

***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '05-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 26, 2005 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

National Domestic Violence Awareness Month

Italian Heritage Month

Des Moines Jazz History Day

Recognition of this year's inductees into the Hall of Fame:

Scott Smith, piano

Ben Harrison, guitar

Steve "Toad" Stewart, trombone

Jerry Stenstrom, trumpet

SPECIAL PRESENTATIONS

Recognition of Ukrainian visitors

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

05-2297 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

05-2298 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

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***Note: These are routine items and will be enacted by one roll call vote without**

separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

- 05-2299 3. APPROVING CONSENT AGENDA – items 3 through 50: **Moved by Vlassis to adopt balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 05-2300 4. Approving Alcoholic Beverage License applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(B)	LABAMBA MEXICAN AMERICAN	6101 GRAND AVE	C Liquor
(C)	OASIS LIQUOR	1401 BUCHANAN ST	E Liquor
(D)	TERIYAKI HOUSE	5514 DOUGLAS AVE	C Beer/Wine

RENEWAL APPLICATIONS

(E)	BEST FOOD MART	4028 E 14TH ST	C Beer
(F)	BISTRO MONTAGE	2724 INGERSOLL AVE	C Liquor
(G)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(H)	ENVY	214 3RD ST	C Liquor
(I)	GIT N GO STORE #33	865 42ND ST	C Beer
(J)	GODFATHERS PIZZA	4119 UNIVERSITY AVE	B Beer
(K)	KENNY DS	3925 E 14TH STREET	C Liquor
(L)	KP LLC	1800 SE 14TH ST	C Beer
(M)	LOCO JOES	4100 MERLE HAY RD	B Beer
(N)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(O)	ROAD TRIP OF IOWA	2110 GUTHRIE AVE	C Beer
(P)	ROBINS WOOD OVEN GRILL	6401 SE 14TH ST	C Liquor
(Q)	SCHAFFERS	504 E LOCUST ST	B Wine
(R)	TRATTORIA	207 4TH ST	B Wine
(S)	TRATTORIA	207 4TH ST	C Liquor

- 05-2301 4-I Approving Alcoholic Beverage License applications for Ovations FoodService, 233 Cerberus St.; Veterans Memorial Auditorium, 833 5th St.; and Winstons Pub & Grill, 800 Walnut St. **Moved by Vlassis to adopt. Motion Carried 7-1.**

- 05-2302 4-II Approving Class C Liquor and Coin Operated Machine Applications for Romeo's On The River, 1300 SE **Moved by 1st. Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2303 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2304 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 05-2305 7. Approving Iowa Department of Transportation (IDOT) Urban State Traffic Engineering Program (U-Step) Application for addition and extension of turning lanes at intersection of SE 14th Street (U.S. 69) and Hartford Avenue. ([Council Communication No. 05-540](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2306 8. Approving Professional Services Agreement with Durrant, for the Crivaro and Tower Water Playgrounds, not to exceed \$59,800. ([Council Communication No. 05-540](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2307 9. Approving Professional Services Agreement with Dunbar/Jones Partnership, Redevelopment Master Plan for Good Park, \$18,215. ([Council Communication No. 05-543](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 05-2308 10. Approving Change Orders No. 1 and 2 with Larson & Larson Construction, LLC for additional work on Western Gateway Improvements Project, \$135,342. ([Council Communication No. 05-536](#)) **Moved by Vlassis to adopt. Motion Carried 5-2. Nominating Kiernan and Mahaffey.**
- 11. Approving completed construction and final payment to the following:
 - 05-2309 (A) Van Hauen & Associates, Inc. for the Beaver and Adams Avenues Sanitary Sewer Relocation. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-2310 (B) The Hansen Company, Inc. for the 1st Street Bridge Over the Raccoon River Road Deck Repairs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 05-2311 12. Approving levying assessments for costs of Nuisance Abatement – NAC Emergency Ordinance (Community Development) for Schedule No. 2005-12. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2312 13. Approving deletion of NAC-Emergency Assessments at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 14. Approving the following:

- 05-2313 (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for A 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2314 (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for A 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2315 15. Authorize execution of one petition and waiver form for paving or curb replace program/request to repair driveway. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-2316 16. Real estate documents for property in vicinity of SE 6th Street and Maury Street for f recreational trail purposes. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2317 17. Real estate documents for property adjacent to 2507 Merle Hay Road for street mainten purposes. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

