Seat 6) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for her many years of service. Motion Carried 7-0.**
- 05-423 26. Communication from John Walker advising of his resignation from the Sister City Commission (Seat 12) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for his many years of service. Motion Carried 7-0.**

- 05-424 27. Communication from John Rector advising of his resignation from the Park and Recreation Board (Seat 13) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for his years of service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-425 28. Regarding preliminary subdivision plat for **Woodside Estates West Plat 3**, vicinity 301st Block of NW 54th Avenue (within two-mile jurisdiction of Des Moines). **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-426 29. On sale of vacated north/south alley right-of-way, south of Scott Avenue and between 27th Court and SE 28th Street, to Charles W. and Dorothy A. Spotts, \$50, and to Michael Scott Sr. and Lorraine D. Scott, \$50,00, (3-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-427 30. On sale of City-owned property at 1703-13th Street, to Jack and Julie Brooks, \$5,660, (3-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-428 31. On sale of City-owned property east of 3048 Raccoon Street, to R.M. Madden, \$5,120, (3-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-429 32. On vacation and sale of the north/south alley between 41st and 42nd Streets, from Roosevelt Avenue to 250' north, to The Shops at Roosevelt, LLC, \$14,000, (3-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-430 33. On vacation and sale of a portion of E. 7th Street between Lyon Street and I-235 to Community Choice Credit Union, \$4,000, (3-7-05), to correct publication error. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-431 34. On request from Lower Beaver Conoco to rezone property at 4540 Lower Beaver Road from "R-4" (Multiple Family Residential) to Limited "C-2" (General Retail and Highway Oriented Commercial) to allow conversion of use to a garage for general motor vehicle repair after discontinuing gasoline sales with accessory motor vehicle repair as a non-conforming use, (3-28-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-432 35. On request from The Pawn Store Inc. to rezone 3025 Douglas Avenue from a Limited "C-2" (General Retail and Highway Oriented Commercial) to Limited "C-1" (Neighborhood Retail Commercial) to allow assemblage along with 3005 Douglas for expansion.

existing commercial structure, subject to conditions, (3-28-05). **Moved by Vlassis to the hearing date as 3-28-05 at 5:30 P.M. Motion Carried 7-0.**

- 05-433 36. On proposed Connection Fee Ordinance for Clover Hill Area Trunk Sewer System Benefited District, (4-11-05). ([Council Communication No. 05-079](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-434 37. On the 2004 HUD Consolidated Annual Performance and Evaluation Report, (CAPE 3-28-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-435 38. On Application for Certificate of Public Convenience and Necessity to operate Limousine Service, requested by David and Heather Grabill, Freedom Taxicab/Cabmobile.com, Ankeny, IA, (3-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-436 39. On Supplement No. 9 to the Iowa Air National Guard Lease Agreement to extend the lease to 2060, (3-7-05). ([Council Communication No. 05-084](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-437 40. 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 publication error, (3-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-438 41. Approving payment of \$1,336.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) for the National Pollution Discharge Elimination System Permit (NPDES) for the National Pollution Discharge Elimination System Permit (NPDES). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-439 42. Approving payment of \$3,084.76 to Ken and Sue Hinds and \$5,000 to Allied Insurance Company as Subrogee of Ken Hinds as a result of a sewer backup. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-440 43. Submitting traffic regulation changes as follows: ([Council Communication No. 05-085](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. 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 5th Avenue and Grand Avenue.
- (E) Four-Way Stop-East 13th Street and Grandview Avenue.
- (F) Allow Parking in the Evening and Weekends on the North Side of Locust Street between 9th Street and 10th Street.
- (G) Request for Stop Signs and Corner Clearance Parking Restrictions in area around Drake Stadium.

