

***** 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 28, 2005 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Community Development Week

Iowa Women’s History Week

INVOCATION: Pastor Tony Thurston

College Avenue Christian Church

- 05-647 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

SPECIAL PRESENTATION

Trees Please – Donation from MidAmerican Energy

- 05-648 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. 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.

- 05-649 3. APPROVING CONSENT AGENDA – items 3 through 79: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 05-650 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|--------------------|-------------------|----------|
| (A) | CONNIES LOUNGE | 3839 MERLE HAY RD | C Liquor |
| (B) | KUNG FU TAP & TACO | 210 INDIANOLA AVE | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-----|-----------------------|--------------------|----------|
| (C) | ALPINE TAP ROOM | 2720 INGERSOLL AVE | C Liquor |
| (D) | BASIL PROSPERI | 407 E 5TH ST | B Wine |
| (E) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
| (F) | CHICAGO SPEAKEASY | 1520 EUCLID AVE | C Liquor |
| (G) | GENES PLACE | 2117 E UNIVERSITY | C Liquor |
| (H) | GIT N GO STORE #1 | 3735 HUBBELL AVE | C Beer |
| (I) | GIT N GO STORE #5 | 2700 INDIANOLA AVE | C Beer |
| (J) | GRANDVIEW GOLF COURSE | 2401 E 29TH STREET | B Beer |

(K)	GREAT MIDWESTERN CAFE	909 ROBERT D. RAY	C Liquor
(L)	GREENWOOD LOUNGE	3707 INGERSOLL AVE	C Liquor
(M)	HIGHLAND PARK COUNTRY CLUB	518 EUCLID AVE	C Liquor
(N)	KUM & GO #130	2930 HICKMAN RD	C Beer
(O)	KUM & GO #194	4001 SW 9TH ST	C Beer
(P)	LCS CORNER	344 E JACKSON AVE	C Liquor
(Q)	NAT FOOD MART #1	3804 HUBBELL AVE	C Beer
(R)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(S)	PAPILON	2718 DOUGLAS AVE	C Beer/Wine
(T)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(U)	SHIE CONCESSION	3000 E GRAND AVE	B Beer
(V)	SMOKEYS BAR-B-QUE	2301 SW 9TH ST	C Liquor
(W)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(X)	WELLMANS PUB	2920 INGERSOLL AVE	C Liquor

TRANSFER TO NEW LOCATION

(Y)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
	Permanent transfer of license from 3839 Merle Hay Rd. to 525 E Grand Avenue. Pending approval of Building, Electrical and Fire Departments.		

OUTDOOR SERVICE APPLICATIONS

(Z)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
	Temporary outdoor service area in conjunction with Drake Relays celebration on April 29 and 30, 2005.		
(AA)	MARGARETS	3020 FOREST AVE	C Liquor
	Temporary in conjunction with Drake Relays effective April 27, 2005 to April 30, 2005. Pending approval of Fire Department.		

SPECIAL EVENTS APPLICATIONS

(BB)	DRAKE UNIVERSITY-ALUMNI TENT	2830 FOREST AVE	B Beer
	In conjunction with Drake Relays effective April 26-30, 2005. Pending approval of Vice, Electrical, Zoning and Fire Departments.		
(CC)	DRAKE UNIVERSITY-HUBBELL	1319 30TH ST	C Liquor
	In conjunction with Drake Relays effective April 26-30, 2005. Pending approval of Vice, Electrical, Zoning and Fire Departments.		
(DD)	WINSTONS PUB & GRILLE	800 WALNUT ST	C Beer/Wine
	Five day license in conjunction with Dig Downtown on April 1, 2005. Pending approval of Building, Electrical, Zoning and Fire Departments.		

