

***** 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

January 24, 2005 4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

Recognition of Michael Zelenovich, recipient of “2004 Ambassadors in Education Award”

PROCLAMATIONS – 4:15 P.M.

National Parent Leadership Month

INVOCATION: Rev. Janette Scott
Central Presbyterian Church

05-132 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

05-133 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.**

05-134 3. **APPROVING CONSENT AGENDA – items 3 through 50: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 05-135 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Council Member Vlassis moved to approve Item E. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(B)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(C)	LA CRUZ #3	3900 E 14TH ST	C Beer
(D)	LOS SAUCEZ	1704 E GRAND AVE	B Beer
(E)	MEXICAN MARKET	1456 2ND AVE	C Beer
(F)	PALMERS DELI & MARKET	2843 INGERSOLL AVE	C Beer/Wi
(G)	YEE HO GARDEN	520 ARMY POST RD	C Beer/Wi

RENEWAL APPLICATIONS

(H)	BOBS SPORTS BAR & GRILL	918 E EUCLID AVE	C Liquor
(I)	CASEYS GENERAL STORE #2244	2150 E ARMY POST ROAD	C Beer
(J)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(K)	EL CANCUN NIGHT CLUB	900 E ARMY POST ROAD	C Liquor
(L)	FLYING MANGO	4345 HICKMAN RD	C Beer/Wi
(M)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	C Beer
(N)	GIT N GO STORE #28	3274 E UNIVERSITY AVE	C Beer
(O)	KWONG TUNG RESTAURANT	2721 INGERSOLL AVE	C Beer/Wi
(P)	LIFT	222 4TH STREET	C Liquor
(Q)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(R)	PLAZA MEXICO MEXICAN REST.	3841 E 14TH ST	C Liquor
(S)	SOUTHPORT SPORTS BAR	1101 ARMY POST RD	C Liquor
(T)	TOBACCO OUTLET PLUS #503	400 EUCLID AVENUE	C Beer
(U)	TOBACCO OUTLET PLUS #521	2601 E EUCLID AVE	C Beer
(V)	TROPHYS SPORTS BAR & GRILL	2701 DOUGLAS AVE	C Liquor

TRANSFER TO NEW LOCATION

(W)	DEPOT	3000 E GRAND AVE	B Beer
	Temporary transfer of license to Cattle Barn from February 14, 2005 to February 20, 2005 for the Beef Expo.		

- 05-136 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-137 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
 - 05-138 (A) SW 9th Street Culvert Repair at Luster Lane – Receiving of Bids, (02-22-05), Setting Date of Hearing, (02-28-05). (Construction Estimate - \$97,600). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-139 (B) 2005 Traffic Signal Improvements – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$60,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-140 (C) 30th Street & Forest Avenue Storm Sewer Improvements – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$960,700). **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-141 (D) Principal Park Seating Expansion and Outfield Improvements – Receiving of Bids, (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate - \$3,623,000). ([Council Communication No. 05-021](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
8. Approving Iowa Department of Transportation Agreement for E. 14th Street and E. 10th Street (US 69) between Court Avenue and Walker Street Traffic Signal Improvements. ([Council Communication No. 05-033](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
9. Approving completion and recommending acceptance of the following:
 - 05-143 (A) 11/12th Streets Connector - M.L. King Jr. Parkway to Cherry Street – M. Peter Construction. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-144 (B) East 30th Street Resurfacing from Dean Avenue, north to Maple Street – Des Moines Asphalt & Paving. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - 05-145 (A) Elder Corporation and Mora, Inc. for Sanitary Sewer Improvements for Mora, Retail Center, 1420 Des Moines Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-146 (B) Jordison Construction and Massman Group LLC for Paving Improvements at 110th & 10th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

11. Various items regarding special assessments for street paving associated with the 2002/2003 Paving Program:

(A) Pleasantview Drive paving from S.W. 5th Street to 569' east:

05-147 (1) Accepting work and ordering preparation of plat and schedule of assessments.
Moved by Hensley to adopt. Motion Carried 7-0.

