

**\*\*\* 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 26, 2004 4:30 PM**

**PROCLAMATIONS (4:15 PM)**

Korn Patch Klowns  
National Night Out

**INVOCATION:** Pastor Amy Miracle  
Westminister Presbyterian Church

04-1518 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.**

04-1519 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.**

04-1520 3. **APPROVING CONSENT AGENDA – items 3 through 63: Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

- 04-1521 4. Approving the following applications for Alcoholic Beverage Licenses: **Moved by Vlassis to adopt. Motion Carried 7-0.**

### NEW APPLICATIONS

- (A) WINE & CHEESE GARDEN 3000 E GRAND AVE C Native Wine

### RENEWAL APPLICATIONS

- (B) AMANAS ON THE HILL 3000 E GRAND AVE B Beer  
(C) DRAGON HOUSE EAST 2470 E EUCLID AVENUE C Liquor  
(D) DRAKE UNIVERSITY 2875 UNIVERSITY AVE C Liquor  
(E) LATIN KING RESTAURANT 2200 HUBBELL AVE C Liquor  
(F) LOS COMPADRES 1440 MAURY ST C Liquor  
(G) MICHAELS RESTAURANT & LOUNGE 4041 URBAN DALE AVE C Liquor  
(H) NE 14<sup>TH</sup> HANDIMART 5150 NE 14TH STREET C Beer  
(I) OLD WEST BARBEQUE 3000 E GRAND AVE B Beer  
(J) QUIKTRIP #523 850 ARMY POST RD C Beer

### OUTDOOR SERVICE APPLICATIONS

- (K) MICHAELS RESTAURANT & LOUNGE 4041 URBAN DALE AVE C Liquor  
Temporary Outdoor Service Area in conjunction with Beaverdale Fall Festival on September 17, 18 and 19, 2004.  
(L) RACCOON RIVER BREWING CO. 200 10TH ST C Liquor  
Outdoor Service Area in conjunction with event on August 14 and 15, 2004.  
Pending approval of Building Department.

### SPECIAL EVENTS APPLICATIONS

- (M) SHIE CONCESSION 3000 E GRAND AVE B Beer  
Fourteen-Day Class B Beer License for the Miller Tent at the Iowa State Fair from August 12, 2004 to August 25, 2004.

- 04-1522 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- 04-1523 (A) 44<sup>th</sup> Street and Forest Avenue Sewer Separation – Receiving of bids, (8-10-04) Setting date of hearing (8-23-04), (Construction estimate - \$178,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1524 (B) Clark Street – 27<sup>th</sup> to 29<sup>th</sup> Streets Storm Sewer Improvements - Receiving of bids (8-10-04), Setting date of hearing (8-23-04), (Construction estimate - \$768,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1525 (C) Douglas Avenue Intersection Improvements - Receiving of bids, (8-10-04), Setting date of hearing (8-23-04), (Construction estimate - \$75,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1526 7. Approving and authorizing the execution of a professional services agreement with Herbert Lewis Kruse Blunck Architecture, LTD (HLKB) in conjunction with Skyway 8Da, \$68,600. ([Council Communication No. 04-364](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1527 8. Approving and authorizing the execution of Iowa Department of Transportation preconstruction agreement for E 16<sup>th</sup> Street – Walker Street Noise Wall. ([Council Communication No. 04-370](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1528 9. Approving execution and submission of revised application to obtain release of previously approved grant funds from Environmental Protection Agency (EPA) for lining of sanitary sewers. ([Council Communication No. 04-367](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
10. Acknowledging completion and accepting completed construction on the following private construction contracts:
- 04-1529 (A) Street Improvements in the amount of \$46,455 for Monroe Elementary School drop-off lane at 2250 30<sup>th</sup> Street between Concrete Technologies, Inc. and Des Moines Independent Community School District. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1530 (B) Street Improvements in the amount of \$15,500 for access to Splish Splash Wash, 426 E. Army Post Road between Septagon Construction Co., and Des Moines Jurgenson. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1531 (C) Street Improvements in the amount of \$32,301.50 for parking modifications along SW 14<sup>th</sup> Street at 5001 SW 14<sup>th</sup> Street between Grimes Asphalt & Pavement Corp. and Des Moines Independent Community School District. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1532 (D) Storm Sewer Intake Improvements in the amount of \$7,622.65 for intake in vicinity of curb of SW 9<sup>th</sup> Street between Wade Street and Amos Avenue between Chas. Goering, Inc., and Des Moines Public Schools. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1533 (E) Storm Sewer Improvements in the amount of \$2,400 for installation of storm sewer manhole on SW 10<sup>th</sup> between Army Post Road and Leland Avenue.