- 05-651 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-652 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 05-653 7. Resolution Ordering Construction of the following:
- (A) 2005 Sanitary Sewer Repair Program – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$120,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-654 (B) Brody Park Improvements – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$310,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-655 (C) Clover Hill Trunk Sanitary Sewer – Phase 1 – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$490,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-656 (D) McKinley Avenue Sidewalk from Fleur Drive to 720 Feet East – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$13,900).
Moved by Hensley to adopt. Motion Carried 7-0.
- 05-657 8. Approving Professional Services Agreement with Calhoun-Burns and Associates, Inc., (John C. Calhoun, President, WDSM) for City-Wide Bridge and Structure Evaluation, not to exceed \$112,000. ([Council Communication No. 05-161](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-658 9. Approving Professional Services Agreement with Howard R. Green Company for Storm Water Pump Station Trash Rack Replacement at Central Place Business District, not to exceed \$89,040. ([Council Communication No. 05-164](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-659 10. Approving Professional Services Agreement with Walker Parking Consultants for Parking System Structural Evaluation, and 5th & Keo Parking Garage Rehabilitation Design/Construction Phase Services, not to exceed \$281,700. ([Council Communication No. 05-167](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-660 11. Approving Iowa Interstate Railroad Ltd. Street Crossing Signal Safety Improvement Agreement for SW 2nd Street and SW 3rd Street. ([Council Communication No. 05-166](#)) **Moved by Hensley to adopt. This project should be completed as soon as possible; and the City should begin the process to establish Quiet Zones for the City. Motion Carried 7-0.**
- 05-661 12. Approving Iowa Department of Transportation Preconstruction Agreement for Cummins Parkway - 63rd Street (south side) and 31st Street – 28th Street (south side) Noise Walls related to I-235. ([Council Communication No. 05-168](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-662 13. Approving Agreement with Principal Life Insurance Company for construction and funding of Ice Skating and Fountain Plaza. ([Council Communication No. 05-172](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Brooks**
- 05-663 14. Approving City participation in Downtown Community Alliance’s Wayfinding Sign Project. ([Council Communication No. 05-163](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- WITHDRAWN 15. ~~Regarding Principal Park Seating Expansion and Outfield Improvements. ([Council Communication No. 05-171](#))~~
- 05-664 16. Approving Change Order No. 2 with North American Specialty Insurance Company, for additional work on Union Park Water Playground, not to exceed \$20,552.44. ([Council Communication No. 05-170](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-665 17. Approving completion and recommending acceptance for SE 14th Street and Indianola Avenue Turn Lane and Signal Modifications – P.G. Construction. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-666 18. Approving Private Construction Contracts for the following:
(A) The Underground Company, Ltd. and Clarke Company, Ltd. for Sanitary Sewer Improvements in Woods on The River Plat 9. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-667 (B) The Underground Company, Ltd. And Clarke Company, Ltd. for Storm Sewer Improvements in Woods on The River Plat 9. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-668 (C) Neumann Brothers, Inc. and Science Center of Iowa for Street Improvements on

- Market Street from SW 4th to SW 5th Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-669 (D) The Hansen Company, Inc. and Meredith Corporation Foundation for Meredith Trail Enhancements. ([Council Communication No. 05-160](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
19. Approving completion and recommending acceptance of the following Private Construction Contracts:
- 05-670 (A) Corell Contractor, Inc. and Principal Life Insurance Company for Street and Sidewalk Improvements for Pleasant Park Subway Passage Waterproofing Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-671 (B) Speck Enterprises and The Tackle Shack-Outdoor Store, Inc. for Median Modifications Improvements for Traffic Island Shortening at Army Post Road (1400 Block SW). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-672 (C) CPMI Construction, LC and 300 East Locust, LP for Street Improvements on East 2nd Street between E. Grand and E. Locust. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-673 (D) The Underground Company, Ltd. and Electro-Management, Inc. for Storm Sewer Improvements - South Union & Livingston Streets to 1411 & 1419 SW 1st Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-674 20. Communication from Contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-675 21. Receive, file and authorize execution of petition and waiver forms for sidewalk program/request to repair driveway executed by two property owners and curb replacement program/request to repair driveway executed by one property owner. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-676 22. Approving acquisition of right-of-way for Foster Drive Sanitary and Storm Sewer Repair, 600 Block. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-677 23. Acceptance of a temporary easement from Drake University for the Clark Street – 27th to 29th Streets Storm Sewer Improvements Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-678 (A) Approving Change Order No. 1 with Van Hauen & Associates for a \$24,910 contract reduction on Clark Street - 27th to 29th Streets Storm Sewer Improvements Project. ([Council Communication No. 05-169](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

24. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Community Development) and (Public Works) for the following:
- 05-679 (A) Schedule No. 2005-03. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-680 (B) Schedule No. 2005-51. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-681 (C) Schedule No. 2005-76. **Moved by Hensley to adopt. Motion Carried 7-0.**
25. Approving deletion of NAC-Emergency Assessments at various locations as follows:
- 05-682 (A) 1546 E. Madison Avenue and 1312 E. 37th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-683 (B) 3724 Chicago Avenue, 1828 Hickman Road, and 2320 Dean Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-684 26. Real estate documents for property at 1690 East Sheridan Avenue for the East 16th Street and East Sheridan Avenue Storm Water Improvements Project, \$1,050 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-685 27. Real estate documents for the Closes Creek Storm Water Improvements, 27th Street to 30th Street Project, \$2 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-686 28. Authorization to acquire abandoned railroad right-of-way from Union Pacific Railroad Company located between SW 2nd Street and Indianola Avenue and between Granger Avenue and Dunham Avenue, not to exceed \$60,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-687 29. Authorization to proceed with early acquisition of property from vacated SW 12th Street, west to SW 30th Street for the future Southwest Connector Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-688 30. Authorizing payment of Condemnation Award for acquisition of 3414 SE 8th Street for SE 8th Street Storm Sewer Replacement Project, \$900 plus Sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-689 31. Approving final Subdivision Plat entitled CARMAN ESTATES PLAT 5, located north of East Payton Avenue in vicinity of SE 24th Street. ([Council Communication No. 05-153](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-690 32. Approving final Subdivision Plat entitled CULVER RIDGE ESTATES PLAT 1, located north of East Payton Avenue in vicinity of SE 25th Street. ([Council Communication No. 05-154](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-691 33. Approving final Subdivision Plat entitled THE RESERVE TOWNHOMES PLAT 1, located in the 900 block of Polk Boulevard, and north of I-235. ([Council Communication No. 05-155](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-692 34. Approving Tax Abatement applications for additional value added for improvements made during 2004. (22 applications). ([Council Communication No. 05-152](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-693 35. Approving Tax Abatement application for additional value added to 2504 East Park Avenue for improvements made during calendar year 2003. ([Council Communication No. 05-151](#)) **Moved by Hensley to adopt and request that Polk County apply the application retro-actively as if the application had been timely processed by the City. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-694 36. Recommendations from Council Member Archie Brooks for the following appointments:
- (A) Michael Young to the Access Advisory Board, Seat 15 for a four-year term commencing June 15, 2003 to expire June 15, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-695 (B) Keith Mehl to the Citizen Odor Board, Seat 20 for a three-year term commencing April 5, 2004 to expire April 5, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-696 (C) Michelle Bailey to the Human Rights Commission, Seat 7 for a three-year term commencing April 1, 2005 to expire April 1, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-697 (D) Michael Bolten to the Park and Recreation Board, Seat 13 to fill an unexpired term for a four-year term commencing June 30, 2003 to expire on June 30, 2007. **Moved by**

Hensley to adopt. Motion Carried 7-0.

- 05-698 (E) Carol George to the Park and Recreation Board, Seat 14 to fill an unexpired term through June 30, 2005 and to be reappointed for a four-year term commencing June 30, 2005 to expire on June 30, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-699 (F) Paul Ramsey to the Public Housing Board, Seat 7 for a three-year term commencing June 30, 2004 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-700 (G) Don Chestnut to the Sister Cities Commission, Seat 15 for a five-year term commencing April 28, 2004 to expire April 28, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-701 37. Recommendations from Council Member Archie Brooks for the following reappointments:
(A) Scott Sargent to the Citizen Odor Board, Seat 14 for a three-year term commencing April 5, 2004 to expire April 5, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-702 (B) Rose Smith to the Housing Appeals Board, Seat 7 for a three-year term commencing March 16, 2004 to expire March 16, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-703 (C) Patricia Civitate to the Sister Cities Commission, Seat 14 for a five-year term commencing April 28, 2005 to expire April 28, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-704 38. Recommendations from Council Member Bob Mahaffey for the following reappointments:
(A) Richard Bason to the Housing Appeals Board, Seat 5 for a three-year term commencing March 16, 2005 to expire March 16, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-705 (B) Linda Westergaard to the Zoning Board of Adjustment, Seat 5 for a five-year term commencing April 4, 2005 to expire April 4, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-706 39. Communication from Bill LaHay advising of his resignation from the Urban Design Review Board, (Seat 11) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for his many years of service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-707 40. Regarding request from City Manager for vacation and conveyance of the east/west alley between Ingersoll Avenue and Grand Avenue from 17th Street to 18th Street, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 05-708 41. Regarding request from Randal Meiners, (Developer) to amend the Des Moines 2020 Community Character Land Use Plan for property at 900 Williams Street from Low Density Residential to Low/Medium Density Residential. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-709 42. On Permanent and Temporary Easements across City-owned property, in the vicinity of the southeast corner of 2nd Avenue and School Street, to the Board of Water Works Trustees, \$2 plus closing costs, (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-710 43. On approval of a Gas Easement and Above Ground Regulator Station to Mid American

