

***** 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 '04-' 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

July 12, 2004 4:30 PM

SPECIAL PRESENTATIONS (4:15 PM)

Recognition of YouthBuild

INVOCATION: Dr. Ray Miles
United Church of Christ

04-1389 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.**

04-1390 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Brooks adopt. Motion Carried 7-0.**

* * * * *

***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.**

04-1391 3. **APPROVING CONSENT AGENDA – items 3 through 67: Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-1392 4. Approving the following applications for Alcoholic Beverage Licenses: **Moved by Brook adopt. Motion Carried 7-0. Council Member Hensley voted no on item S.**

NEW APPLICATIONS

(A)	AH BLANK GOLF COURSE	711 COUNTY LINE ROAD	C Liquor
(B)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(C)	APPLEBEES NEIGHBORHOOD GRILL	3900 MERLE HAY RD	C Liquor
(D)	APPLEBEES NEIGHBORHOOD GRILL	6301 SE 14TH ST	C Liquor
(E)	BEAVERDALE VFW CLUB	4029 URBANDALE AVE	A Liquor
(F)	CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(G)	CRIMMINS CATTLE CO	4901 FLEUR DR	C Liquor
(H)	DELL OIL LTD	5800 SW 9TH ST	C Beer
(I)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(J)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(K)	EMBASSY CLUB	801 GRAND AVE	B Wine
(L)	EMBASSY CLUB	400 LOCUST STREET	C Liquor
(M)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(N)	GIT N GO STORE #7	1829 6TH AVE	C Beer
(O)	JOHNNYS HALL OF FAME LOUNGE	302 COURT AVE	C Liquor
(P)	LA PIZZA HOUSE	1013 SE 14TH STREET	C Liquor
(Q)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(R)	LOCUST TAP	434 E LOCUST ST	C Liquor
(S)	LUCKYS	1119 GRAND AVENUE	C Liquor
(T)	MASTER JACKS	3000 E GRAND AVE	B Beer
(U)	ORLONDOS	4337 PARK AVE	C Liquor
(V)	PDS PUB	3803 SW 9TH STREET	C Liquor
(W)	RAULS TACO HOUSE	1541 E GRAND AVE	C Liquor
(X)	RICHARDS EXTRA INNINGS LOUNGE	1500 SE 1ST ST	C Liquor
(Y)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(Z)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(AA)	WAKONDA CLUB	3915 FLEUR DR	B Wine

OUTDOOR SERVICE APPLICATIONS

(BB)	KENNY D'S	3925 E 14TH STREET	C Liquor
	Temporary Outdoor Service area on July 31, 2004. Pending approval of Building, Electrical, Fire and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(CC)	EMBASSY SUITES HOTEL	25 E WALNUT AVE	C Liquor
	Five-Day License for Booth A at Taste of Des Moines on July 23 and 24, 2004. Pending approval from the Building Department.		
(DD)	EMBASSY SUITES HOTEL	25 E WALNUT AVE	C Liquor

Five-Day License for Booth B at Taste of Des Moines on July 23 and 24, 2004. Pending approval from the Building Department.

(EE) SOCIETY OF ITALIAN AMERICANS 1801 MCKINLEY AVE B Beer
Five-Day License for the Society of Italian American Festival on July 29th through August 2, 2004.

04-1393 5. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1394 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

04-1395 (A) East 30th Street Resurfacing from Dean Avenue North 0.5 Mile to Maple Street – Receiving of Bids, (7-20-04), and Setting Date of Hearing, (8-9-04), (Construction Estimate - \$230,000). **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1396 (B) Glendale Cemetery 2004 HMA Overlay – Receiving of Bids, (8-3-04), and Setting Date of Hearing, (8-9-04), (Construction Estimate - \$46,260). **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1397 (C) Greenhouses at Chesterfield – Receiving of Bids, (8-3-04), and Setting Date of Hearing, (8-9-04), (Construction Estimate - \$400,000). ([Council Communication No. 04-351](#)) **Moved by Brooks to adopt. Motion Carried 5-2. Nays: Cownie and Coleman.**