05-441 44. Submitting out-of-state travel for Jeff Cronin, Thomas Heller, Colin Boone, James Hampton, Charles Hagan, Michael Matthes, Debora Hobbs, Robert Crouse and Steve Schinkel. ([Council Communication No. 05-069](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

05-442 45. Municipal Housing Agency's Certificate of Consistency with City's 2005-2010 Consolidated Plan. ([Council Communication No. 05-073](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-443 46. Standardized forms for approval of authorized City employees to conduct business with banks and brokers. ([Council Communication No. 05-077](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-444 47. Agreement for use of Lincoln Heights Lutheran Church, 1217 Watrous Avenue, for recycling study. ([Council Communication No. 05-074](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-445 48. Execution of amended and substituted License Agreement with Qwest Corporation for telecommunications cabinet located on firestation property at 1727 East Walnut Street. ([Council Communication No. 05-094](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-446 49. Communication from Downtown Community Alliance submitting banner design on behalf of

of Meredith Corporation for seven banners to be displayed in downtown on Locust Street during Spring 2005. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

50. Bids from the following:

- 05-447 (A) Swimming Pool Supply, Pool Tech Midwest and ACCO Unlimited Corporation for an annual contract with two additional one-year renewal options to furnish pool chemicals to be used by the Park & Recreation Department. (Ten bids mailed, four received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-448 (B) Emergency Vehicle Sales & Service for two new ambulances to be used by the Fire Department, \$255,710 and Ambu-Care EMS for sale of two trade-in units at \$19,000, less an 8% fee for on-line auctioning services. (Eight bids mailed, two received) ([Council Communication No. 05-070](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-449 (C) Tri-anim Health Services and Bound Tree Medical for an annual contract with two additional one-year renewal options to furnish medical and pharmaceutical supplies to be used by the Fire Department. (Sixteen bids mailed, Seven received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-450 51. Receipt of the Legislative Update for the 81st Iowa General Assembly. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-451 52. Civil Service Entrance lists for Housing Services Case Manager, Certified Police Officer, Word Processor Operator and Promotional lists for Fire Medic, Senior Police Officer and Solid Waste Section Chief. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-452 53. Authorizing the Finance Director to draw checks on the register of March 3, 2005; for bills of the Des Moines Municipal Housing Agency for the week of February 28, 2005; and for biweekly payroll due March 4, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-453 54. Amending Chapter 70 of the Municipal Code, regarding sale of products containing pseudoephedrine in combination with other active ingredients. **Moved by Hensley to adopt. this ordinance do now pass, #14,414. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

WITHDRAWN-

****CONSOLIDATED INTO ITEM 61****

05-454

~~55. Amending Chapter 18 of the Municipal Code regarding the total number of cats and dogs allowed per property.~~

05-455

56. 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 be considered and given second vote for passage. Motion Carried 7-0.**

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

05-456

(A) To establish new "C-3B" Central Business Mixed Use District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

05-457

(B) To establish design guidelines for review of site plans for development within the "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 considered and given second vote for passage. Motion Carried 7-0.**

05-458

(C) To provide consistent treatment of signage and allowed building height in "Downtown Riverfront District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

05-459

(D) To rezone Riverpoint West area to "C-3B" District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

05-460

(E) To rezone property in vicinity of 122 and 200 SW 16th Street to impose additional regulations under "S-O" District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

05-461

58. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Parking Meter Changes in Response to East Village Development.

(B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Dr

University Area.

- (C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10th Street Lofts, L.L.L.P.
- (D) Corner Clearance – North Side of East Walnut Street, east of E. 18th Street.
- (E) Corner Clearance – East and West Sides of Polk Boulevard, north and south of Harwood Drive.
- (F) Petition for Four-Way Stop – East 40th 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 2nd to Fleur Drive

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

ORDINANCES - FIRST CONSIDERATION

- 05-462 59. Amending Chapter 18 of the Municipal Code regarding requirements for vicious/dangerous dogs. ([Council Communication No. 05-093](#)) **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-463 (A) Final consideration of ordinance above. **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 so that the ordinance be placed upon its final passage and that the ordinance now pass, #14,415. Motion Carried 7-0.**

- WITHDRAWN**
- 05-464 60. ~~Amending Chapter 18 of the Municipal Code regarding enclosures for pet animals.~~

- 05-465 61. Amending Chapter 18 of the Municipal Code regarding waiver process to allow a dog in a household. ([Council Communication No. 05-078](#)) **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Name: Coleman.**

COMMUNICATIONS/REPORTS

- 05-466 62. Submitting the 2004 City of Des Moines Performance Report. ([Council Communication No. 05-089](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-467 63. Receipt of 2004 Polk County Assessor Annual Report. **Moved by Vlassis to receive a file. Motion Carried 7-0.**

Council considered Item 80 next

HEARINGS (OPEN AT 5:38 P.M.) (ITEMS 64 THRU 79)