- Energy across City owned property northeast of SW 9th and County Line Road intersection, \$1, (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-711 44. On approval of an easement for Mid American Energy for an Underground Electric Line Easement across City owned property at 101 SW 4th Street, \$1, (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-712 45. On approval of an easement for Mid American Energy for electric lines and electric vault across City owned property at 1000 Grand Avenue, \$1, (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-713 46. On approval of an easement needed by Mid American Energy for an Electric Line Easement across property owned by Employers Mutual Casualty Company located at 8th Street Parking Garage Project, \$1, (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-714 47. On request from Seabass, LLC, to rezone property at 1832 Delaware from Limited “C-1” (Neighborhood Retail Commercial) and “C-O” (Commercial Residential) to “M-1” (Light Industrial) to allow development of a charter bus storage and maintenance facility, (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-715 48. On City Council request to rezone property in vicinity of 900 – 18th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “R-3” (Multiple Family Residential), “RHD” (Residential Historic), “R-3” (Multiple Family Residential), & “R1-60” (One-Family Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial), (4-11-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-716 49. On applications from Richard Downs and H. Dwayne Crozier, seeking voluntary annexation by the City of Des Moines of approximately 130 acres located in vicinity of 4520 Easton Boulevard and 4880 NE 23rd Avenue, (5-23-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-717 50. On disposition of an irregular shaped dead-end portion of Clark Street running west from 23rd Street and a 110’ segment of north/south alley, north of Clark Street to Amazing Grace Ministries and Outreach Church, \$675, (4-11-05). ([Council Communication No. 05-174](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-718 51. Regarding request from Twin Eagles Development LC (Owner) represented by David Walters and Brad Stanbrough (Partners) for review and approval of preliminary subdivision plat “Copper Crossing” located in the 2500 block of NE Oak Hill Drive. **Moved by Hensley to receive and file. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-719 52. Approving payment of \$153 to Ahlers & Cooney, P.C. for resolution of certain environmental matters in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-720 53. Approving employment of Hall & Associates to perform services regarding the issuance of Total Maximum Daily Limits (TMDLs) and their impact on MS-4 National Pollution Discharge Elimination System (NPDES) permit for the Wastewater Reclamation Authority. ([Council Communication No. 05-146](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-721 54. Approving payment of \$2,722.40 to Myers & Jenkins for services related to UAL Corporation Bankruptcy and ATA Holding Corp. Bankruptcy and payment of \$1,379.30 to Barnes & Thornburg, LLP for services related to ATA Holdings Corp. Bankruptcy.

Moved by Hensley to adopt. Motion Carried 7-0.