- 05-2318 ~~18. Authorize payment of condemnation award for acquisition of property located at Grand Avenue for the American Discovery Trail Project Walnut Creek Segments 1 and~~
- 05-2319 19. Approving Federal Aviation Administration Certification of Title for five properties lo along McKinley Avenue near SW 56th Street. **Moved by Vlassis to adopt. M Carried 7-0.**
- 05-2320 20. Approving subdivision plat entitled Woods on the River Plat 9, north of King Avenue of Whispering Ridge Drive, and west of River Ridge Drive. ([Council Communication 05-534](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2321 21. Approving Tax Abatement Application for additional value added by improvement 1660 Emma Avenue made during 2003. ([Council Communication No. 05-529](#)) **Moved Vlassis to adopt, and to request that Polk County apply the tax abatement commer with the taxable value existing on January 1, 2005, as if the application had approved by the City and forwarded to Polk County prior to February 1, 2 Motion Carried 7-0.**
- 05-2322 22. Approving Tax Abatement Application for 4305 Hull Avenue, filed within two-year period. ([Council Communication No. 05-530](#)) **Moved by Vlassis to adopt. M Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-2323 23. Approving appointment of Council Member Tom Vlassis as representative to the National League of Cities and approving travel to additional meetings, (sites and dates to be approved at a later date). **Moved by Vlassis to approve appointment. Motion Carried 7-0.**
- 05-2324 24. Recommendation of Mayor Frank Cownie to appoint Fredrick Wegner to Seat 1 on the Access Advisory Board to fill unexpired term commencing June 15, 2002 to expire June 15, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2325 25. Communication from the Licensing and Appeals Board declaring Seat 14 vacant, effective immediately. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
26. Approving the following recommendations from Council Member Hensley:
- 05-2326 (A) Appointment of Jeff Johansen to Seat 13 on the Plan and Zoning Commission for a five-year term commencing July 1, 2005 to expire July 1, 2010. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2327 (B) Reappointment of Mary McBride to Seat 6 on the Traffic Safety Committee for a three-year term commencing December 31, 2005 to expire December 31, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-2328 27. Regarding request from Des Moines Public Schools to vacate and convey E. 7th Street from E. University Avenue to Filmore Street, Pine Street from E. University to Filmore, Filmore Alley from E. 7th to Pennsylvania and all intervening alley rights-of-way bounded by E. University, Freemont, Pennsylvania and E. 7th Street, subject to conditions. **Moved by Vlassis to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 7-0.**
- 05-2329 28. Regarding request from Dewayne Rohrer for vacation and conveyance of the north/south alley between 23rd and 24th Streets extending 528' south from Lincoln Avenue, subject to conditions. **Moved by Vlassis to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 7-0.**
- 05-2330 29. Regarding request from KC Holdings VI, LLC, (Jake Christiansen, Officer) for vacation and conveyance of subsurface rights adjoining property at 518 Grand Avenue and 411 Grand Avenue, subject to conditions. **Moved by Vlassis to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 7-0.**

disposition procedures. Motion Carried 7-0.

- 05-2331 30. Setting Date of Hearing on request from Glen Mikel (Developer) to rezone property at East Aurora Avenue to revise “M-2” (Heavy Industrial) with conditions approve Ordinance 11,669, removing condition prohibiting conditional use of property junk/salvage yard, allowing for future consideration of vehicle towing contractor sto yard, subject to conditions, (10-10-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
31. Regarding the following requests from Des Moines Public Schools for property at 110 6th Street:

WITHDRAWN

~~(A) To amend the Des Moines 2020 Community Character Land Use Plan for future use designation from Low Density Residential to Public/Semi Public.~~

- 05-2332 (B) Setting Date of Hearing to rezone from “C-2” (General Retail and Highway Ori Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Pla Unit Development) and conditional approval of PUD Conceptual Plan for Longfe Wallace Community School, subject to conditions, (10-10-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-2333 32. On request from Southeast Polk Community Schools to rezone 4401 NE 46th Street “A-1” (Agricultural) to “R1-80” (One-Family Residential) to allow future expansio Delaware Elementary School, (10-10-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2334 33. On issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds for S 1999A and 2000D, (essential corporate purpose), (hearing will be on October 10 at 5:00 and will also require a special Council meeting on Wednesday, October 26, 4:45 P approve the sale). ([Council Communication No. 05-526](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-2335 34. Approving payment of \$29,000 to Shelter Insurance Companies, as Subrogee of Wi Griffin, for property damage as a result of sewer backup. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2336 35. Approving payment of \$8,082.20 to Marjorie Stilley for property damage as a resu sewer backup. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2337 35-I Approving payment of \$15,000 to Liberty Bank FSB for a claim. SPONSOR: Hen
Moved by Vlassis to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

- 05-2338 36. Submitting out-of-state travel for Tom Vlassis. ([Council Communication No. 05-](#)
Moved by Vlassis to adopt. Motion Carried 7-0.