- 05-468 64. On amendment to the Annual Budget for current fiscal year ending June 30, 2005. **Moved by Vlassis to continue the hearing to 3-7-05 at 5:30 P.M. Motion Carried 7-0.**
- 05-469 (A) On proposed Annual Budget for fiscal year ending June 30, 2006. **Moved by Vlassis to continue the hearing to 3-7-05 at 5:30 P.M. Motion Carried 7-0.**
- 05-470 65. On vacation of an 8' wide southernmost east/west alley right-of-way running 68.5' east of and vacated 11th Street between Cherry and Vine. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-471 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-472 (B) Final consideration of ordinance above, (waiver requested by developer), requiring 2/3 majority 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, #14,444. Motion Carried 7-0.**
- 05-473 66. On sale of City property located at 5818 and 5820 Winona Avenue, to RM. Madson Construction -- \$21,400 and to Steve and Judy Rodish -- \$400. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-474 67. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Farm Limited Partnership, south of the North River and immediately east of US Highway 65. **Moved by Brooks to continue the hearing to the June 6, 2005 Council meeting at 5:30 P.M., in the Council Chambers at City Hall. Motion Carried 7-0.**

- 05-475 68. City Plan Commission recommendation regarding the 15th Amendment to the City-W Urban Revitalization Plan, expanding the Airport Commerce Park sub-area to include additional 40 acres extending south to County Line Road west of Fleur Drive. **Moved by Kiernan to receive and file. Motion Carried 6-1. Absent: Vlassis.**
- 05-476 (A) Hearing on the 15th Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area known as the Airport Crossing development. ([Council Communication No. 05-076](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-477 69. City Plan Commission recommendation regarding proposed 2005-1 Omnibus Amendment to the City's Urban Revitalization Plans, extending the duration of all the plans for three years, and removing the vacant lots at 101 and 107 3rd Street from the list of significant structures in the Design Guidelines for the Court Avenue Historic Area. **Moved by Kiernan to receive and file. Motion Carried 6-1. Absent: Vlassis.**
- 05-478 (A) Hearing on the 2005-1 Omnibus Amendment. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-479 70. On Supplement No. B2 to the Governmental Lease-Purchase Master Agreement with Bank of America Leasing & Capital, LLC, not to exceed \$475,000, for acquiring a runway paint striper and a street sweeper for the Airport. ([Council Communication No. 05-075](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-480 (A) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-481 (B) Authorizing execution and delivery. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-482 71. On Issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds, (for an essential corporate purpose), to refund and refinance GO Bonds Series 1996F and 1998F. ([Council Communication No. 05-071](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-483 (A) Authorization for additional actions. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-484 72. On amendment to the approved PUD Conceptual Plan for the Science Center of Iowa building and garage, north of Martin Luther King Jr. Parkway, between SW 3rd and SW 4th Streets, to allow for additional signage. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-485 (A) Approving signage plans. ([Council Communication No. 05-075](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-486 (B) Communication from Science Center of Iowa regarding vacation of current facilities.

located in Greenwood Park and Ashworth Park. **Moved by Hensley to receive a file and refer to the City Manager to report on the terms of the ordinance dedicating the use of a portion of Greenwood and Ashworth Parks for a Science Center and recommended options regarding the Science Center facility. Motion Carried 6-1. Nays: Brooks.**

73. NUMBER NOT USED.

05-487 74. On proposed Resolution of Necessity for sidewalk improvements on McKinley Avenue from Fleur Drive to 920' east. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-488 (A) Authorization for acquisition of necessary right-of-way and easements. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-489 75. On SW 9th Street Culvert Repair at Luster Lane: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd, (Duane Burkhardt, President), DSM), \$89,855. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-490 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-491 76. On 30th Street and Forest Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rognes Corp., (Warren Rognes, President), \$1,078,141. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-492 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-493 77. On Riverpoint West Detention Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder. **Moved by Kiernan to continue to 3/7/05 Council meeting at 5:30 P.M. Motion Carried 7-0.**

WITHDRAWN

05-494 (A) Approving contract and bond.

05-495 78. On 2005 Traffic Signal Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as ICS Signal, Inc., (Wayne Lesley, President), \$42,456.53. **Moved by Kiernan to adopt. Motion Carried 7-0.**

05-496 (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**

05-497 79. On Principal Park Seating Expansion and Outfield Improvements: Resolution approving plans, specifications, form of contract documents and Engineer's Estimate. **Moved by Brooks to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:27 P.M.

