

***** 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

September 13, 2004 4:30 P.M.

PROCLAMATIONS (4:00 P.M.)

Recognition of Ike "Big Daddy" Seymour

SPECIAL PRESENTATIONS (4:00 P.M.)

Recognition of Des Moines Police Department's P.U.S.H. Unit

Recognition of Charter Neighborhoods

Recognition of new Charter Neighborhoods:

- Carpenter/Drake Park
- Highland Park
- Riverbend

Recognition of East High School's 500th Football win

INVOCATION: Father Peter T. Cade
Greek Orthodox Church of St. George

- 04-1840 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.**
- 04-1841 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.**

- 04-1842 3. APPROVING CONSENT AGENDA – items 3 through 57: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-1843 4. Approving Alcoholic Beverage Applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

WITHDRAWN	(A) AK OCONNORS	4050 URBANDALE AVE	C Liquor
	(B) BUZZ	214 3RD ST	C Liquor
	(C) PHILLIPS 66 DOUGLAS AVE	4402 DOUGLAS AVE	C Beer
	(D) PHILLIPS 66 GRAND AVE	6222 GRAND AVE	C Beer

RENEWAL APPLICATIONS

(E) CASEYS GENERAL STORE #44	4560 E 14TH STREET	C Beer
(F) DES MOINES CLUB	666 GRAND AVE	A Liquor
(G) DES MOINES IZAAK WALTON	4343 GEORGE FLAGG PKWY	C Liquor
(H) DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(I) DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(J) EMBASSY CLUB	1011 LOCUST ST	C Liquor
(K) EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(L) GODFATHERS PIZZA	4119 UNIVERSITY AVENUE	B Beer
(M) INDIA STAR	3620 BEAVER AVE	C Beer/Wine
(N) LOS PINOS	3311 SE 14TH ST	C Liquor
(O) MILINDO NAYARIT	1704 E GRAND AVE	B Beer
(P) QUIKTRIP #560	2300 MARTIN LUTHER KING	C Beer
(Q) SPORTS PALACE & NIGHT CLUB	4301 FLEUR DR	C Liquor
(R) VICTORY LANE MOTOR SPORTS	3801 EASTON BLVD	C Liquor
(S) WAL MART SUPERCENTER #1723	5101 SE 14TH ST	E Liquor

OUTDOOR SERVICE APPLICATIONS

(T) CHRISTOPHERS	2816 BEAVER AVE	C Liquor
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Temporary outdoor service area in conjunction with Beavertdale Fall Festival on September 17 and 18, 2004. Pending approval of the Fire Department.

(U) HESSEN HAUS	101 4TH STREET	C Liquor
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Temporary outdoor service area in conjunction with Downtown Oktoberfest on September 24 and 25, 2004. Pending approval of the Building Department.

SPECIAL EVENT APPLICATIONS

(V) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine

Five day license in conjunction with Dig Downtown on September 17, 2004. Pending approval of Building, Electrical, Fire and Zoning Departments.

- 04-1844 4-I Approving Scruffy's Deli, 429 Grand Avenue for renewal of Class B Beer License. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1845 4-II Approving transfer of Cigarette License and C Beer License for Tobacco Outlet Plus to 3409 SW 9th Street. Sponsor: Brooks. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1846 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1847 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- 04-1848 (A) Bill Riley Trail Drainage Improvements – Receiving of Bids (10-5-04), Setting date of hearing (10-11-04), (Construction estimate - \$30,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1849 (B) Fire Station No. 3 Renovation – Receiving of Bids (10-5-04), Setting date of hearing (10-11-04), (Construction estimate - \$395,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