04-1398 8. Communications from Waldinger Corporation and Jasper Construction Services, Inc. for permission to sublet on the Central Business District Traffic Signal Upgrade and the Highland Park Streetscape. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1399 9. Authorizing execution of Iowa Department of Transportation Change Order No. 18 to the Highland Park Way (Birds Run) Phase 1 Storm Sewer Outlet Project in an amount not to exceed \$121,600. ([Council Communication No. 04-338](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

04-1400 10. Approving of Request for Proposals (RFP) for Design and Construction Phase Services of the Southeast Connector and authorization to proceed with consultant selection. ([Council Communication No. 04-336](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

11. Number not used.

04-1401 12. Approving Change Order No. 6 with Jasper Construction Services, Inc. for additional work on the Highland Park Streetscape Project, not to exceed \$31,358.65. ([Council Communication No. 04-349](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

13. Approving private construction contracts for the following:

- 04-1402 (A) Sanitary sewer, storm sewer and paving improvements in Culver Ridge Estates Pl between Eco-Tech Construction and TCK Development, L.L.C. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1403 (B) Storm Sewer Extension Improvements in Meadowlands Drive between Halbr Excavating Inc. and DM/Meadows, LLP. **Moved by Brooks to adopt. Motion Carried 7-0.**
14. Accepting completed construction and approving final payment for the following:
- 04-1404 (A) Grand Avenue at Watson Powell Way Emergency Sewer Repair, The Undergro Company, Ltd. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1405 (B) City Hall Cooling Tower Replacement, Central Iowa Heating Co. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1406 15. Authorization to proceed with construction of Sidewalk Program/Request to Repair Drive Petition and Waiver forms executed by three property owners. **Moved by Brooks to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 04-1407 16. Levying assessments for costs of Nuisance Abatement-2002 Sidewalk Repair Program Schedule No. 2004-33. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1408 17. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Comm Development) for Schedule No. 2004-08. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1409 18. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for June 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1410 19. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for July 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-1411 20. Approving real estate documents for property at 1318 Grand Avenue for Western Gateway Project, \$24,300 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1412 21. Approving real estate documents for property at 4300 block of SW 56th Street for the Airport Runway 13R/31L Project, \$30,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1413 22. Approving real estate documents for property at 5519 McKinley Avenue for the Airport Runway 13R/31L Project, \$ 200,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN

- 04-1414 23. Approving real estate documents for property in the vicinity of SW 34th and relocated Army Road, for future Airport Runway Protection Zone Project, \$573,300 plus closing costs.
- 04-1415 24. Approving release of sanitary sewer easement in vicinity of 4202-4216 Douglas Avenue to Taste of China and Chen Enterprises, L.L.C. d/b/a Taste of China. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1416 25. Approving tax abatement applications that were timely filed for additional value added improvements made during 2003 for property at 4103 and 4113 Bay View Court. ([Council Communication No. 04-334](#)) **Moved by Brooks to adopt, and to request that the Polk County Assessor and Auditor apply the tax abatement to both properties as if the City had timely forwarded the application to the County prior to March 1, 2004. Motion Carried 7-0.**
- 04-1417 26. Approving final subdivision plat entitled WOODS ON THE RIVER PLAT 7, located in vicinity along E. King Avenue and east of SE 22nd Street. ([Council Communication No. 04-334](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-1418 27. Recommendation of Mayor Frank Cownie to appoint himself and Council Member Arnie Brooks to the Polk County/Prairie Meadows Ad Hoc Committee, and Council Member Coleman will serve as alternate. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1419 28. Recommendation of Council Member Robert Mahaffey to appoint Richard Bason to the House of Appeals Board (Seat 5) for a three-year term commencing March 16, 2002 and expiring March 16, 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1420 29. Recommendation of Mayor Frank Cownie to appoint Peter Sand to the Zoning Board.