between Rhiner Brothers Plumbing and Munro Construction Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1534 (F) Storm Sewer Improvements in the amount of \$5,000 for storm sewer intake piping to connect existing storm sewers to east side of Hubbell Avenue between Munro Construction Co. and Harald Lamberts. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1535 (G) Sanitary Sewer Improvements in the amount of \$3,000 for installation of sanitary sewer manhole at Oakmoor Racquetball and Health Center, 4731 Munro Hay Road. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1536 (H) Street Improvements in the amount of \$25,900 for Central Presbyterian Church drop-off lane and sidewalk at 3829 Grand Avenue between Graber Construction Co. and Central Presbyterian Church. **Moved by Vlassis to adopt. Motion Carried 7-0.**

11. Approving Private Construction Contracts for the following:

04-1537 (A) Sanitary Sewer Improvements in Three Lakes Estates Plat 6 between Van Hauen & Associates, Inc. and Erickson Development, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1538 (B) Storm Sewer Improvements in Three Lakes Estates Plat 6 between Van Hauen & Associates and Erickson Development, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1539 (C) Storm Sewer Improvements at 412 E. Locust Street between Central Industrial Mechanical and East Village Partners, LLC by SoHo Development, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

12. Accepting completed construction and approving final payment for the following:

04-1540 (A) Aquatic Center Shade Structures, Johnson Concrete & Petroleum Const. Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1541 (B) 2004 Sanitary Sewer Televising Program Contract 1, Hydro-Klean, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1542 13. Authorization to proceed with construction of Sidewalk Program/Request to Reopen Driveway Petition and Waiver forms executed by two property owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- 04-1543 14. Approving deletion of Special Assessments at 1524 – 19<sup>th</sup> Street, Schedule No. 2004-06. **Moved by Vlassis to adopt. Motion Carried 7-0.**
15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) for the following:
- 04-1544 (A) Schedule No. 2004-09. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1545 (B) Schedule No. 2004-29. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1546 (C) Schedule No. 2004-56. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1547 (D) Schedule No. 2004-78. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- 04-1548 16. Approve and accept real estate documents for property at 3300 Indianola Avenue for the SE 14<sup>th</sup> Street and Indianola Avenue Intersection Improvement Project, \$7,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1549 17. Approve and accept real estate documents for property at 1440 Stewart Avenue, \$0 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1550 18. Approve and accept real estate documents for property at 1415 College Avenue, \$0 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1551 19. Approve and accept real estate documents for property at 1309 Locust Street and 1 Grand Avenue for the Western Gateway Project, \$321,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
20. Approving Assignment of Tax Sale Certificates for the following: ([Communication No. 04-376](#))
- 04-1552 (A) 1800 – 7<sup>th</sup> Street to Community Housing Development Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1553 (B) 1543 – 9<sup>th</sup> Street & 409 Franklin to Just Right Homes, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1554 (C) 814 – 29<sup>th</sup> Street & 922 – 24<sup>th</sup> Street to S & G Real Estate Investments, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1555 21. Proposal from Erickson Development and Three Lakes Neighborhood Association landscaping improvements and maintenance in vicinity of the Three Lakes Park dam. ([Council Communication No. 04-380](#)) **Moved by Vlassis to receive and to authorize the City Manager and City Attorney to prepare the appropriate contracts for the construction and maintenance of the proposed improvements. Motion Carried 7-0.**
- 04-1556 22. Approving Tax Abatement Application for property at 2405 E. Glenwood Drive improvements made during 2003. ([Council Communication No. 04-361](#)) **Moved by Vlassis to adopt, and to specifically request that Polk County apply the abatement retroactively to the January 1, 2004, valuation date, as if the application had been forwarded by the City to the County prior to March 1, 2004. Motion Carried 7-0.**