- 04-1850 (A) Beaver Avenue and Hickman Road Traffic Signals, KWS, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1851 (B) 42nd Street and University Avenue Traffic Signal Upgrade, KWS, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1852 (C) Former Diller Battery Site Clean Up, Environmental Contractors of Illinois, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1853 (D) 2004 Tennis Court Resurfacing Program, Blacktop Repair Service, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1854 (E) Easter Lake Trash Rack on Yeader Creek, Herberger Construction Co., Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1855 (F) 2003 Sidewalk Replacement Program, M. Peterson Construction Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1856 (G) Merle Hay Road and Aurora Avenue Traffic Signal Upgrade, Iowa Signal & Electric Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

9. Approving completion and recommending acceptance of the following Private Construction contracts:

- 04-1857 (A) McAninch Corporation and Hubbell Realty Company for Sanitary Sewer Improvements east of SW 7th Street and south of Murphy Street to service 501 SW 7th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1858 (B) Sternquist Construction, Inc., and Brook Run L.C. for Paving Improvements proposed subdivision Brook Run Village Plat 9, vicinity of Village Run Drive and Douglas Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1859 (C) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements proposed subdivision Brook Run Village Plat 9, vicinity of Walnut Ridge Drive and East 52nd Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1860 (D) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements proposed subdivision Brook Run Village Plat 9, vicinity of Walnut Ridge Drive and East 52nd Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1861 (E) Sternquist Construction, Inc., and Brook Run L.C. for Paving Improvements proposed subdivision Brook Run Village Plat 10, vicinity of Village Run Drive and East Douglas Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1862 (F) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements proposed subdivision Brook Run Village Plat 10, vicinity of Brook View Drive and Stream Side Circle. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1863 (G) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements proposed subdivision Brook Run Village Plat 10, vicinity of Brook View Drive and Stream Side Circle. **Moved by Vlassis to adopt. Motion Carried 7-0.**

10. Approving Private Construction Contracts for the following:

04-1864 (A) American Discovery Trail Electrical and Lighting Improvements from Principal to Gray's Lake between Baker Electric and Meredith Corporation Foundation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

04-1865 (B) ~~Bridge Improvements in Des Moines Union Railway Bridge between Lin Painting, Inc. and Principal Life Insurance Company.~~

04-1866 (C) Sanitary Sewer Improvements in Carman Estates Plat 4 between McAninch Corporation and Silver Oak, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1867 (D) Storm Sewer Improvements in Carman Estates Plat 4 between McAninch Corporation and Silver Oak, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1868 11. Rescinding previous Private Construction Contract and approving replacement Private Construction Contract between Eco-Tech Construction, L.L.C. and Dr. Jim Pollard for Street Paving Improvements in Easter Lake Estates Plat 7, Easter Lake Drive and SE 27th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

12. Approving Professional Services Agreements with the following:

04-1869 (A) Engineering Alliance, Inc. for E. 16th Street and E. Sheridan Avenue Stormwater Improvements Project for design services, not to exceed \$38,300. ([Communication No. 04-447](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1870 (B) Snyder and Associates, Inc. for Leetown Creekway Wooden Box Replacement Project for design and construction phase services, not to exceed \$61,620. ([Communication No. 04-451](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

04-1871 13. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for August 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1872 14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for August 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