Adjustment (Seat 1) for a five-year term commencing April 3, 2001 and to expire April 3, 2006 and to accept his resignation from the Board of Library Trustees (Seat 3) effective upon appointment to the Zoning Board of Adjustment. **Moved by Brooks to adopt and accept resignation with appreciation for service. Motion Carried 7-0.**

- 04-1421 30.Recommendation of Council Member Christine Hensley to appoint Dr. Frank E. Affannato to Neighborhood Revitalization Board (Seat 4) for a three-year term commencing June 30, 2006 and expiring June 30, 2009. **Moved by Brooks to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-1422 31.Regarding request from Regency Homes, for conditional approval of a preliminary plat for STERLING TRACE, at 3400 E. Payton Avenue. **Moved by Brooks to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-1423 32.On Zoning Ordinance text amendments to establish a new “GGP” (Gambling Games Prohibition Overlay District), applicable to a specified portion of the City bounded generally by Euclid Avenue and E. Euclid Avenue on the north, Park Avenue and E. Park Avenue on the South, 14th Street and SE 14th Street on the east, and M.L. King Jr. Parkway, 18th Street and Fleur De Lys on the west, (7-26-04). [Council Communication No. 04-342](#) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1424 33.On City-initiated request to rezone property generally bounded by Des Moines Street on the north, E. Court Avenue on the south, E. 7th Street on the east and E. 2nd Street on the west to impose the “PSO” (Pedestrian Oriented Sign Overlay District), in addition to the existing underlying zoning district regulations, (7-26-04). ([Council Communication No. 04-343](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1425 34.On Zoning Ordinance text amendment to establish a new “PSO” (Pedestrian Oriented Sign Overlay District), to regulate the permitted type, size and location for signs on property, (7-26-04). ([Council Communication No. 04-340](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1426 35.On vacation and conveyance of the east/west and north/south alleys between Arthur Avenue and E. Holcomb Avenue, west of Saylor Road, to Frank T. and Deborah L. Pierce, \$125, (7-26-04). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1427 36.On vacation of the north/south alley right-of-way between Granger Avenue and Dunham Avenue between Indianola Road and South Union, (7-26-04). **Moved by Brooks to adopt. Motion Carried 7-0.**

- 04-1428 37. On conveyance of property at 907 SW 62nd Street to Robert J. and Bonnie M. Netteland, \$5,500 (7-26-04). **Moved by Brooks to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-1429 38. Approving payment of \$83,000 to Damon Head for injuries sustained during course and scope of his employment. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1430 39. Approving payment of \$1,328.00 to William Jenkins of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1431 40. Approving employment of Spiegel & McDiarmid to consult and perform services to facilitate Economic Development, Community Revitalization, Homeland Security and related projects. ([Council Communication No. 04-343](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-1432 41. Submitting out-of-state travel requests for Roger Craig, Bruce Bergman, Terrence Timmerman, Jeffrey Morton, Rodrigo Santizo, Jeff Cronin, W. David Lockard, Sandra Morris and Susan Low. ([Council Communication No. 04-321](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1433 42. Submitting various traffic regulation changes as follows: ([Council Communication No. 04-321](#)) **Moved by Brooks to receive, file and refer to Legal Department for preparation of proposed legislation. Motion Carried 7-0.**
- (A) Corner Clearance – East Side of E. 18th Street, North of Easton Boulevard.
 - (B) Corner Clearance – West Side of Ure Street, North of E. University Avenue.
 - (C) Corner Clearance – South Side of Kirkwood Avenue, West of South Union Street.
 - (D) Additional Metered Parking Spaces – South Side of Walnut Street, East of 15th Street.

