

***** 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

May 23, 2005

Closed Session – 3:30 P.M.

Municipal Governing Housing Board – 4:00 P.M.

Regular Meeting - 4:30 P.M.

Closed Session

- 05-1226 I. **ROLL CALL – 3:30 P.M. Present: Cownie, Kiernan, Hensley, Mahaffey, Brooks and Vlassis. Absent: Coleman.**
- 05-1227 a. Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matter that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1228 b. Closed Session to discuss matters of pending litigation.
- 05-1229 c. Terminate this closed session and reconvene in open session. **Moved by Brooks adopt. Motion Carried 6-1.**
- 05-1230 d. Motion to recess and reconvene at 4:30 P.M. **Moved by Hensley to adjourn at 3:50 PM. Motion Carried 6-1.**

SPECIAL PRESENTATIONS – 4: 15 P.M.

HUD “Cream of the Crop” award to the City and Anawim
Excellence in Preservation Awards

INVOCATION: Rev. Amy Miracle
Westminister Presbyterian Church

05-1231 1. ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.

05-1232 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Mahaffey 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.

05-1233 3. APPROVING CONSENT AGENDA – items 3 through 59: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.

LICENSES AND PERMITS

05-1234 4. Approving the following alcoholic beverage license applications: Moved by Hensley to adopt and to defer item D to June 20th meeting. Applicant to meet with neighborhood association with a specific plan addressing issues. Motion Carried 7-0.

NEW APPLICATIONS

(A)	CONTINENTAL	428 E LOCUST ST	C Liquor
(B)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(C)	ROCKS	204 3RD ST	C Liquor

RENEWAL APPLICATIONS

(D)	CARLS PLACE	1620 WOODLAND AVE	C Liquor
(E)	CIVIC CENTER OF GREATER DSM	221 WALNUT STREET	C Liquor
(F)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(G)	ESTRADAS RESTAURANT	3029 MERLE HAY ROAD	C Beer/Wine
(H)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(I)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(J)	HOYT SHERMAN PLACE	1501 WOODLAND AVE	C Liquor
(K)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(L)	KING YING LOW RESTAURANT	223 4TH STREET	C Beer/Wine
(M)	OKOBOJI GRILL OF SOUTH DSM	200 ARMY POST RD	C Liquor
(N)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(O)	QUIKTRIP #516	1000 E UNIVERSITY AVE	C Beer
(P)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(Q)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(R)	SPAGHETTI WORKS	308 COURT AVE	C Liquor

- (S) SUITES OF 800 LOCUST 800 LOCUST ST B Liquor
- (T) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor

OUTDOOR SERVICE APPLICATION

- (U) BUDDYS CORRAL 418 E 5TH ST C Liquor
- In conjunction with Blooms and Blues on June 3, 2005. Pending approval of Building and Fire departments.

SPECIAL EVENTS APPLICATION

- (V) DES MOINES JAYCEES 599 E LOCUST ST Five (5) Day
- Class B Beer License in conjunction with East Village Street Market on June 10, 2005. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments.