04-1873 (A) Schedule No. 2004-10. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1874 (B) Schedule No. 2004-30. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1875 (C) Schedule No. 2004-57. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1876 (D) Schedule No. 2004-79. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1877 16. Approving deletion of NAC-Emergency Assessments at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1878 17. Authorization to proceed with construction of Sidewalk Program/Request to Repair Driveway Petition and Waiver form executed by one property owner and Paving or Replacement Program/Request to Repair Driveway Petition and Waiver forms by multiple property owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-1879 18. Approving authorization to proceed with right-of-way acquisition for American Discovery Trail, Walnut Creek Trail Segment-Phases 1A and 1B. ([Council Communication No. 04-440](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
19. Approving real estate documents for the following properties:
- 04-1880 (A) 3006 and 3008 Beaver Avenue for Beaver and Adams Avenue Sanitary Sewer Relocation Project, \$2,545 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1881 (B) 5505 McKinley Avenue for Airport Runway 13R/31L Project, \$235,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1882 (C) 5171 Park Avenue for Park Avenue Widening Project, \$3 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1883 20. Approving tax abatement application that was timely filed, for additional value added improvements made during 2003 for property at 2852 Druid Hill Drive. ([Council Communication No. 04-448](#)) **Moved by Vlassis to adopt, and to request that the application be applied retroactively as if it had been timely processed by the City of Des Moines and forwarded to the County Assessor prior to March 1, 2004. Motion Carried 7-0.**
- 04-1884 21. Approving preliminary subdivision plat entitled HAWS SUBDIVISION 4 (located at NE 29th Street) in Polk County within the City's two-mile limit of jurisdiction. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1885 22. Approving subdivision plat entitled WOODS ON THE RIVER PLAT 7 located in the vicinity east of SE 22nd Street, south and west of Hartford Avenue, north of E. King Avenue. ([Council Communication No. 04-450](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1886 23. Approving subdivision plat entitled MARY ESTEL ACRES located in the vicinity of

33rd Street, west of SE 34th Street, and north of Scott Avenue. ([Council Communication 04-449](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1887 24. Release of PUD Restoration Bond No. IAC 27295 from Merchants Bonding Company in amount of \$16,621 as security for completion of required improvements for EASTER LAKE ESTATES PLAT 6. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1888 25. Approving reduction of Subdivision Bond No. IAC 31362 in amount of \$48,680 as security for partial completion of required sidewalks be reduced to \$12,170 for completion of a portion of said improvements for HILLSBORO PLAT 1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1889 26. Approving reduction of Subdivision Bond No. IAC 27294 in amount of \$98,758 as security for partial completion of required sidewalks be reduced to \$24,690 for completion of a portion of said improvements for EASTER LAKE ESTATES PLAT 6. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

27. Recommendation of Mayor Cownie to appoint the following to the Historic Preservation Commission as follows:
- 04-1890 (A) Sinda Sue Berry to Seat 1 for a three-year term commencing March 28, 2004 to expire March 28, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1891 (B) York Alan Taenzer to Seat 3 for a three-year term commencing October 18, 2004 to expire October 18, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1892 28. Recommendation of Council Member Archie Brooks to appoint Scotney John Fenton to the Historic Preservation Commission (Seat 10) for a three-year term commencing October 18, 2002 and expiring on October 18, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1893 29. Recommendation of Council Member Robert Mahaffey to appoint Teresa Leigh Schneider to the Historic Preservation Commission (Seat 8) to fill the unexpired term of Phyllis Fitzpatrick and to a three-year term commencing October 18, 2004 to expire October 18, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1894 29I. Recommendation of Council Member Michael Kiernan, to appoint Douglas Burnett, to Seat 3 on the Park and Recreation Board, four-year term commencing June 30, 2004 and expiring June 30, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**
30. Recommendation of Neighborhood Revitalization Board regarding charter status of the following:
- 04-1895 (A) Existing Charter Neighborhoods. ([Council Communication No. 04-437](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

Vlassis to adopt. Motion Carried 7-0.