APPROVING

- 05-2339 37. Contract No. LIHEAP-06-07-J with Iowa Department of Human Rights/Division
Community Action Agencies for energy related assistance for low-income residents
October 1, 2005 to September 30, 2006. ([Council Communication No. 05-545](#)) **Moved**
Vlassis to adopt. Motion Carried 7-0.

- 05-2340 38. 2004 Supportive Housing Program Renewal Grant Agreement with HUD for supplement
funding for local homeless programs to address service gaps. ([Council Communication](#)
[05-524](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2341 39. Receipt of Proposed Airport Board Regulation No. 05-49 regarding rate changes. **M**
by Vlassis to adopt. Motion Carried 7-0.

- 05-2342 40. 2005 Official Financial Report for City Streets. ([Council Communication No. 05-](#)
Moved by Vlassis to adopt. Motion Carried 7-0.

41. Provision of ICMA VantageCare Retirement Health Savings Plan to the follo
International Association of Machinists and Aerospace Workers, Local Lodge 204:

- 05-2343 (A) Unit 10, Clerks. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2344 (B) Unit 11, Professional Librarians. **Moved by Vlassis to adopt. Motion Carried 7-**

- 05-2345 42. Temporary Parking License with Wells Fargo Financial, Inc. for use of City-owned su
parking lot located south of Martin Luther King, Jr. Parkway between 9th and 11th Str
Moved by Vlassis to approve. Motion Carried 7-0.

43. Communications from Downtown Community Alliance requesting approval of
following banner designs:

- 05-2346 (A) On behalf of the World Food Prize and Downtown Events Group, 134 banner
Locust Street during October 2005. **Moved by Vlassis to receive, file and app**
banner design. Motion Carried 7-0.

- 05-2347 (B) On behalf of Iowa Health Systems and Festival of Trees and Lights, 30 banner
Locust Street during November 2005. **Moved by Vlassis to receive, file and app**

banner design. Motion Carried 7-0.

- 05-2348 (C) On behalf of Iowa Events Center, 70 banners on Walnut Street, Fifth Avenue, Grand Avenue during October 2005. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
- 05-2349 44. Approving bid from Hewlett Packard for computer equipment per Western S Contracting Alliance price agreement #90-00151 to be used by the IT Department, \$43, **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2350 45. Civil Service Entrance Lists for Client Server Application Developer and Departmental Support Technician and Promotional List for Police Captain. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 05-2351 46. Authorizing Finance Director to draw checks on the registers of September 29, 2005, October 6, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of September 26, 2005 and October 3, 2005; and to draw checks for biweekly payroll due September 30, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-2352 47. Vacating the portion of 14th Street and any remaining alley rights-of-way and easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13th and 15th Streets. **Moved by Vlassis that this ordinance do now pass, [#14,489](#). Motion Carried 7-0.**
- 05-2353 48. Amending Chapter 26 of the Municipal Code regarding the Plumbing Code. ([Communication No. 05-525](#)) **Moved by Vlassis that this ordinance do now pass, [#14,490](#). Motion Carried 7-0.**
- 05-2354 49. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, [#14,491](#). Motion Carried 7-0.**
- (A) Corner clearance-south side of Indiana Avenue, west of 2nd Avenue.
- (B) Parking restriction-east side of South Union Street from E. Dunham Avenue to Edison Avenue.