- 04-1557 23. Approving subdivision plat entitled MARY ESTEL ACRES located in the vicinity of SE 33<sup>rd</sup> Street, west of SE 34<sup>th</sup> Street, and north of Scott Avenue. ([Council Communication No. 04-362](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 04-1558 24. Recommendation of Council Member Christine Hensley to appoint Jeffrey K. Clay to Zoning Board of Adjustment to fill unexpired term of Michael Kiernan (Seat #6) a five-year term commencing April 3, 2001 to expire April 3, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1559 25. Communication from Deloris Groves advising of her resignation from the Skyway Committee (Seat #1) effective immediately. **Moved by Vlassis to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- 04-1560 26. Communication from Connie Boesen advising of her resignation from the Board of Library Trustees (Seat #1) effective immediately. **Moved by Vlassis to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- 04-1561 26-I. Recommendation of Council Member Robert Mahaffey to appoint Neal Westergaard to the Neighborhood Revitalization Board (Seat 8) for a three-year term commencing June 30, 2004 to expire June 30, 2007. SPONSOR: Mahaffey **Moved by Vlassis to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- 04-1562 27. Regarding the “S-O” Study Overlay District for the Four Mile Creek floodplains. **Moved by Vlassis to receive, file and adopt. Motion Carried 7-0.**
- 04-1563 28. Regarding request from Edward Lint for vacation and conveyance of an undeveloped segment of 24<sup>th</sup> Place between a point 330’ north of College Avenue and 24<sup>th</sup> Street, subject to the provision of utility easements. **Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 04-1564 29. Regarding request from David Van Rossum for vacation and conveyance of a north/south alley from Thompson Avenue to East Jefferson Avenue between East 1<sup>st</sup> Street and Lay Street, subject to conditions. **Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 04-1565 30. Regarding request from Fred Brewton for vacation and conveyance of the north/south alley from East Ovid Avenue to East Tiffin Avenue between Amherst Street and North Union Street, subject to conditions. **Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 04-1566 31. Regarding request from Walden Point, L.P. for vacation and conveyance of a north/south alley from University Avenue to Indiana Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Street, subject to conditions. **Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 04-1567 32. Regarding request from Tamra Means for vacation and conveyance of the north/south alley from Thornton Avenue to Rose Avenue between SW 3<sup>rd</sup> Street and SW 4<sup>th</sup> Street, subject to conditions. **Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- 04-1568 33. On request from Denny Murray Cars Inc. to rezone 2501 E. University Avenue from “C-1” (Neighborhood Retail Commercial District) to “C-2” (General Retail Highway Oriented Commercial District). (City Plan and Zoning Commission recommends **DENIAL**), (8-9-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1569 34. On request from Beth Rohwedder, 3011 Fox Hollow Circle, to amend the “R” Preliminary Development Plan for Park at Southern Hills and the Final Development Plan for Sanctuary at Southern Hills to allow a 14’ X 13’ enclosed porch addition and

13'-3" X 14' open deck to north side of town home, (8-9-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1570 35. On request from Walden Point, L.P. to rezone property at 1200 4<sup>th</sup> Street from "R1-100" (One-Family Low-Density Residential District) and "NPC" (Neighborhood Pedestrian Commercial District) to "PUD" (Planned Unit Development District) and to approve "PUD" conceptual plan to allow for 60 dwelling units of affordable assisted living apartments, (8-9-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1571 36. On conveyance of north/south alley right-of-way between Granger Avenue and Dunbar Avenue and between Indianola Road and South Union Street to Chad Ogle, \$1,300, (8-9-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1572 37. On execution of 50-year lease with Nelson Development LLC for the construction of a privately owned parking structure available for public use, (9-13-04). ([Council Communication No. 04-381](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**  
**Nays: Brooks.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-1573 38. Approving payment of \$17,282 to Richard Klein for payment of workers' compensation benefits for permanent injury sustained during course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1574 39. Approving payment of \$1,924.84 to Melvin McGinnis and Steven P. Brick, his attorney and \$4,764 to Steven McGinnis and Steven P. Brick, his attorney for settlement of a lawsuit. (Total \$6,688.84). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1575 40. Approving payment of \$4,184.27 to Service Master West, and \$2,806.19 to Kent L. Smith as a result of sewer backup at 7614 SW 11<sup>th</sup> Street on March 26, 2004. (Total \$6,990.46). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1576 41. Approving payment of \$5,750 to Safeco Insurance Company as Subrogee of Mary Ann Avise for sewer backup at her residence at 1407 Cummins Parkway on May 24, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1577 42. Approving payment of \$486 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and other environmental issues in lease and use agreements. **Moved by Vlassis to adopt. Motion Carried 7-0.**