- 04-1896 (B) Carpenter/Drake Park, Highland Park and River Bend Neighborhoods. ([Communication No. 04-455](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-1897 31. Regarding request from Stanbrough/Walters Land Development, LC for amendment to approved subdivision plat for “Shoreline at Easter Lake” for property at 5636 SE 36th Street to allow 99 single-family residential lots and relocation of street intersection for SE 36th Street and Easter Lake Drive, subject to conditions. **Moved by Vlassis to receive and act on. Motion Carried 7-0.**
- 04-1898 32. Regarding request from Splish Splash Laundromat, Inc. for vacation and conveyance of north 15 feet of East Army Post Rd. right-of-way 250’ east of SE 4th Street, subject to conditions. **Moved by Vlassis to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**
- 04-1899 33. Regarding request from 2300 University Avenue, LLC for vacation and conveyance of east/west alley between University Avenue and Drake Park Avenue from the north/south alley to 24th Street, subject to conditions. **Moved by Vlassis to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-1900 34. On vacation of Third Street from University Avenue to Laurel Avenue to Mercy Memorial Center, \$180,000, (9-27-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1901 35. On vacation and conveyance of portion of right-of-way in vicinity of Evergreen Avenue S.E. 24th Street and E. Watrous Avenue to Robert Carter, Margaret Richey and Duane Richey, \$1, (9-27-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1902 36. On vacation and conveyance of north/south and east/west alleys in vicinity of East 36th Street, East Market Street, SE 7th Street and SE 8th Street to Hawkeye Land Company, \$21,300, (9-27-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1903 37. On vacation and conveyance of east/west segment of alley between Clark Street and Coon Avenue from 9th Street west to north/south alley to Ralph B. Henderson, \$50, (9-27-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1904 38. On request from Forget Properties LLC to rezone property at 4411 SE 14th Street from “C-1” (General Retail and Highway-Oriented Commercial) and “R1-70” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) to allow for 48 units of multi-family residential, car wash, 8 single-family residential lots and an 8,000 square foot parking lot. **Moved by Vlassis to adopt. Motion Carried 7-0.**

commercial building, subject to conditions, (9-27-04). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-1905 39. Approving payment of \$2,217.16 to Spiegel & McDiarmid Law Firm for services in conjunction with Brownfields Showcase Community, federal funding, Riverpoint Redevelopment and related matters. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1906 40. Approving payment of \$55,053.99 to Ahlers & Cooney, P.C. for Bond Counsel services related to Series 2004A, 2004B, 2004C, 2004D, and 2004E General Obligation Refunding Bonds. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1907 41. Approving payment of \$2,776.40 to Ahlers & Cooney, P.C. for services related to Supplement No. 14 of Master Lease Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-1908 42. Submitting various traffic regulation changes as follows: **Moved by Vlassis to receive and refer to Legal Department for preparation of proper legislation, excluding “C” which will be brought back at the September 27 Council Meeting. Motion Carried 7-0.**
- (A) Corner Clearance-East Side of East 43rd Court, South of Douglas.
 - (B) Corner Clearance-West Side of 21st Street, North of Meek Avenue and West Side of 21st Street, South of Mondamin Avenue.
 - ~~WITHDRAWN (C) Corner Clearance-South Side of Meek Avenue, East of 21st Street.~~
 - (D) Removal of Commercial Loading Zone-West Side of 8th Street, North of Walnut Street.
 - (E) Loading Zones Established-30th Street between University Avenue and Forest Avenue ([Council Communication No. 04-446](#))
- 04-1909 43. Submitting out-of-state travel requests for T.M. Franklin Cownie, Douglas Philip, Leporte, Dani Stookey, Christine Hensley and Larry Gilmore. ([Council Communication No. 04-434](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

- 04-1910 44. Continuum of Care Grantee Closeout Certifications for the Fiscal Year 2000 Supportive Housing Program (SHP) Grant. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1911 45. Operational Agreement with Drake University Head Start Program for use of top floor city-owned property at Fifth and Watson Powell, Jr. Way parking garage. ([Council Communication No. 04-452](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
46. Space allocation agreements between the Community Development Department and the Parks and Recreation Department from July 1, 2004 through June 30, 2007, for the following:
- 04-1912 (A) Pioneer-Columbus Community Center, 2100 SE 5th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1913 (B) Robert L. Scott Four Mile Community Center, 3711 Easton Blvd. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1914 (C) Logan Community Center, 1740 E. Garfield Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1915 47. Recommendation of the Landmark Review Board, to issue a Certificate of Appropriateness for improvements to the Denman Fountain in Woodland Cemetery. ([Council Communication No. 04-443](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1916 48. Agreement with Rebuilding Together to provide for the donation and installation of playground equipment in M. L. King Jr. Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1917 49. Receipt of Iowa Department of Natural Resources Enhancement and Protection Grant to fund a portion of Rain Garden Project, \$20,925. **Moved by Vlassis to adopt. Motion Carried 7-0.**
50. Assignment of Tax Sale Certificates for the following:
- 04-1918 (A) 736 27th Street to S & G Real Estate Investments, Inc. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Kiernan.**
- 04-1919 (B) 830 25th Street to Conlin Properties, Inc. ([Council Communication No. 04-444](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Kiernan.**
- 04-1920 51. Conversion of electric distribution system from overhead to underground on Water Street between Court Avenue and Elm Street with MidAmerican Energy Company at a cost of \$176,000. ([Council Communication No. 04-444](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Kiernan.**