05-148 (2) Adopting and levying final schedule of assessments, and providing for payment.
Moved by Hensley to adopt. Motion Carried 7-0.

(B) Willowmere Drive paving from S.W. 23rd Street to Fleur Drive:

05-149 (1) Accepting work and ordering preparation of plat and schedule of assessments.
Moved by Hensley to adopt. Motion Carried 7-0.

05-150 (2) Adopting and levying final schedule of assessments, and providing for payment.
Moved by Hensley to adopt. Motion Carried 7-0.

(C) S.W. 5th Street paving from Pleasantview Drive to Virginia Avenue:

05-151 (1) Accepting work and ordering preparation of plat and schedule of assessments.
Moved by Hensley to adopt. Motion Carried 7-0.

05-152 (2) Adopting and levying final schedule of assessments, and providing for payment.
Moved by Hensley to adopt. Motion Carried 7-0.

(D) E. 24th Street paving from Dean Avenue to E. Grand Avenue except the pavement
place at Logan Avenue, E. Walnut Street and at Capitol Avenue:

05-153 (1) Accepting work and ordering preparation of plat and schedule of assessments.
Moved by Hensley to adopt. Motion Carried 7-0.

05-154 (2) Adopting and levying final schedule of assessments, and providing for payment.
Moved by Hensley to adopt. Motion Carried 7-0.

(E) Alley between 11th Street and 12th Street from 200' north of University Avenue to
Carpenter Avenue:

05-155 (1) Accepting work and ordering preparation of plat and schedule of assessments.
Moved by Hensley to adopt. Motion Carried 7-0.

05-156 (2) Adopting and levying final schedule of assessments, and providing for payment.
Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