Council considered Items 81 thru balance of agenda next

APPROVING

80. Recommendation of City Council Employee Evaluation Sub-Committee regarding following:
- 05-498 (A) City Manager. **Moved by Coleman to approve the recommendation as contained in the Sub-Committee's letter. Motion Carried 7-0.**
- 05-499 (B) City Attorney. **Moved by Coleman to approve the recommendation as contained in the Sub-Committee's letter. Motion Carried 7-0.**
- 05-500 (C) City Clerk. **Moved by Coleman to approve the recommendation as contained in the Sub-Committee's letter. Motion Carried 6-1. Nays: Kiernan.**
- 05-501 (D) Human Rights Director. **Moved by Coleman to approve the recommendation contained in the Sub-Committee's letter. Motion Carried 5-2. Pass: Hensley and Kiernan.**
- 05-502 81. Intergovernmental 28E Agreement with the Meredith Corporation Foundation to make improvements to the American Discovery Trail Riverpoint segment and Fleur T connection. ([Council Communication No. 05-090](#)) **Moved by Hensley to defer to the 3-7-05 Council meeting. City Manager to report on the committee, timeline and plan for communication. This item will be discussed at the Council workshop on 3-7-05 at 7:30 A.M. Motion Carried 6-1. Nays: Vlassis.**
82. Items regarding East Village Square Apartments, southwest corner of E. 4th and Grand:
- 05-503 (A) Conceptual Development Plan. **Moved by Brooks to defer to the 3-7-05 Council meeting. This item will be discussed at the Council workshop on 3-7-05 at 7:30 A.M. Motion Carried 6-1. Nays: Mahaffey.**
- 05-504 (B) Receipt of communications from Urban Design Review Board. **Moved by Brooks to defer to the 3-7-05 Council meeting. This item will be discussed at the Council workshop on 3-7-05 at 7:30 A.M. Motion Carried 6-1. Nays: Mahaffey.**
- 05-505 (C) Home Program Loan and Documents. ([Council Communication No. 05-090](#)) **Moved by Brooks to defer to the 3-7-05 Council meeting. This item will be discussed at the Council workshop on 3-7-05 at 7:30 A.M. Motion Carried 6-1. Nays: Mahaffey.**

BOARD OF HEALTH

05-506 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene 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:
 - 05-507 (A) 2100 Capitol Avenue (garage), Titleholder: Paul W. Jay and Bernice S. Jay. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-508 (B) 1710 De Wolf Street, Titleholder: La Mar D. Booker. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-509 (C) 3116 Scott Avenue, Titleholder: Eulalia Negrete. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-510 (D) 812 Washington Avenue, Titleholder: Countrywide Home Loans, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-511 (E) 1306 5th Avenue, Titleholder: F. C. Storms & Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-512 (F) 1327 14th Street, Titleholders: Inie Clement and Augustine Akpan; Contract Buyer: Kevin Scott and Lennetta Scott; Mortgage Holder: West Des Moines State Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-513 (G) 1131 28th Street, Titleholder: Michael Schumacher d/b/a SSW, LLC; Contract Buyer: Pat Andrews d/b/a Big Horn Properties; Mortgage Holder: Commercial Federal Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-514 (H) 2241 E. 34th Street, Titleholders: Jon N. Farrington and Katherine A. Farrington; Contract Buyers: Robert Siers and Jody Siers. **Moved by Vlassis to adopt. Motion Carried 7-0.**
2. The Engineering Department to cause the removal of the following structures:
 - 05-515 (A) 2051 Maple Street, Titleholders: Chuck Parcel and Dorothy Parcel. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-516 (B) 519 Pioneer Road, Titleholder: Basim Bakri a/k/a Basim Al Bakri. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

05-517 (C) ~~1543 9th Street, Titleholder: 2221 Carpenter Avenue, LLC; Contract Buyer: C Consultants, LC.~~

05-518 3. The release of the demolition cost reserved held by GAB Robins North America, under claim number 56018-46858 regarding the property located at 3206 Raccoon St insured by Larry Haus. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-519 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:54 P.M. Motion Carried 7-0.**

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