- 04-1578 43. Approving payment of \$4,795.75 to Ahlers & Cooney, P.C. for legal services on various issues regarding the Des Moines International Airport. **Moved by Vlassis to adopt Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

- 04-1579 44. Submitting out-of-state travel requests for Mark Wessels, Michael Matthes, Ka Reindl, and Tansy Hayward and Richard Clark. ([Council Communication No. 04-364](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1580 45. Submitting various traffic regulation changes as follows:([Council Communication No. 04-365](#)) **Moved by Vlassis to receive, file and refer to Legal Department preparation of proper legislation. Motion Carried 7-0.**
- (A) Parking Restrictions to include newly constructed areas of Sweetwater Drive.
- (B) Parking Restriction-East Side of SW 38<sup>th</sup> Place from Park Avenue North to including the cul-de-sac.

#### **APPROVING**

- 04-1581 46. State of Iowa Community Economic Betterment Account (CEBA) Award Contract with Protocol Driven Healthcare, Inc. ([Council Communication No. 04-382](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 04-1582 47. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan of \$65,000 for renovations to 412, 414 and 416 East Fifth Street. ([Council Communication No. 04-379](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 04-1583 48. Lease of Skywalk Corridor Display Cases to Downtown Community Alliance, Inc. **Moved by Vlassis to approve. Motion Carried 6-1. Nays: Brooks.**
- 04-1584 49. Phase II of the Americans with Disabilities Act (ADA) Transition Plan for City of Des Moines' public facilities. ([Council Communication No. 04-375](#)) **Moved by Coleman to approve. Motion Carried 7-0.**
- 04-1585 50. Permanent closure of Vehicular passageway known as Riverside Drive from Center Avenue to SW Water Street. ([Council Communication No. 04-363](#)) **Moved by Vlassis to approve. Motion Carried 6-1. Nays: Brooks.**
- 04-1586 51. Authorizing \$3 million payment to Polk County on or before July 31, 2004 for construction and funding of the Iowa Events Center Project including construction of the Third Street realignment project in accordance with the 28E Agreement. ([Council Communication No. 04-371](#)) **Moved by Vlassis to adopt. Motion Carried 5-1.**

**Nays: Brooks. Pass: Kiernan.**

- 04-1587 52. Preliminary terms of agreement with Neighborhood Investment Corporation (Robert Mickle, President) for the redevelopment of the proposed East Village Square Development in the vicinity of 400 East Fourth Street. ([Council Communication No. 04-360](#)) **Moved by Brooks to receive, file and approve the preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of a formal development agreement with Neighborhood Investment Corporation consistent with the terms set forth in the accompanying Council Communication. Motion Carried 6-1. Nays: Brooks. Pass: Mahaffey.**
- 04-1588 53. Proposed amendments to the “Architectural Guidelines for New Construction in Des Moines’ Historic Districts” and “Fence Guidelines for Des Moines’ Historic Districts”. ([Council Communication No. 04-374](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1589 54. Subordination Agreement with Iowa State Bank for Tursi’s Latin King Restaurant. ([Council Communication No. 04-378](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1590 55. Resolution to waive Central Place Urban Renewal Plan minimum employment requirement for Disposition Parcel No. 16a (36 Clark Street). ([Council Communication No. 04-372](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 04-1591 56. Resolution in support of E911 surcharge. ([Council Communication No. 04-373](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-1592 57. Communications Interoperability Grant Application to Department of Justice for use in the improvement of communication interoperability between police, fire and emergency medical service agencies. ([Council Communication No. 04-377](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1593 58. Acceptance of a Polk County Housing Trust Fund Grant for the development of 10 affordable single-family infill houses in the King Irving Neighborhood and authorization of the City Manager to sign the Grant Agreement. ([Council Communication No. 04-375](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1594 59. \$10,000 contribution from Storm Water Utility to Metro Waste Authority to assist with a collaborative approach to public education encouraging storm water best management practices. ([Council Communication No. 04-368](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