Carried 4-3. Nays: Brooks, Kiernan and Vlassis.

- 04-1921 52. Authorization to submit 2004 Local Law Enforcement Block Grant Application to Bureau of Justice Assistance. ([Council Communication No. 04-435](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1922 (A) Advisory Board appointment, Advisory Board charge, and schedule of events. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1923 53. Communication from Downtown Community Alliance requesting approval of banner design on behalf of Meredith Corporation to display 7 banners on 7 poles in downtown on Lombard Street starting in September. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 6-1. Nays: Brooks.**
- 04-1924 54. Civil Service Entrance Lists for Housing Services Housing Inspector, Senior Budget Analyst, Departmental Systems Coordinator and Identification Technician and Promotional List for Fleet Services Section Chief. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 04-1925 55. Bid from Neenah Foundry Company for manhole castings to be used by the Street Operations Division of Public Works, \$38,400. (Six bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1926 56. Finance Director to draw checks for the check registers of September 16 and 23, 2004; bills of the Des Moines Municipal Housing Agency for the weeks of September 13 and 20, 2004; and draw checks for biweekly payroll due September 17, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-1927 57. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, #14,370. Motion Carried 7-0. Council Member Brooks votes “No” on item A.**
 - (A) Parking Restrictions to include newly constructed areas of Sweetwater Drive.
 - (B) Parking Restriction – east side of SW 38th Place from Park Avenue, north to 39th Place, including the cul-de-sac.

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

ORDINANCES - FIRST CONSIDERATION

- 04-1928 58. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Parking Restrictions to facilitate garbage collection-Area of SE 14th Court and Vine Street; Carpenter Avenue from the 3817 Carpenter Avenue to the Dead End; Hunter Avenue from 3811 Hunter Avenue to the Dead End.
 - (B) Additional Metered Parking-South Side of Des Moines Street from E. 5th Street to I Street.
 - (C) Corner Clearance-North Side of East Sheridan Avenue, East of E. 42nd Street.
 - (D) Speed Limit Change from 30 mph to 25 mph-Kingman Boulevard from 25th Street to Polk Boulevard and Cottage Grove Avenue from 25th Street to 42nd Street.
 - (E) Four-Way Stop for 9th Street and Clark Street and Parking Restrictions for 11th Street and Clark Street.
- 04-1929 (F) Final consideration of ordinance above. **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, and the ordinance do now pass, [#14,371](#). Motion Carried 7-0.**
- 04-1930 59. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes and parking restriction modifications due to new construction on 2nd Avenue between Cottage Grove Avenue and Vine Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- 04-1931 60. From Council Member Chris Hensley, requesting City's support for an insert into the Works bills for the CCI Home Buyer's Seminar in March 2005. **Moved by Hensley to receive, file and refer to the City Manager for review and recommendation at the September 27 Council Meeting. Motion Carried 7-0.**
- 04-1932 61. From Council Member Michael Kiernan, to discuss process for sale of City-owned properties. **Moved by Kiernan to receive, file and refer to the City Manager to review the current process and consider an annual auction of the properties. Motion Carried 7-0.**
- 04-1933 62. From Council Member Archie Brooks, to discuss rezoning of property in the vicinity of 19th and Des Moines Street. **Moved by Brooks to receive, file and proceed with Council action. Motion Carried 7-0.**

initiated rezoning and alley vacation. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