- 05-1235 4I. Temporary Outdoor Service for Blazing Saddle, 416 E. 5th Street in conjunction with Blooms and Blues, June 3, 2005. Pending Building, Electrical, Zoning and Fire Inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1236 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1237 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:
 - 05-1238 (A) 2005 Expanded Street Resurfacing Program – Arterial – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$1,409,540). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-1239 (B) 2005 Expanded Street Resurfacing Program – Residential – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$989,920). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-1240 (C) 2005 City-Wide PCC Pavement Restoration Program – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$158,880). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-1241 (D) 2005 Sidewalk Replacement Program – Designated Neighborhoods – Receiving of Bids, (6-7-05), and Setting Date of Hearing, (6-20-05). (Construction Estimate - \$174,750). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1242 8. Authorizing execution of Iowa Department of Transportation Agreement for Congestion Mitigation and Air Quality Improvement Program (CMAQ) Project Downtown Wayfinding Sign System. ([Council Communication No. 05-275](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1243 9. Authorizing execution of Iowa Department of Transportation Preconstruction Agreement for 56th Street – 50th Street (south side) Noise Wall related to I-235. ([Council Communication No. 05-274](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1244 10. Authorization to negotiate two-year Parking System Management Contract extension with AMPCO System Parking. ([Council Communication No. 05-276](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1245 11. Approving completion and recommending acceptance of the following Private Construction Contract between Hansen Company, Inc. and Water Street Brownstones, LLC for Vine Street Lofts/Water Street Brownstones Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1246 12. Approving completion and recommending acceptance for 2005 Traffic Signal Improvements – Iowa Signal, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 05-1247 13. Approving levying assessments for costs of Nuisance Abatement - NAC Emergency Orders (Community Development) Schedule No. 2005-05. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1248 14. Approving deletion of NAC-Emergency Assessments at 1515 Delaware Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1249 15. Approving delinquent sewer rental and/or solid waste/stormwater utility credit for May 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1250 16. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for May 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-1251 17. Authorization to acquire right-of-way for the Valdez Drive turnaround, 3000 block of Valdez Drive. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1252 18. Authorize payment of condemnation award for partial acquisition of property at 2005 1/2

McKinley Avenue for the McKinley Avenue Reconstruction Project, \$10,450 plus Sheriff's fee and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1253 19. Approving final subdivision plat entitled RIVERPOINT PLAT No. 4, located east of 7th Street and south of Murphy Street. ([Council Communication No. 05-285](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1254 20. Approving final subdivision plat entitled STERLING TRACE PLAT 1, located west of 36th Street and north of East Payton Avenue. ([Council Communication No. 05-285](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1255 21. Approving amendment to the Building Restrictions and Protective Covenants for South Woods Plat No. 1, located in vicinity of SW 40th Street and Wolcott Avenue changing requirement for wood shingles to asphalt shingles. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-1256 22. Recommendation of Mayor Frank Cownie to appoint Roger Brooks, Brenda LaBlanc, and Malabika Shaw to the Community Investment Committee for Banking Services RFP to expire September 1, 2005. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1257 (A) Mayor Frank Cownie to appoint himself and Council Member Tom Vlassis to the Civic Center Board of Trustees for a one-year term from June 1, 2005 to June 1, 2006. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1258 (B) Mayor Frank Cownie to appoint Council Member Archie Brooks to the Zoo Board of Trustees for a three-year term from August 1, 2005 to July 31, 2008. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1259 (C) Mayor Frank Cownie to appoint Council Member Christine Hensley to the Bravo Board of Trustees for a one-year term from June 1, 2005 to June 1, 2006. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1260 23. Appointing Local Representative to the Committee formed to consider the City's Petition for Involuntary Annexation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1261 24. Amending the 2005 appointments to the E911 Service Board. **Moved by Hensley to approve. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-1262 25. Regarding request from Kevin Sakalinh for vacation and conveyance of a portion of University right-of-way at 749 E. University lying south between E. 8th Street and north/south alley lying east of Pennsylvania Avenue, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-1263 26. On Release of Easement for storm sewer right-of-way at 2015 Ingersoll Avenue, (6-6-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1264 27. On vacation and conveyance of east/west alley between Olinda Avenue and Davis Avenue from SW 1st to Highland Street to abutting property owners, (6-6-05). ([Council Communication No. 05-277](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1265 28. On vacation and conveyance of excess E. 25th Street right-of-way lying west of adjoining 2501 University Avenue to Dennis A. Murray, \$1,100, (6-6-05). ([Council Communication No. 05-301](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1266 29. On vacation and conveyance of Lyon Street from Hubbell Avenue to its current terminus at Leachman Lumber, \$1,000, (6-6-05). ([Council Communication No. 05-300](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-1267 30. Approving payment of \$297.50 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for airport title opinion work. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1268 31. Approving payment of \$48,174 to former employee, Austin Herrick for work compensation claim for a permanent injury. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-1269 32. Submitting traffic regulation changes as follows:([Council Communication No. 05-272](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance-North Side of Easton Boulevard, West of Searle Street.