APPROVING

- 04-1434 43.Community Services Block Grant (CSBG) Community Action Plan application to Iowa Department of Human Rights/Division of Community Action Agencies for 2004-2005 CSBG Program Year. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1435 44.Revision of Community Development Block Grant (CDBG) carryover funding amount for 2004-2005 Neighborhood Conservation Services (NCS) Owner Occupied Rehabilitation Program. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1436 45.Letter of Agreement with the Catholic Pastoral Center for the Holiday Food Project. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1437 46.Lease Agreements with Polk County for Department of Human Services (DHS) office space at Logan Community Center and Congregate Meal Sites at Archie Brooks, Chesterfield, Logan and Scott Four Mile Community Centers. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1438 47.Continuum of Care Program Application to U.S. Department of Housing and Urban Development (HUD) for Supportive Housing Program (SHP) and Shelter Plus Care (S+C) supplemental funding for local homeless programs. ([Council Communication No. 04-353](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1439 48.Investment Agreement with United Way of Central Iowa for Community Development Department's Community Action Program from July 1, 2004 to June 30, 2005, \$18,847. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1440 49.Preliminary approval for a \$42,000 loan from the City to Data Builder, Inc. for an economic development project to be located at 6000 Grand Avenue. ([Council Communication No. 04-322](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1441 50.Employers Mutual Casualty Company (EMC) Application to Iowa Department of Economic Development for Enterprise Zone Benefits for a project in Gateway Enterprise Zone. ([Council Communication No. 04-335](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1442 51.Purchase of 1308 Grand Avenue in Western Gateway from Neighborhood Improvement Corporation, \$192,663.62. ([Council Communication No. 04-332](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1443 52.Issuance of \$8,510,000 Stormwater Management Utility Revenue Bonds, Series 2004F, providing for payment. **Moved by Brooks to adopt. Motion Carried 7-0.**

53. Agreements with MidAmerican Energy Company for the following:

- 04-1444 (A) Street Lighting Service Agreement. ([Council Communication No. 04-324](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Kiernan.**
- 04-1445 (B) Value-added Service Agreement. ([Council Communication No. 04-327](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Kiernan.**
- 04-1446 54. Electric Distribution System Agreement with MidAmerican Energy for Sylvan The Restoration Project for relocation of electric secondary distribution off 45th Street in Greenway Park, not to exceed \$5,938. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1447 55. Technical Engineering Contract and Energy Audit Contract for three party professional services with Brown Engineering Company and MidAmerican Energy to complete Energy Management Plan for 23 City buildings. ([Council Communication No. 04-352](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1448 56. Acceptance of National Center for Civic Innovation (NCCI) Government Performance Report Demonstration Grant Award. ([Council Communication No. 04-346](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1449 57. Authorizing the execution of Federal Aviation Administration AIP Grant Agreement for Airport Southeast Service Road Relocation. ([Council Communication No. 04-348](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1450 58. Community Partnership Agreement with Des Moines Independent Community School District. **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1451 59. Clarifying Amendment to the Agreement with Greater Des Moines Community Foundation for administration of the Public Arts Program. ([Council Communication No. 04-326](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1452 60. Contract renewal for Long Term Disability insurance for SPM, CIPEC, MEA and AFSCME Employees effective July 1, 2004. ([Council Communication No. 04-350](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1453 61. Designation of Kurt Rueckel, Finance Department, as the City's authorized representative for FEMA, Federal Disaster Declaration #1518 for Polk County. ([Council Communication No. 04-323](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1454 62. Application for Federal Assistance to access Grant Funds for Police and Fire Department Mobile Data System. ([Council Communication No. 04-347](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 04-1455 63. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, and 82 for Regular School Election to be held Tuesday, September 14, 2004. **Moved by Brooks to approve. City Council**

will notify the City Departments to arrange access to the buildings. Motion Carried 7-0.

- 04-1456 64. Bids from Inland Truck Parts and McKenna Truck Center for an annual contract with additional one-year renewal options to furnish clutch, brake, suspension and driveline components and repair services to the Fleet Maintenance Center. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1457 65. Civil Service Entrance Lists for Neighborhood Inspector, Fleet Services Mechanic, Plumbing Management Analyst, Deputy Building Official, and Radio Technician, and Promotional Lists for Parks Technician. **Moved by Brooks to receive and file. Motion Carried 7-0.**
- 04-1458 66. Authorizing Finance Director to issue checks on registers of July 15 and July 22, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 12 and July 19, 2004; and to draw checks for biweekly payroll due employees on July 23, 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-1459 67. On vacation of the dead end portion of the north/south alley, north of E. Ovid Avenue between Cornell and Columbia Streets. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 04-1460 68. Amending Chapter 26 of the Municipal Code regarding unfit residential structures. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- 04-1461 (A) Final consideration of item above, (waiver requested by Community Development and Engineering Departments), 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. [#14,353](#). Motion Carried 6-1. Absent: Coleman.**
- 04-1462 69. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Corner Clearance – North Side of East Ovid Avenue, East of East 35th Street.
- (B) Modifications to Metered Parking and Rush-Hour Restrictions – Areas of Locust Street from 12th to 15th Streets, Grand Avenue from 15th to 16th Streets and Grand Avenue from 16th to 18th Streets and Locust Street.