- 04-1934 63. From Robert Mickle, 1711 Woodland, to speak regarding establishing a waiver of permit fees for banners and special events signs upon the request of recognized neighborhood associations. **Moved by Brooks to receive, file and refer to the City Manager for review and recommendation at the September 29 Council Workshop. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:45 P.M.) (ITEMS 64 THRU 79)

- 04-1935 64. Affirming decision of the Historic Preservation Commission denying a Certificate of Appropriateness for alterations to 818-15th Street. **Moved by Hensley to continue public hearing until September 27, 2004 at 5:30 PM in the Council Chambers. Motion Carried 7-0.**

WITHDRAWN

- 04-1936 (A) ALTERNATE RESOLUTION: Reversing the decision. ([Council Communication 04-441](#))

- 04-1937 65. On sale of City owned vacated alley right of way at 1111 McKinley Avenue to S Investment, Inc., \$50. **Moved by Hensley to adopt. Motion Carried 6-1. Absent Vlassis.**

- 04-1938 66. On conveyance of portion of alley in the vicinity of 260 E. 17th Street to James The \$400. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 04-1939 67. On conveyance of 1521 University Avenue to Elbert B. Jimmerson, \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1940 68. On request from Rottlund Homes of Iowa, Inc. to rezone 818 and 840 Polk Boulevard R1-80 (One Family Residential) to Limited PUD (Planned Unit Development), for 17 single family dwellings. **Moved by Hensley to adopt and approve the rezoning, subject to passage of the rezoning ordinance, and with special attention to be given to review the signage and exterior materials at the "PUD" Development Plan stage. Motion Carried 7-0.**

- 04-1941 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

04-1942 (B) ~~Final consideration of ordinance above, (waiver requested by applicant), requiring~~
~~votes.~~

69. On items regarding application from Denny Murray Cars, Inc. to rezone property in vicinity of 2501 E. University Avenue from "C-1" (Neighborhood Retail Commercial) to "C-2" (General Retail and Highway Oriented Commercial) to permit expansion of existing use on sales lot.

04-1943 (A) Communication from Fairground Neighborhood Association. **Moved by Brooks to receive and file. Motion Carried 7-0.**

WITHDRAWN

04-1944 (B) ~~Resolution closing hearing and adopting recommendation of Plan and Zoning Commission to DENY rezoning, or;~~

04-1945 (C) ALTERNATE RESOLUTION: Closing hearing and APPROVING proposed rezoning. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

04-1946 (D) First consideration of rezoning ordinance. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

04-1947 (E) Final consideration of ordinance above, (waiver requested by applicant), requiring 75% 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 on its final passage and that the ordinance do now pass, #14,372. Motion Carried 7-0.**

04-1948 70. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 217 acres). **Moved by Brooks and to continue to the September 27, 2004 Council meeting at 5:30 PM. Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN

04-1949 (A) ~~Approving Agreement for extension of sewer service to the SE Annexation Area.~~

04-1950 71. On request from Eastgate Plaza LLC to amend the existing PUD Conceptual Plan for 1000 E. Euclid Avenue to define proposed retail center, bank and drive-thru restaurant. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

04-1951 72. On Urban Renewal Agreement for Lease of Land for Private Redevelopment to Neighborhood Development L.L.C., to develop Disposition Parcel No. 01-5 in Metro Center U

Renewal Project, (101 SW 4th). ([Council Communication No. 04-438](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