- (B) Loading Zone – East Side of 11th Street, North of College Avenue.
- (C) Code Update – Parking Meter Districts.
- (D) Reinstallation of Parking Meters Adjacent to the New Science Center of Iowa.
- (E) Parking Restriction Revisions in the Area of 13th Street and Walnut Street.
- (F) Parking Restriction Revisions in the Area of 12th Street and Cherry Street.
- (G) Parking Restriction Revision Due to Closure of Clark Street and 28th Street.
- (H) Parking Restriction Revision – Adjacent to the Federal Building.
- (I) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – East Side of Glenarm Court, North of Welbeck Road to the Dead End North.
- (J) Revision of Parking Restriction to Appropriate Section of the Municipal Code.
- (K) Corner Clearance – South Side of Chicago Avenue, West of East 29th Street.
- (L) Parking Restriction Extension – South Side of Ascension Street, East of 12th Street

05-1270 33. Submitting out-of-state travel requests for Kervin Veasley, Matthew Porter, V Ostrander, Michael West, and Patrick Kozitza. ([Council Communication No. 05-295](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-1271 34. Status report on Principal Riverwalk and related items. ([Council Communication No. 05-296](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

APPROVING

35. Conceptual Development Plans for the following:

05-1272 (A) Mulberry Lofts, 112 – 11th Street. ([Council Communication No. 05-296](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Hensley**

05-1273 (1) Communication from Urban Design Review Board recommending approval of Mulberry Lofts. ([Council Communication No. 05-296](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-1274 (B) Court Avenue Apartments, 308 Court Ave., Spaghetti Works Building. ([Council Communication No. 05-297](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-1275 (1) Communication from Urban Design Review Board recommending approval of Court Avenue Apartments. ([Council Communication No. 05-297](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1276 36. Intergovernmental 28E Agreement and Professional Services Agreement with Corporation for Economic Development in Des Moines to administer Loan Inject Revolving Loan Fund, and MicroLoan programs. ([Council Communication No. 05-3](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 05-1277 37. Continuum of Care Program application made to HUD for Supportive Housing Prog (SHP) and Shelter Plus (S+C) supplemental funding for local homeless programs address service gaps. ([Council Communication No. 05-269](#)) **Moved by Hensley adopt. Motion Carried 7-0.**
38. Certification of Consistency with the current Consolidated Plan for the following:
- 05-1278 (A) HOME, Inc. ([Council Communication No. 05-281](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1279 (B) Citizens for Community Improvement (CCI). ([Council Communication No. 05-2](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1280 (C) Des Moines Municipal Housing Agency. ([Council Communication No. 05-2](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1281 39. Grant Agreements with HUD for grant awards to CDBG, HOME and ESG funding implementation of the 2005 HUD Consolidated Plan for period of January 1, 2005 December 31, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1282 40. PY2006 Notices of Funding Availability (NOFA) for the second year action plan (2006 the 2005-2009 U.S. Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 05-280](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1283 41. Fiscal Year 2005-06 Annual Management Fee and Right-of-Way Management Prog budget. ([Council Communication No. 05-270](#)) **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Kiernan and Hensley.**
- 05-1284 42. Amendment to Skywalk Agreement with Iowa Network Properties, Inc. (312 – 8th Str to permit east-west Skywalk Corridor to be constructed within building. **Moved Hensley to adopt. Motion Carried 7-0.**
43. Issuance of General Obligation bonds for the following:

- 05-1285 (A) \$27,775,000 General Obligation Bonds, Series 2005B. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1286 (B) \$10,000,000 General Obligation Urban Renewal Bonds, Series 2005C. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1287 (C) \$4,985,000 General Obligation Bonds, Taxable Series 2005D. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1288 44. One year contract with two 12 month renewal terms with Cornerstone Energy for natural gas supply. ([Council Communication No. 05-299](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1289 45. Facility Use Agreement with Golf Foundation of Iowa for use of Grandview Golf Course to offer The First Tee life skills and instructional program through December 31, 2008. ([Council Communication No. 05-294](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1290 46. Lease Agreement with Boesen the Florist for 615-619 Grand Avenue from May 1, 2007 to April 1, 2008 at an annual rate of \$2,400. ([Council Communication No. 05-288](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
47. Sidewalk Café Lease Agreement with the following:
- 05-1291 (A) JHF Corp. dba Johnny's on Court, 302 Court Ave. ([Council Communication No. 05-290](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1292 (B) Papa's Party to Go, 319 Court Ave. ([Council Communication No. 05-293](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1293 (C) I-80 Spaghetti Works, 310 Court Ave. ([Council Communication No. 05-292](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1294 (D) Saddlery Restaurants, Inc. dba Court Avenue Brewing, 309 Court Ave. ([Council Communication No. 05-289](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1295 48. Residential Lease Agreement for Pioneer Park residence, \$650 per month for one year. ([Council Communication No. 05-292](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1296 49. Memorandum of Agreement and receipt of grant from Making Connections/Annie Casey Foundation, Des Moines to provide staff support for Neighborhood Grants Growth Program and the Community Builder Committee, \$7,000. ([Council Communication No. 05-287](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1297 50. Removal of Frisbie Park Neighborhood Association from list of Recognized Neighborhood Associations effective immediately. ([Council Communication No. 05-283](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Kiernan.**
51. NUMBER NOT USED.
- 05-1298 52. 2004 Law Enforcement Terrorism Prevention Program (LETPP) Grant. ([Council Communication No. 05-298](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
53. Communications from Downtown Community Alliance requesting approval of following banner designs:
- 05-1299 (A) On behalf of the Blood Center of Iowa for 70 banners in downtown on Locust Street to be displayed west of the river in June and east of the river throughout the year. **Moved by Hensley to receive, file and approve banner designs. Motion Carried 7-0.**
- 05-1300 (B) On behalf of the National Governor's Association for 104 banners downtown on Locust Street, Fifth Avenue, and Grand Avenue in July. **Moved by Hensley to receive, file and approve banner designs. Motion Carried 7-0.**
- 05-1301 54. Iowa State Fair request for temporary head-in parking along north side of Dean Avenue from East 31st Street to East 34th Street; temporary fencing to the sidewalk along Dean Avenue from East 31st Street to East 30th, and "No Parking" signs in the area, east of East 31st Street (Gate 7) and Grand Avenue both, north to University and south to Walnut Street during the fair, August 8 through August 21, 2005. **Moved by Hensley to receive, and grant the request. Motion Carried 7-0.**
- 05-1302 55. Bid from Maddock Industries for one asphalt milling machine to be used by the Street Maintenance Division, \$254,150. (Four bids mailed, one received). ([Council Communication No. 05-295](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**
- 05-1303 56. Authorizing Finance Director to draw checks on the registers of May 26, 2005 and June 2, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of May 23, 2005 and May 31, 2005; and to draw checks for biweekly payroll for the week of May 27, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1304 57. Civil Service Entrance List for Development Zoning Inspector and Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-1305 58. Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2003 National Electric Code, and miscellaneous amendments and reorganization, (Plumbing Code changes have been removed from this ordinance). ([Council Communication No. 273](#)) **Moved by Kiernan that this ordinance do now pass, #14,447. Motion Carried 7-0.**