(C) Corner Clearance – East side of 38th Street, South of Urbandale Avenue.

(D) Aurora Avenue Speed Limit Modifications.

04-1463 (E) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,354](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

04-1464 70.From Kimberline Ingram, 1111 9th Street regarding successes from 2004 Earned Income Credit Campaign. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

04-1465 71.From Kent Sovern and Jacqui DiGiacinto regarding post Washington DC trip wrap-up and thank you. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

04-1466 72.From Louis R. Hockenber, Sullivan & Ward, P.C. regarding report submitted by Med Management Systems. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

04-1467 73.From Marty Mauk, 2701 Arthur, regarding the Zoning Board of Adjustment. **Moved by Vlassis to refer to City Manager and City Legal for review and recommendations regarding appointing a “Member Emeritus” to the Zoning Board of Adjustment. Motion Carried 7-0.**

04-1468 74.From Mary Kathleen Baldwin, 3618 5th Avenue #1, DM, requesting to speak regarding cost of private clean-ups. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

INFORMAL HEARINGS (Opened at 5:28 PM)

04-1469 75.Final consideration of ordinance amending Gas Franchise Ordinance extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance. **Moved by Brooks that this ordinance do now pass, [#14,342](#). Motion Carried 6-1. Nays: Kiernan.**

04-1470 76.Final consideration of ordinance amending Electric Franchise Ordinance by extending term of franchise with MidAmerican Energy Company and amending franchise fees provided in ordinance. **Moved by Brooks that this ordinance do now pass, [#14,341](#). Motion Carried 7-1. Nays: Kiernan.**

04-1471 76-I. Recommendation regarding allocation of gas and electric franchise fee revenue. **Moved by Coleman to adopt recommendations. Motion Carried 7-0.**

- 04-1472 76-II. Council discussion regarding streetlights. **Moved by Coleman to refer to City Manager to clarify policy and procedure for citizen requests to evaluate restoration of a streetlight and make appropriate recommendation for modification to the process. Motion Carried 7-0.**

HEARINGS (Opened at 6:54 PM) (Items 77 thru 86)

- 04-1473 77. On request from A to Z Rental to rezone properties in the vicinity of 3749 and 3801 E. University Avenue from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One Family Low Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for expansion to existing rental business with building addition to eliminate outdoor storage. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of rezoning ordinance. Motion Carried 6-1. Absent: Kiernan.**
- 04-1474 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Kiernan.**
- 04-1475 (B) Final consideration of ordinance above, (waiver requested by applicant) 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, [#14,355](#). Motion Carried 6-1. Absent: Kiernan.**
- 04-1476 78. On request from Eastgate Plaza L.L.C. to rezone properties at 3817 and 3819 East 14th Street to amend the Eastgate Plaza PUD Concept Plan. **Moved by Mahaffey to adopt and approve the proposed rezoning and amended “PUD” Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-1477 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1478 (B) Final consideration of ordinance above, (waiver requested by applicant) requires 6 votes. **Moved by Mahaffey 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, [#14,356](#). Motion Carried 7-0.**
- 04-1479 79. On request from Chad Ogle d/b/a Action Auto Body to rezone property at 1710 S. Union Street from “R-3” (Multiple Family Residential) to Limited “M-1” (Light Industrial District) to allow for development of property in conjunction with adjoining property for auto body repair shop. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of rezoning ordinance. Motion Carried 7-0.**
- 04-1480 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1481 (B) Final consideration of ordinance above, (waiver requested by applicant) 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, [#14,357](#). Motion Carried 7-0.