- 05-157 12. Real estate documents for property at 1325 Locust Street for the Western Gateway Project, \$150,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-158 13. Real estate documents for property at intersection of Beardsley Street and County Road 63 for the Clover Hill Sanitary Trunk Sewer Project, \$5,052 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-159 14. Real estate documents for property for the Park Avenue Widening Project, \$3 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-160 15. Payment of Condemnation Award for acquisition of property at 1443 Locust Street for the Western Gateway Project, \$703,200 plus Sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-161 16. Authorization to proceed and acquire Right-of-Way for the S.E. 5th Street and McKinley Avenue Intersection Improvements. ([Council Communication No. 05-035](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-162 17. Approving reduction of Subdivision Bond No. IAC 319333 for Easter Lake Cove Plat 1 from \$70,825 to \$35,005 for partial completion of required sidewalks. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-163 18. Approving release of Subdivision Bond No. IAC 22479 in amount of \$35,107 as security for Sunrise Estates Plat 2 for satisfactory completion of required improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-164 19. Approving Tax Abatement applications for additional value added by improvements made during 2004. (189 applications) ([Council Communication No. 05-042](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-165 20. Approval of Tax Abatement application for improvements at 801 University Avenue (Value Grocery Store) completed in 2002. ([Council Communication No. 05-018](#)) **Moved by Vlassis to adopt, and to request that Polk County apply the application retroactively as if the application had been filed prior to February 1, 2003, and approved by the City and submitted to the County Assessor prior to March 1, 2003. Motion Carried 6-1. Pass: Hensley.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-166 21. Recommendation of Mayor Frank Cownie to appoint Susan Ryan to Seat 3 on the Works Board of Trustees to fill unexpired term of Rose Vasquez commencing July 1, 2004 to expire July 1, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-167 22. Recommendation from Neighborhood Finance Corporation to reappoint Pam Carmichael to Seat 15 on the Neighborhood Revitalization Board for a three-year term commencing July 1, 2004 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-168 23. Approving appointment of members of the Des Moines Enterprise Zone Commission ([Council Communication No. 05-030](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-169 24. On vacation and conveyance of E. 7th Street right-of-way and part of Maple Street right-of-way to Community Choice Credit Union, \$4,000, (2-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-170 25. On the 15th amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area, to expand the Airport Commerce Park sub-area by adding approximately 10 acres extending south to County Line Road on the west side of Fleur, (2-28-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-171 26. On Fourth Amendment to the Land Lease for Parcel Distribution Facility, with United Parcel Service, Inc, to clarify payment of sanitary sewer connection fees, and set the date for the Site and Grading Plan shall be presented to the City, (2-7-05). ([Council Communication No. 05-023](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-172 27. On Lease Agreement with the South Des Moines Girls Amateur Softball Association for the lease of Carney Softball Fields at 2501 SW 30th Street, (2-7-05). ([Council Communication No. 05-037](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
28. On Lease of property at 623 Grand Avenue, (2-7-05):
- 05-173 (A) To Boesen the Florist, Inc. ([Council Communication No. 05-039](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-174 (B) To Boesen the Florist, for a sidewalk café. ([Council Communication No. 05-040](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-175 29. Approving payment of \$742 to Barnes & Thornburg, LLP for representation in A Holdings Corp. bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-176 30. Approving payment of \$1,327.20 to Nyemaster, Goode, Voights, West, Hansell O'Brien, P.C. for airport title opinion work. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-177 31. Approving payment of \$12,500 to Cshyronia Turner for settlement of law suit in case Turner v. Morgan, et al., U.S. District Court. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-178 32. Approving payment of \$9,647 to Chester Woodburn III of Hansen, McClintock & Riley representation of Ron Wakeham in Barbara Rodgers v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-179 33. Submitting traffic regulation changes as follows: ([Council Communication No. 05-0](#)) **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. City Manager to work with the City's Bicycle Advisory Group to review the bicycle regulations on ML King. City Manager will also provide an update on the trail system. Motion Carried 7-0.**
- (A) Parking Meter Changes in Response to East Village Development.
 - (B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Downtown University Area.
 - (C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10th Street Lofts, L.L.L.P.
 - (D) Corner Clearance – North Side of East Walnut Street, east of E. 18th Street.
 - (E) Corner Clearance – East and West Sides of Polk Boulevard, north and south of Harwood Drive.
 - (F) Petition for Four-Way Stop – East 40th Court and Hull Avenue.
 - (G) Implement Traffic Regulations for Martin Luther King, Jr. Parkway from Fleur Drive to I-235 and for West Martin Luther King, Jr. Parkway from SW 2nd to Fleur Drive

- 05-180 34. Submitting out-of-state travel for Tom Vlassis, Andrea Hauer, William McCarthy, Sandra Morris. ([Council Communication No. 05-040](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 05-181 35. Order for 30-day suspension of cigarette permit at La Favorita, 1700 E. Grand Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-182 36. Use of various City Facilities as poll sites for the Jail Referendum Election to be held Tuesday, March 29, 2005. **Moved by Coleman to approve. City Clerk will notify City Properties Administrator, and the Municipal Housing Department to arrange access to the buildings; refer to the Legislative Sub-Committee for review and recommendation regarding endorsing the referendum. Motion Carried 6-1. Name: Vlassis.**
- 05-183 37. Pilot Program for preferred parking to encourage carpooling. ([Council Communication No. 05-031](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-184 38. Second Amendment to Consultant Service Agreement with RCC Consultants to safeguard vendor compliance associated with Police and Fire Radio Communications Project. ([Council Communication No. 05-029](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-185 39. Authorization to submit "FY2004 Annual Certification Report" to U.S. Department of Justice to acknowledge compliance with federal forfeiture guidelines. ([Council Communication No. 05-020](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-186 40. 28E Agreement with Polk County Emergency Management Commission for funding Emergency Management Administration and appointing the Fire Chief as City's Standby Representative to the Emergency Management Commission. ([Council Communication No. 05-022](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-187 41. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2005. **Moved by Hensley to receive, file and authorize City Clerk to transmit budget to the Polk County Auditor. This item will be discussed at an upcoming workshop. Motion Carried 7-0.**
- 05-188 42. Receipt of the Legislative Update of the 81st Iowa General Assembly. **Moved by Hensley to receive and file. Motion Carried 7-0.**