- 05-1306 59. Amending Chapter 98 of the Municipal Code regarding additional definitions and charges for solid waste collection services. **Moved by Kiernan that this ordinance do now pass #14,448. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-1307 60. Amending Chapter 102 of the Municipal Code regarding permits, administrative penalties, permit fees, right-of-way restoration and permittee obligations and adding and enacting new Section 102-95 regarding construction of a heated sidewalk. ([Council Communication No. 05-271](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1308 61. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
 - (A) Corner Clearance-South Side of East Marion Street, East of SE 3rd Street.
 - (B) Removal of One Metered Parking Space-East Side of 15th Street, North of Grand Avenue.
 - (C) Corner Clearance-East Side of SE 22nd Street, North of East Marion Street.
 - (D) Corner Clearance-South Side of Watson Avenue, West of Saylor Road.
 - (E) Corner Clearance-North Side of East Kirkwood Avenue, West of SE 8th Court.
 - (F) Corner Clearance-West Side of 29th Street, South of Cottage Grove Avenue.
 - (G) Various Handicapped Parking Meter Revisions.
 - (H) Corner Clearance-South Side of Prospect Road, East of 25th Street.

- 05-1309 (I) 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 that the ordinance be placed upon its final passage and that the ordinance now pass, #14,449.** Motion Carried 7-0.

COMMUNICATIONS/REPORTS

- 05-1310 62. From Robin Ghormley, 1427 – 21st Street requesting to speak regarding abandoned housing. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 63 THRU 69)

63. Items regarding amendments to the Industrial District Zoning regulations, and the City-wide downzoning of certain M-2 Heavy Industrial District parcels:
- 05-1311 (A) Hearing on amendments to the Zoning Ordinance and Landscape policies referenced in the Site Plan Regulations. ([Council Communication No. 05-278](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Cownie.**
- 05-1312 (B) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1313 (C) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Vlassis 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 now pass, #14,450.** Motion Carried 7-0.
- 05-1314 (D) Hearing on rezoning portions of “M-2” (Heavy Industrial District) to “M-1” (Light Industrial District). ([Council Communication No. 05-279](#)) **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-1315 (E) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1316 (F) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Vlassis 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 now pass, #14,451.** Motion Carried 7-0.

- 05-1317 (G) Lifting the temporary moratorium on new “M-2” Heavy Industrial uses. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1318 64. 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. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Cownie.**
- 05-1319 65. On Annexation Moratorium Agreement and Intergovernmental 28E Agreement with Indianola and Warren County establishing an area between Des Moines and Indianola in which both cities agree not to annex for a period of ten years. **Moved by Brooks to adopt. Motion Carried 7-0.**
66. On property in the vicinity of 627 SE 6th Street to allow development of an engineering testing laboratory and accessory offices:
- 05-1320 (A) Recommendation from Plan and Zoning Commission regarding amendment to Des Moines 2020 Community Character Land Use Plan, to change from Low/Medium Density Residential to Commercial: Auto-Oriented Small-scale Strip Development. **Moved by Brooks to adopt and approve the proposed amendment. Motion Carried 7-0.**
- 05-1321 (B) Hearing on rezoning of property at SE 6th and Shaw from “R1-60” (One-Family Low Density Residential) to Ltd. “M-1” (Light Industrial). **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-1322 (C) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1323 (D) Final consideration of ordinance above, (waiver requested by applicant), requiring 2/3 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, [#14,4](#). Motion Carried 7-0.**
- 05-1324 67. On Zoning Ordinance text amendment to revise the term that special event signage may be granted for recognized neighborhood groups from a maximum of 10 days to 30 days. **Moved by Kiernan to adopt and approve, subject to final passage of the ordinance. Motion Carried 7-0.**
- 05-1325 (A) First consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1326 (B) Final consideration of ordinance above. **Moved by Kiernan 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 now pass, #14,453. Motion Carried 7-0.**
- 05-1327 68. On Skywalk Bridges 8C-8D and 8DA at Wells Fargo Building: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as M.A. Mortenson Company, (Thomas F. Gunkel, President, CEO, Minneapolis, MN), \$1,191,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1328 (A) Approving contract and bond and permission to sublet. ([Council Communication No. 05-304](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1329 69. On 38th and Douglas Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Waldinger Corporation, (Tom Koehn, President, DSM), \$114,126. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1330 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:40 P.M.