- 04-1482 80. On easement across City property at E. 37th and Easton Creek Crossing, with MidAmerica Energy, for gas lines and above ground regulator station, \$1,000. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-1483 81. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 217 acres), to continue to August 9, 2004 at 5:30 P.M. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1484 82. On 2004 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Castle Concrete Services, Inc., (Anthony Castellan, Grimes), \$148,100. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1485 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1486 83. On 10th Street and 12th Street Reconstruction: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as E. Construction Corporation, (Jared R. Elder, President, DSM), \$382,999.99. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1487 (A) Approving contract and bond and permission to sublet. ([Council Communication No. 04-344](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1488 84. On 15th Street and Woodland Avenue Traffic Calming: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Jasper Construction Services, (Steven J. Rhoads, President, Newton Construction), \$464,752. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1489 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1490 (B) Approving Supplemental Agreement No. 3 with Snyder & Associates, Inc., (Stephen Rowe, President, Ankeny), for professional services for the 15th Street Corridor Improvements, \$10,240. ([Council Communication No. 04-345](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1491 85. On Polk Boulevard and Ingersoll Avenue Intersection Streetscape: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President, Newton Construction), \$128,539.13. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1492 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt Motion Carried 7-0.**
- 04-1493 86.On 30th Street and Hickman Road Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO, DSM), \$127,250. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1494 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt Motion Carried 7-0.**
- 04-1495 86-I. On American Discovery Trail Riverpoint Segment: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President, Grimes), \$886,814.50. ([Council Communication No. 04-337](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1496 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt Motion Carried 7-0.**

END HEARINGS AT 7:08 PM

APPROVING

- 04-1497 87.Resolution in support of E911 surcharge. **Moved by Hensley to defer to the July 26 Council meeting. City Manager will provide additional information. Motion Carried 7-0.**

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or 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.

- 04-1498 1. Communication from Sue Bauer requesting the placement of a "HORSE ON ROAD" signs at S.E. 30th and Evergreen and at S.E. 22nd and Hartford. SPONSOR: Brooks. **Moved by Brooks to receive, file and approve placement of the signs. Motion Carried 7-0.**
- 04-1499 2. Request from Human Service Planning Alliance Board for City support of a grant application to the Administration For Children, Youth, and Families, Child Care Bureau, in response to

Early Learning Opportunity Program announcement. Sponsor: Hensley **Moved by Vlassis to approve letter of support. Motion Carried 7-0.**

BOARD OF HEALTH

04-1500 MOTION TO CONVENE. **Moved by Brooks that the City Council adjourn and convene at 7:00 P.M. at the Board of Health. Motion Carried 7-0.**

1. Court authority to abate the public nuisance at the following locations:

04-1501 (A) 2330 Dean Avenue, Titleholders: Ernie Enstminger and Mark Enstminger as the heirs of the late Martha Enstminger. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1502 (B) 3013 Cleveland Avenue (garage), Titleholder: Mary Hummell. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1503 (C) 2750 Kinsey Avenue (garage), Titleholder: M.G. Daviston Trust, M. G. Davis Trust. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1504 (D) 2117 Washington Avenue, Titleholders: Edward Moss dba E.M. Corporation, Mark Garfield, Jeff Kline, Paullett Parker, Marcus J. Young and Ann Moss; Contract Buyer: Elicio Cruz; Tax Certificate Holder: Katherine Halloran dba Wyoming 101. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1505 (E) 1310 E. 38th Street, Titleholders: Robert D. and Shirlene Olson. **Moved by Coleman to adopt. Motion Carried 7-0.**

2. The Engineering Department to remove the structure located at the following locations:

04-1506 (A) 1214 Buchanan Street, Titleholder: Richard Clough. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1507 (B) 2817 2nd Avenue (garage), Titleholders: Steve and Christina Ekanger. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1508 (C) 1548 E. 36th Street, Titleholders: Patricia L. Bean, Karen Carico, Larry Grady, Charles Twiss and Robert Willson. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1509 3. Release of demolition cost reserve held by State Farm Insurance Companies regarding property known as 3305 Forest Avenue insured by Laura Capaldo. **Moved by Coleman to adopt. Motion Carried 7-0.**

04-1510 MOTION TO ADJOURN AT 7:10 P.M. **Moved by Vlassis to adjourn. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org.