- 05-722 55. Approving payment of \$87.50 to law firm of Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title work. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-723 56. Approving payment of \$13,381.31 to Kendall Glasener for property damage and repair of a sewer line. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-724 57. Approving payment of settlements by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-725 58. Communication from City Manager regarding preliminary terms of an economic development grant to Two Rivers Marketing Group (Tom Dunphy, President, 502 East Locust). ([Council Communication No. 05-143](#)) **Moved by Hensley 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 agreement with Two Rivers Marketing Group consistent with the approved preliminary terms and to submit for future City Council consideration an appropriate amendment to the City-wide Urban Revitalization Plan to permit the planned building renovations to qualify for tax abatement. Motion Carried 7-0.**
- 05-726 (A) Authorization to submit an amendment to the tax abatement plan extending tax abatement to an area bounded by the Des Moines River, SE 14th Street and East Court Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-727 59. Submitting traffic regulation changes as follows: ([Council Communication No. 05-165](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Traffic Signal Control Revisions.
- (B) Stop Signs at 26th Street and Holcomb Avenue.
- (C) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles--5400 Block of SE 6th Street.
- (D) Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14th Street and 15th Street.
- (E) Loading Zone Modifications—Vicinity of Civic Center Court Apartments and the Iowa Historical Building.
- (F) Corner Clearance—North Side of Clark Street, East and West of 24th Street and 25th Street.
- (G) Railroad Crossing Revisions.
- (H) Stop Signs and Corner Clearance Parking Restrictions on 24th Street.
- (I) Removal of Parking Meters—Third Street between Court Avenue and Walnut Street.
- 05-728 60. Submitting out-of-state travel requests for T. M. Franklin Cownie, Christine Hensley, Christopher Coleman, Eric Anderson, Al Aguilar, Brenda Ingle, Heide Green, Bruce Bergman, Scott Ralston, and Diane Rauh. ([Council Communication No. 05-123](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 05-729 61. Reprogramming of prior years Community Development Block Grant (CDBG) funding and PY 2005 funding shortfall. ([Council Communication No. 05-127](#)) **Moved by Kiernan to adopt. City Manager to report on the reasons some of the funds were unspent. Motion Carried 7-0.**
- 05-730 62. Amendment to the Economic Development Loan with Protocol Driven Healthcare, Inc. (PDHI). ([Council Communication No. 05-144](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-731 63. CEBA Loan Application to the State of Iowa and Preliminary Terms of Economic Development Loan to Software Made Easy, Inc. dba Project InVision for assistance in opening a Des Moines office. ([Council Communication No. 05-148](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-732 64. Issuance of Certificate of Completion for Vine Street Lofts at 2nd & Vine Streets. ([Council Communication No. 05-138](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-733 65. Professional Services Agreement with Wisconsin Partnership for Housing Development, for an evaluation of the City's Neighborhood Revitalization Program. ([Council Communication No. 05-147](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-734 (A) Communication from the Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 6-1. Nays: Brooks.**
- 05-735 66. RFP for Banking and Custodial Services. ([Council Communication No. 05-141](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley**
- 05-736 67. Development of a RFP to obtain proposals for benefit consulting services. ([Council Communication No. 05-156](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-737 68. Intergovernmental 28E Agreement with Polk County and Greater Des Moines Community Foundation for development of Soldiers Field for South Des Moines Little League Baseball Park. ([Council Communication No. 05-150](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-738 69. Receipt of arbitration decisions regarding the Municipal Employees Association (MEA), and the Des Moines Police Bargaining Unit Association (DMPBUA). ([Council Communication No. 05-173](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-739 70. Application to the United States Department of Homeland Security Assistance to Firefighters Grant Program, \$308,449 for purchase and installation of the air filtration systems and carbon monoxide detectors for city fire stations. ([Council Communication No. 05-124](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-740 71. Budget revision request for the Iowa Governor's Office of Drug Control Policy, Project Safe Neighborhoods. ([Council Communication No. 05-137](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-741 72. Governor's Traffic Safety Bureau-OWI Enforcement Grant Award to provide overtime and equipment for officers from April 1, 2005 to September 30, 2005, \$70,500. ([Council Communication No. 05-126](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-742 73. Justice Assistance Grant Memorandum of Understanding for grant period from October 1, 2004 – September 30, 2008, \$211,816. ([Council Communication No. 05-125](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
74. Bids from the following:

- 05-743 (A) Artistic Waste Services as primary supplier and Waste Management of Iowa as secondary supplier for an annual contract with two additional one-year renewal options to furnish trash removal services for the SCRUB program. (Three bids mailed, three received). ([Council Communication No. 05-142](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-744 (B) Mid-States Ford for two cargo vans to be used by the Building Services Division, \$31,902. (Eleven bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-745 (C) Charles Gabus Ford for a light and power fire service vehicle to be used by the Fire Department, \$93,185.96. (Fifteen bids mailed, Five received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-746 (D) Utility Equipment Company, Cretex Concrete Products and Midwestern Culvert for an annual contract with two additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance to be used by the Public Works Department. (Seven bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-747 75. Receipt of the Legislative Update for the 80th Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 7-0.**
- 05-748 76. Civil Service Entrance Lists for Street Maintenance Worker, Jail Security Officer, Housing Services Accounting Analyst, Public Works Assistant, and Assistant Planner. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-749 77. Authorizing Finance Director to draw checks on the registers of March 31, and April 7, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 28, 2005 and April 4, 2005; and to draw checks for biweekly payroll due April 1, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

78. On amendments to Zoning Ordinance and Site Plan Regulations: ([Council Communication No. 05-159](#))
- 05-750 (A) To establish new “C-3B” Central Business District Mixed Use District. **Moved by Hensley that this item be continued to the May 9th City Council Meeting. Motion Carried 7-0.**
- 05-751 (B) To establish design guidelines for review of site plans for development within new “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 item be continued to the May 9th City Council Meeting. Motion Carried 7-0.**
- 05-752 (C) Resolution providing that development in the “C-3B” and “D-R” Districts shall be subject to the landscape standards now applicable to development in the “C-3”, “C-3R” and “C-3A” Districts. **Moved by Hensley that this item be continued to the May 9th City Council Meeting. Motion Carried 7-0.**
- 05-753 (D) To rezone Riverpoint West area to “C-3B” District. **Moved by Hensley that this item be continued to the May 9th City Council Meeting. Motion Carried 7-0.**
- 05-754 (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 item be continued to the May 9th City Council Meeting. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 05-755 79. On vacation and sale of the north/south alley between 41st and 42nd Street, from Rollins Avenue to 250' north, to The Shops at Roosevelt, LLC, \$14,000. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

- 05-756 80. Ordinances amending Chapter 74 of the Municipal Code establishing Park and Recreation fees for 2005:
(A) Final consideration of ordinance regarding fees for golf courses, Sylvan Theater, swimming pools and Birdland Marina. ([Council Communication No. 05-149](#)) **Moved by Hensley that this ordinance do now pass, #14,423. Motion Carried 7-0.**
- 05-757 (B) First consideration of ordinance regarding golf cart rental on City golf courses. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-758 (1) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,424. Motion Carried 7-0.**
- 05-759 81. Amending Chapter 74 of the Municipal Code regarding Blank Park Zoo. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-760 (A) Final consideration of ordinance above, (waiver requested by Park & Recreation), 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, #14,425. Motion Carried 7-0.**
- 05-761 82. Enacting new Sections 60-1 through 60-377 of the Municipal Code regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-762 83. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board to establish Fair Market Value on Airport property acquisitions of \$10,000 or less. ([Council Communication No. 05-128](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-763 84. Amending Chapter 118 of the Municipal Code regarding sanitary sewer fees. ([Council Communication No. 05-140](#)) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

Council considered Items 97 thru Board of Health next

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 85 THRU 95)

- 05-764 85. On appeal from Ruth Allbee, 830 Williams Street, of the Administrative Hearing Officer's decision regarding her dog. **Moved by Hensley to uphold declaration and order owner to remove or have animal humanely destroyed. Motion Carried 4-3. Nays: Cownie, Kiernan and Vlassis.**
- 05-765 86. On resolution to establish Franchise Fees.
(A) Gas Franchise Fee of 5 percent, effective June 1, 2005. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-766 (B) Electric Franchise Fee of 5 percent, effective June 1, 2005. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-767 87. On the 2004 HUD Consolidated Annual Performance and Evaluation Report, (CAPER). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-768 88. To close hearing on sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham, to Communication Technologies, Inc., (property will not be conveyed at this time). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-769 89. To close hearing 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, (property will not be conveyed at this time). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-770 90. On vacation and sale of a segment of 24th Place between College Avenue and 24th Street, to Edward J. Lint, \$400. ([Council Communication No. 05-175](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-771 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-772 (B) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,426. Motion Carried 7-0.**
- 05-773 91. On request from Lower Beaver Conoco, to rezone property at 4540 Lower Beaver Road from "R-4" (Multiple Family Residential) to Ltd. "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: ([Council Communication No. 05-157](#))
(A) Recommendation from Plan and Zoning Commission to DENY the request. **Moved by Vlassis to adopt and deny the rezoning. Applicant is encouraged to seek a use variance from the Board of Adjustment. Motion Carried 7-0.**
- WITHDRAWN
05-774 (1) ~~Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan, (6 affirmative votes required).~~
- WITHDRAWN
05-775 (2) ~~Resolution to close the hearing and approve rezoning.~~
- WITHDRAWN
05-776 (3) ~~First consideration of ordinance above, (requires 6 votes).~~
- WITHDRAWN
05-777 (4) ~~Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.~~
- 05-778 92. 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 of existing commercial structure, subject to conditions. ([Council Communication No. 05-158](#)) **Moved by Vlassis to deny the request. Motion Carried 7-0.**