60. Bids from the following:
- 04-1595 (A) O'Halloran International for a truck mounted aerial manlift to be used by Public Works Department, \$106,972. (Twelve bids mailed, eight received) **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 04-1596 (B) Medtronic Physio-Control Corp. (sole area wide distributor) for defibrillator compatible with existing equipment to be used by the Fire Department, \$26,800. ([Council Communication No. 04-356](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 04-1597 (C) O'Halloran International for two 56,000 GVW trucks to be used by the Public Works Department, \$183,212. (Nine bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1598 61. Civil Service Entrance List for Plumbing Specialist, and Promotional Lists for Medical Equipment Operator, Fats, Oils & Grease (FOG) Program Coordinator, and Senior Police Officer. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1599 62. Authorizing the Finance Director to draw checks for the registers of July 29 and August 5, 2004; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 26 and August 2, 2004 and to draw checks for biweekly payroll for the weeks of August 6, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

- 04-1600 63. On vacation of the dead-end portion of the north/south alley, north of E. Ovid Avenue between Cornell and Columbia Streets. **Moved by Vlassis that this ordinance do not pass, #14,358. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- 04-1601 64. Amending Chapter 94 of the Municipal Code regarding stormwater management assessment subsidy credits. ([Council Communication No. 04-366](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1602 (A) Final consideration of ordinance above, (waiver requested by WRA) requires 7-0 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, [#14,359](#). Motion Carried 7-0.**

- 04-1603 65. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1604 66. Amending Chapter 114 of the Municipal Code regarding various traffic regulations and changes as follows: **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Corner Clearance – east side of E. 18<sup>th</sup> 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 Walnut Street.
- 04-1605 (E) Final consideration of ordinance above. **Moved by Brooks that the ordinance 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, [#14,360](#). Motion Carried 7-0.**

#### COMMUNICATIONS/REPORTS

- 04-1606 67. From Tyler Uetz, 2005 Forest Avenue, regarding an update from Citizens for Community Improvement on acquisition of Principal Residence Mortgage. **Moved by Vlassis to receive and file comments. Motion Carried 6-0. Absent: Coleman.**
- 04-1607 68. From John Christensen, 3400 Iola Avenue, to speak regarding speeding between 3100 and 3500 block of Iola Avenue. **Moved by Hensley to receive, file and refer to the Traffic Safety Committee and Police Department for review and recommendation. Motion Carried 7-0.**
- 04-1608 (A) Request from Council Member Vlassis to refer speeding in the area of 50<sup>th</sup> Street from Douglas to Hickman to the Police Department and the intersection of 50<sup>th</sup> and Ovid to the Traffic Safety Committee for review and recommendation of a three-way stop sign. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-1609 69. From Kathleen McQuillen, American Friends Service Committee, 4211 Grand Avenue to speak regarding the USA Patriot Act. **Moved by Vlassis to support resolution. Motion Carried 4-3. Nays: Coleman, Hensley and Mahaffey.**

**\*\* Council considered Hearing items 71 thru 76 next \*\***

### **APPROVING**

- 04-1610 70. Consideration of gaming proposal. **Moved by Coleman to adopt with the following provisions. 1) A letter of appreciation to be sent to all developers by the Mayor on behalf of the Mayor and Council. 2) The City Attorney is to address the concerns of Council Member Hensley before the final agreement. 3) Move and accept the joint proposal. 4) City Manager and Mayor to present proposal for prioritizing funding and include neighborhoods and citizen leaders in the process. Motion Carried 6-1. Pass: Hensley.**

**\*\*Council considered Extra Items next\*\***

### **HEARINGS (Open at 6:14 PM) (Items 71 thru 76)**

- 04-1611 71. On Zoning Ordinance text amendments to establish a new “GGP” (Gambling Game 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 Park Avenue on the South, E. 14<sup>th</sup> Street and SE 14<sup>th</sup> Street on the east, and M.L. King Jr. Parkway, 18<sup>th</sup> Street and Fleur Drive on the west. **Moved by Hensley to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**
- 04-1612 (A) First consideration of ordinance above. **Moved by Hensley that the ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1613 (B) Final consideration of ordinance above, (waiver requested by Council Member Hensley) requires 6 votes. **Moved by Hensley that the rule requiring that the 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, [#14,361](#). Motion Carried 7-0.**
72. On the following “PSO” (Pedestrian Oriented Sign Overlay District) items:
- 04-1614 (A) Amendments to the Zoning Ordinance text to establish a new “PSO” (Pedestrian Oriented Sign Overlay District), to regulate the permitted type, size and location for signs on property. **Moved by Brooks to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 6-1. Absent: Hensley.**