- 04-1952 (A) Evidence of Financing and Conceptual Development Plan, for parking garage construction. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 04-1953 73. On Bridge Funding for Principal Park Stadium Seating, not to exceed \$1,000,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1954 (A) Approving Agreement with Greater Des Moines Baseball Co. for funding Principal Park Stadium seating. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1955 74. On Beaver and Adams Avenue Sanitary Sewer Relocation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, President/CEO), \$56,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1956 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1957 75. On Blank Park Zoo Entrance Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Castle Concrete Services Inc. (Anthony Castellano, President), \$48,071.50. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1958 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1959 76. On Easter Lake Retention Basins – Basin 9: Resolution approving plans, specifications, form of contract documents and Engineer's estimate. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1960 77. On Easter Lake Retention Basins Wetland Mitigation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Spring Lake Construction (Dean Quirk, Owner), \$268,742.50. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1961 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1962 78. On Four Mile Trunk Replacement Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO), \$144,000. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.

- 04-1963 (A) Approving contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-1964 79. On Glendale Cemetery Water Service: Resolution approving plans, specifications, for contract documents, Engineer's estimate and designating lowest responsible bidder for Advanced Underground Construction (Bill Ward, President), \$16,798.20. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1965 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:41 P.M.

APPROVING

- 04-1966 80. Programmatic Agreement with U.S. Army Corps of Engineers, Iowa State Historical Preservation Office, Des Moines Metropolitan Wastewater Reclamation Authority, MidAmerican Energy Company regarding Des Moines River Outfall and Overfall Principal Riverwalk and Transmission/Distribution Line Projects. ([Council Communication No. 04-445](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1967 (A) Appointment of members to Riverfront Development Authority. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1968 81. Amendment to agreement with Wellmark Blue Cross and Blue Shield of Iowa regarding change of retail prescription network from Blue Rx to Blue Rx Preferred, and administrative changes to retail prescription limits, hospice care limits and the reimbursement procedure for mental health services performed by licensed social workers. ([Council Communication 04-453](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN

- 04-1969 82. ~~Selection of Advanced Data Processing, Inc. (Miami, Florida) to provide ambulance service billing for three-year period beginning October 1, 2004 with the option of two one-year renewals.~~

WITHDRAWN

- 04-1970 83. ~~Proposed Ten-Year Parking Lease with Wellmark for 1,000 spaces in City Parking Garage.~~
- 04-1971 84. Competitive Bid Process, minimum requirements and competitive criteria for sale and redevelopment of Disposition Parcel 99A-1 in the Metro Center Urban Renewal Project and receiving a preliminary proposal from Court Avenue Partners II, L.P. ([Council Communication No. 04-439](#)) **Moved by Hensley to adopt. Motion Carried 6-1. N**

Brooks.

BOARD OF HEALTH

04-1972 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

04-1973 (A) 1011 E. 8th Street, Titleholder: Barbara Jean Gourd. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1974 (B) 1314 8th Street, Titleholders: Garnett M. Lewis, Dexann Lewis and Larry Lar Lewis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1975 (C) 1450 8th Street, Titleholder: ABN-AMRO Mortgage Group, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1976 (D) 1234 11th Street, Titleholder: Z Fin 35. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1977 (E) 1104 26th Street, Titleholder: Michael Schumacher d/b/a SSW, LLC, Contract Buyer: Pat Andrews d/b/a Big Horn Properties, Mortgage Holder: Commercial Federal Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1978 (F) 1147 27th Street, Titleholder: Michael Schumacher d/b/a SSW, LLC, Contract Buyer: & C Properties, Mortgage Holder: Commercial Federal Bank, FSB. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1979 2. The Engineering Department to remove the structure located at 1442 8th Street, Titleholder: The Estate of William Rumley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

04-1980 3. Regarding demolition cost reserve being held by American Modern Home Insurance Company for the fire-damaged house located at 2238 Elizabeth Avenue. **Moved by Vlassis to receive and file and direct that Corporation Counsel bring legal action within hundred eighty days of receipt of notice if owners have not demolished or renovated structure. Motion Carried 7-0.**

04-1981 MOTION TO ADJOURN AT 7:14 P.M. **Moved by Vlassis to adopt. Motion Carried 7-0.**

All-America City 1949 1976 1981