APPROVING

70. Items regarding zoning and redevelopment of Riverpoint West Area:
- 05-1331 (A) Preliminary Agreement with Hubbell Realty Company and Hubbell Terminals Corporation (Rick Tollakson, President & CEO) and Riverpoint West LLC (George Sherman, President) for redevelopment of parcels west of SW 9th along Tuttle and Murphy Streets. ([Council Communication No. 05-305](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-1332 (B) Final consideration of amendment to Zoning Ordinance to create new "C-3B" (Central Business Mixed Use) District. **Moved by Hensley that this ordinance now pass, #14,454. Motion Carried 6-1. Absent: Vlassis.**
- 05-1333 (C) Final consideration of ordinance establishing design guidelines for review of site plans for development within "C-3B" District and approval of site plans for vehicle display lots in all districts. **Moved by Hensley that this ordinance do now pass, #14,455. Motion Carried 6-1. Absent: Vlassis.**
- 05-1334 (D) Amendment to Landscape Policies regarding development in new "C-3B" and "D-3B" Districts. **Moved by Hensley that this ordinance do now pass, #14,456. Motion Carried 6-1. Absent: Vlassis.**

Districts. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

- 05-1335 (E) Final consideration of ordinance rezoning Riverpoint West area from “M-1” (Light Industrial) and “M-2” (Heavy Industrial) to new “C-3B” (Central Business Mid-Density Use). **Moved by Hensley that this ordinance do now pass, #14,456. Motion Carried 6-1. Absent: Vlassis.**
- 05-1336 (F) Final consideration of ordinance rezoning property in vicinity of 200 and 122 SW Street regarding “S-O” (Study Overlay) District regulations. **Moved by Hensley that this ordinance do now pass, #14,457. Motion Carried 6-1. Absent: Vlassis.**
- 05-1337 71. Bid from Owen Crist Auto Body Services for a twenty-four month agreement renewal for two additional twelve month periods to furnish vehicle impound vehicle towing and storage services to the Police Department. (Eight bids mailed, three received). ([Council Communication No. 05-302](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- 05-1338 72. Request to prepare an RFP to secure professional services for preparation of land use and redevelopment plan for the Indianola Avenue Connector area. ([Council Communication No. 05-286](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- 05-1339 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZATION

1. For the Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
- 05-1340 (A) 1506 Arthur Avenue, Titleholder: David Kopaska. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1341 (B) 921 Franklin Avenue, Titleholder: Deutsche Bank National Trust Company, Trustee. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1342 (C) 1707 Mondamin Avenue, Titleholder: John Davis d/b/a Tax 201 and Christine Frick d/b/a Tax 201; Contract Buyer: Paul Redding. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1343 (D) 1715 University Avenue, Titleholder: Edward Moss d/b/a Midwest Housing, Summer Moss d/b/a Midwest Housing, Martin Aguilar; Contract Buyer: Summer Andersen. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1344 (E) 515 SE 2nd Street, Titleholders: Robert G. Doebele and Mary K. Doebele; Mortgage

- Holder: ABN AMRO Mortgage Group, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1345 (F) 1245 9th Street, Titleholder: Robert H. Cook d/b/a Cook Enterprises. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1346 (G) 1613 E. 22nd Street, Titleholders: Frederick Hart, Jr.; Contract Buyers: John Cooper and Romona L. Cooper. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1347 (H) 683 42nd Street (garage), Titleholder: Timothy E. Larson; Mortgage Holders: Principal Employees Credit Union and Mortgage Electronic Registration System. **Moved by Vlassis to adopt. Motion Carried 7-0.**
2. The Engineering Department to contract for the removal of the following structures:
- 05-1348 (A) 3412 Dubuque Avenue, Jerry L. Holman, Jr. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1349 (B) 1314 8th Street, Titleholders: Garnett M. Lewis, Dexann Lewis and Larry L. Lemons. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1350 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:05 PM. Motion Carried 7-0.**

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