ORDINANCES - SECOND CONSIDERATION

- 05-2355 50. Amending Chapter 2 of the Municipal Code regarding salary of mayor and councilmembers. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Hensley and Kiernan.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-2356 51. Amending Chapter 2 of the Municipal Code regarding preference for local goods and services. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-2357 (A) Final consideration of ordinance above, (waiver requested by the Aviation Department), requires 6 votes. **Moved by Hensley that the rule requiring that this 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 this ordinance be placed upon its final passage and that the ordinance do now pass, [#14,492](#). Motion Carried 7-0.**

- 05-2358 52. Amending Chapter 126 of the Municipal Code regarding taxicab trip rates. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-2359 (A) Final consideration of ordinance above, (waiver requested by the applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,493](#). Motion Carried 7-0.**

Council considered Hearing Items 57 thru 63 next

COMMUNICATIONS/REPORTS

- 05-2360 53. From Robert J. Conley, 1050 Sixth Avenue, to speak regarding hotel development in Des Moines. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

- 05-2361 54. From Tom Howard (ST Investments) regarding a proposed mixed use development at 5th & Walnut. **Moved by Brooks to receive, file, and refer to City Manager for review and recommendation. Motion Carried 7-0.**

- 05-2362 55. From Mark A. Knudsen, 1100 E. County Line Road, to speak regarding sewer lines in the Central Business District. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

05-2363 56. Receipt of Des Moines Water Works 2004 Audit Reports. **Moved by Vlassis to read and file, and forward the Management Letter to the Council. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 57 THRU 63)

05-2364 57. On appeal from Bad Kids, Inc., regarding Street Use Team denial of their application ([Council Communication No. 05-541](#)) **Moved by Hensley to reverse denial subject to agreement. Motion Carried 7-0.**

05-2365 58. On conveyance of property abutting 1645 24th Drive, to Michael J. and Lori J. Greene, ([Council Communication No. 05-538](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2366 59. On vacation and conveyance of a portion of 36th Street right-of-way, south of Dorset Avenue to Jerry D. Lohner, \$600. ([Council Communication No. 05-539](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2367 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-2368 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,494](#). Motion Carried 7-0.**

05-2369 60. On vacation and conveyance of a strip of 62nd Street right-of-way between Grand Avenue and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, (to correct error in legal description in Roll Call 05-1190). **Moved by Hensley to adopt. Motion Carried 7-0**

05-2370 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-2371 (B) Final consideration of ordinance above, (waiver requested by Legal Department) requires 6 votes. **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, [#14,495](#). Motion Carried 7-0.**

05-2372 61. On request from Baker LP to rezone property located in vicinity of 2629 E. 29th Street and 2903 Grandview Avenue from "R1-60" (One-Family Low Density Residential) to "C-2" (Neighborhood Retail Commercial) to allow garage addition to existing mixed use building. **Moved by Hensley to adopt. Motion Carried 7-0.**

commercial/residential building and to include existing off-street parking areas accessible to building. **Moved by Mahaffey to adopt and approve the rezoning, subject to passage of the rezoning ordinance and with the Community Development Department to specifically review the landscape requirements at the site plan stage of development. Motion Carried 7-0.**

05-2373 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-2374 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 7 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 on its final passage and that the ordinance do now pass, [#14,496](#). Motion Carried 7-0.**

05-2375 62. On request from Hubbell Properties II, LC to rezone property in the vicinity of 4615 Hubbell Avenue, from “A-1” (Agricultural) to “PUD” (Planned Unit Development), to a 38.89 acres of land identified for single-family residential development, with a minimum width of 55 feet and lot area of 6,875 square feet; 2.6 acres designated for open space and 3.12 acres along Hubbell Avenue identified for Highway-Oriented Commercial Use, subject to approval of the Summersfield Concept Plan subject to conditions. **Moved by Mahaffey to adopt including conditional approval of the “PUD” conceptual plan, subject to a further requirement that the “PUD” conceptual plan be further amended to identify that at the final development plan stage the development must include additional lots adjoining the south line of the subject property to permit larger and deeper residential lots. Motion Carried 7-0.**

05-2376 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-2377 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 7 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 on its final passage and that the ordinance do now pass, [#14,497](#). Motion Carried 7-0.**

63. Items regarding request from Curley Top LLC to rezone 1720 SW 1st Street from “T-1” (Light Industrial) to “R-4” (Multiple Family Residential) to allow construction of a 40-unit three-story apartment building for senior living:

05-2378 (A) Approving amendment to the Des Moines 2020 Community Character Land Use Ordinance from General Industrial to High Density Residential. **Moved by Brooks to adopt and approve the proposed amendment. Motion Carried 7-0.**

05-2379 (B) Hearing on proposed rezoning. **Moved by Brooks to adopt and approve**

rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

- 05-2380 (C) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2381 (D) Final consideration of ordinance above, (waiver requested by applicant), requiring 7-0 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, [#14,498](#). Motion Carried 7-0.**
- 05-2382 (E) Approving real estate documents for property between SW 2nd Street and Indiana Avenue and between Granger Avenue and Dunham Avenue for the Indianola Avenue redevelopment area project, \$65,900 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