WITHDRAWN

05-779

WITHDRAWN

05-780

~~(A) First consideration of ordinance above.~~

~~(B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.~~

05-781

93. On request from John Shors to amend the “R-6” Development Plan for the Park at Southern Hills, for property at 2950 SW 30th, to revise permitted development from 8 units of townhomes on private cul-de-sac to development of a single-family dwelling. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-782

94. On 2005 Sanitary Sewer Lining Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Visu-Sewer Clean & Seal, Inc., (Keith M. Alexander, President, Pewaukee, WI), \$1,582,227.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-783

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

05-784

95. On 5th & Walnut Parking Garage: Resolution approving plans and specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Western Waterproofing Company of Michigan LLC, (Robert T. Mazur, President, Minneapolis, MN), \$642,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-785

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

**END HEARINGS AT 5:55 P.M. **

Council considered Item 96 next

APPROVING

05-786

96. Receipt of Beavertown Neighborhood Revitalization Strategy regarding the City’s involvement in implementation. ([Council Communication No. 05-145](#)) **Moved by Vlassis to adopt. City Manager to report in 6-8 weeks regarding creating a TIF district in that area. Motion Carried 6-1. Absent: Brooks.**

05-787

97. Awarding Junk Vehicle Towing Contract to Des Moines Automotive Parts Company, 4100 Vandalia Road. ([Council Communication No. 05-139](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-788

98. Reconsideration of bids on the Riverpoint West Detention Basin Project: **Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Brooks.**

05-789

(A) Rescinding the rejection of all bids. **Moved by Kiernan to adopt. Any Change Orders over \$10,000 on this project will require Council approval. Motion Carried 5-2. Nays: Brooks and Vlassis.**

05-790

(B) Approving contract and bond and permission to sublet for Saxton, Inc., (Russell Saxton, President, Leon, IA), \$800,486.05. **Moved by Kiernan to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

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.

- 05-791 1. Approving assignment of the Golf Course and Clubhouse Management Agreement with Ned Chiodo, dba Southern Golf, for the A.H. Blank Golf Course. SPONSOR: Brooks. ([Council Communication No. 05-176](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- 05-792 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as 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:
- 05-793 (A) 1430 Martin Luther King Jr. Parkway, Titleholder: Michael Dooley a/k/a Michael L. Dooley. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-794 (B) 7102 SW 14th Street, Titleholder: Ronald E. Axser. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-795 (C) 1320 21st Street, Titleholder: Mooring Tax Asset Group XXXIV, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
2. The Engineering Department to cause the removal of the following structures:
- 05-796 (A) 2320 Dean Avenue, Titleholder: Z Fin 20. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-797 (B) 1405 Idaho Street, Titleholder: Melody M. Ries a/k/a Melody M. Ries-Housh and Charles Housh. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-798 (C) 2158 E. Walnut Street, Titleholder: 2158 E. Walnut Street, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- WITHDRAWN
- 05-799 (D) ~~1328 4th Street, Titleholders: Ray E. Hansen and Judith A. Hansen.~~
- 05-800 (E) 800 24th Street, Titleholder: The Estate of Marvin H. Thompson. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-801 MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 6:05 P.M. Motion Carried 7-0.**

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