- 04-1615 (B) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**
- 04-1616 (C) Final consideration of ordinance above, (waiver requested by Community Development Director) 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, [#14,362](#). Motion Carried 6-1. Absent: Hensley.**
- 04-1617 (D) City-initiated request to rezone property generally bounded by Des Moines Street on the north, E. Court Avenue on the south, E. 7<sup>th</sup> Street on the east and E. 2<sup>nd</sup> Street on the west, to impose the “PSO”, in addition to the existing underlying zoning district regulations. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Hensley.**
- 04-1618 (E) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**
- 04-1619 (F) Final consideration of ordinance above, (waiver requested by Community Development Director) 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, [#14,363](#). Motion Carried 6-1. Absent: Hensley.**
- 04-1620 73. On vacation and conveyance of the east/west and north/south alleys between Art Avenue and E. Holcomb Avenue, west of Saylor Road, to Frank T. and Deborah Pierce, \$125. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-1621 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1622 (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, [#14,364](#). Motion Carried 7-0.**
- 04-1623 74. On vacation of north/south alley right-of-way between Granger Avenue and Dunbar and between Indianola Road and South Union. **Moved by Brooks to adopt. Motion Carried 7-0.**

**Carried 7-0.**

- 04-1624 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1625 (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 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 [#14,365](#). Motion Carried 7-0.**
- 04-1626 75. On conveyance of property at 907 SW 62<sup>nd</sup> Street to Robert J. and Bonnie M. Nettleton, \$5,576. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1627 76. On Drainage Improvements Behind 201 E. Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating low responsible bidder as Castle Concrete Services, Inc. (Anthony Castellano, President, Johnston), \$20,422.50. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1628 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:20 PM

**\*\*Council considered item 70 next\*\***

### **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 the sponsorship of the Mayor or a City Council Member who shall deem the item to be 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.

- 04-1629 1. Amending Chapter 74 and Chapter 102 regarding gardens and plants on city-owned right-of way and property. SPONSOR: Brooks. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0. Absent: Coleman.**
- 04-1630 (A) Final consideration of ordinance above, (waiver requested by City Manager) 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.**



pass, [#14,366](#). Motion Carried 6-1. Absent: Coleman.

- 04-1631 2. Approve and accept real estate documents for property at 1200 Keosauqua Way for Street Reconstruction at Keosauqua Way Project, \$4,640 plus closing costs. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

#### BOARD OF HEALTH

- 04-1632 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 6-1. Absent: Coleman.**

#### AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:
- 04-1633 (A) 2338 SW 9<sup>th</sup> Street (attached garage), Titleholders: Scott E. and Stephanie Thomas; Mortgage Holder: Associates Home Equity Services. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1634 (B) 2414 SW 9<sup>th</sup> Street, Titleholders: Scott E. and Stephanie A. Thomas; Mortgage Holder: NCS Mortgage Services, LLC. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1635 (C) 1175 10<sup>th</sup> Street, Titleholder: Melvin Brooks. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1636 (D) 800 24<sup>th</sup> Street, Titleholder: The Estate of Marvin H. Thomas. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- WITHDRAWN
- 04-1637 (E) 2108 32<sup>nd</sup> Street (garage), Titleholder: Rosa Hutchinson; Mortgage Holder: Financial Plus Credit Union and Wells Fargo Bank Iowa National Association. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1638 (F) 1002 40<sup>th</sup> Street, Titleholders: Jack A. and Mary Jo Stuart; Mortgage Holder: U.S. Bank National Association. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1639 (G) 1350 Hutton Street, Titleholder: Terry W. McKeny. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1640 (H) 2934 E. Euclid Avenue, Titleholder: Steven P. Warner; Mortgage Holder: McAfee Mortgage & Investment Company, a Texas Corporation. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**



04-1641 MOTION TO ADJOURN **Moved by Vlassis to adjourn at 7:44 P.M. Motion Carried 6-1.**  
**Absent: Coleman.**

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