**** END HEARINGS AT 5:47 P.M.****

****Council considered Items 53 thru balance of agenda next****

APPROVING

- 05-2383 64. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan and economic development grant to assist in renovations to 216 Court Avenue. ([Council Communication No. 05-542](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-2384 65. Application for Enterprise Zone Benefits for The Brownstones on Grand, L.L.C., vicinity 2nd, 3rd, Grand and Watson Powell Drive in Des Moines Gateway Enterprise Zone. ([Council Communication No. 05-523](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-2385 66. Request For Information (RFI) for redevelopment of City-owned property on south side of Court Avenue between 4th and 5th Streets in Metro Center Urban Renewal Area. ([Council Communication No. 05-544](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. N Brooks.**
- 05-2386 67. Operation Downtown reimbursement for beautification and maintenance projects that were made on Nollen Plaza and Court Avenue in preparation for the National Governors' Association meeting last July, \$58,605.31. ([Council Communication No. 05-528](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2387 68. Receipt of Certificate of Achievement for 2004 Performance Report. ([Council Communication No. 05-527](#)) **Moved by Kiernan to approve. Motion Carried 7-0.**

- 05-2388 69. Agreement for pedestrian bridge and pedestrian improvements for the Iowa Events Center Project over realigned Third Street. **Moved by Hensley to approve. Motion Carried 7-0. Pass: Vlassis.**
- 05-2389 70. Temporary building setback easement to allow retention of a deck for residential use at E 5th Street. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-2390 71. Amendment to Schedule of Administrative Penalties to include additional penalties in conjunction with Right-of-Way Management Program. **Moved by Hensley to adopt. 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 a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

- 05-2391 1. Receive and file Board of Adjustment decision regarding Use Variance for 2218 E 10th Street, Jorge Morales (Owner). SPONSOR: Mahaffey. ([Council Communication No. 549](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-2392 2. Recognition of City of Des Moines as one of America’s Promise Alliance “100 Communities For Young People”. SPONSOR: Vlassis. (Council Communication No. 522) **Moved by Vlassis to receive and file. Motion Carried 7-0.**

BOARD OF HEALTH

- 05-2393 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene the Board of Health. Motion Carried 7-0.**

AUTHORIZING

- 1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - 05-2394 (A) 1520 Center Street, Titleholders: Mark Jesse, Laura Jesse; Trafalgar Holdings, Mortgage Holder: First State Bank of Colfax. **Moved by Kiernan to adopt. Motion Carried 7-0.**
 - 05-2395 (B) 2208 Garfield Avenue, Titleholder: The Estate of Robert J. Hutton. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

05-2396 ~~(C) 2415 Reynolds Lane (garage), Titleholder: Delores I. Hartman; Mortgage Holder: Aegis Wholesale Corporation.~~

WITHDRAWN

05-2397 ~~(D) 1328 4th Street, Titleholder: Basim Bakri.~~

05-2398 (E) 623 SE 6th Street, Titleholder: The Estate of Sheila Rae Hascall. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

05-2399 ~~(F) 2140 SE 6th Street, Titleholder: D&L Homes, LLC.~~

05-2400 (G) 1003 E 7th Street, Titleholder: First National of North America. LC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2401 (H) 1645 E. 14th Street, Titleholder: Sandy Olechnovics. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2402 (I) 254 E. 17th Street, Titleholders: Jack R. Knox, Joyce A. Henderson and Mark Knox. Contract Buyer: Geraldine V. Madison. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2403 (J) 1202 E. 32nd Street (garage), Titleholder: Steven W. Thornton; Legal Interest Holder: Jean Johnson. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2404 2. The Engineering Department to cause the removal of the structure located at 1805 Alameda Avenue, Titleholder: Michael Dooley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2405 3. The release of demolition cost reserve held by State Farm Insurance Companies, under contract number 15-E081-417 regarding the property located at 1110 Clark Avenue insured by L. Spearman, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

05-2406 4. Regarding demolition cost reserve being held by Allied Insurance for the fire-damaged garage located at 1604 7th Street. **Moved by Vlassis to receive and file and to direct Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

05-2407 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:32 P.M. Motion Carried 7-0.**

All-America City
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