43. The following Quarterly Reports:
- 05-189 (A) Treasurer's Report as of December 31, 2004. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-190 (B) Financial Report for six months ended December 31, 2004. ([Council Communication No. 05-019](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-191 44. Designation of multiple depositories for City Funds. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-192 45. Communication from Downtown Community Alliance on behalf of Mercy Medical Center to approve banner design for 40 banners to be displayed in downtown on Locust Street from February and October, 2005. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- 05-193 46. Contracts for Youth Advisory Board's Metro Star event. ([Council Communication No. 05-043](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-194 47. Bid from Vetter Equipment Company for two 16' finish cut rotary mowers plus attachments, \$64,310. (Eleven bids mailed, three bids received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-195 48. Civil Service Entrance Lists for Procurement Services Specialist, Fleet Services Services Writer, Fleet Services Operations Manager, Fleet Services Manager, and Fleet Services Administrative Coordinator and Promotional List for Street Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-196 49. Finance Director to draw checks for check registers of January 27 and February 3, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of January 24 and January 31, 2005; and to draw checks for biweekly payroll due on February 4, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

50. On various amendments to the Zoning Ordinance:

WITHDRAWN

- 05-197 (A) ~~To revise the "D-R" (Downtown Riverfront) district regulation to provide consistent treatment of signage and building height. Will be considered at February 7, 2005 meeting.~~

WITHDRAWN

- 05-198 (1) ~~Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. Will be considered at the February 7, 2005 meeting.~~

- 05-199 (B) To revise Section 134-1276(p) to provide for consistent treatment of signage in Sign Overlay districts. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 05-200 (1) Final consideration of ordinance above, (waiver requested by Community Development Director), 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, [#14,406](#). Motion Carried 7-0.**
- 05-201 (C) To revise Section 134-987(2)(a) to encourage monument signs within the “C-3 Central Business District Support Commercial District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 05-202 (1) Final consideration of ordinance above, (waiver requested by Community Development Director), 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, [#14,407](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-203 51. Amending Chapter 70 of the Municipal Code, regarding sale of products containing pseudoephedrine in combination with other active ingredients. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-204 52. Amending Chapter 2 of the Municipal Code regarding exception to the competitive bidding procedure, for goods or services when procured through Polk County competitive bidding procedure. ([Council Communication No. 05-041](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-205 (A) Final consideration of ordinance above, (waiver requested by Finance Department), 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, [#14,408](#). Motion Carried 7-0.**

WITHDRAWN

- 05-206 53. ~~Amending Chapter 26 of the Municipal Code regarding maintenance, repair, equipment use and occupancy of residential rental buildings and structures by providing an exception for members of the titleholder's immediate family.~~

COMMUNICATIONS/REPORTS

- 05-207 54. From Jim Civitate, 1212 Kenyon Avenue, regarding the Police Department. **Moved Brooks to receive and file. Mr. Civitate did not appear at the meeting. Motion Carried 6-1. Absent: Vlassis.**
- 05-208 55. From Jessica Sabinash, 800 Pioneer Road, regarding animal ordinance. **Moved Brooks to receive and file comments; refer to Legal and City Manager for review and recommendation. Motion Carried 6-1. Absent: Vlassis.**
- 05-209 56. From Bob Wessel, 2719 Leach, regarding taxes. **Moved by Hensley to receive and comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 57 THRU 62)

57. On assessment of penalties for violation of Iowa Cigarette laws for the following:
- 05-210 (A) \$300 penalty for Kum & Go, 4140 Park Avenue. **Moved by Hensley to adopt Motion Carried 7-0**
- 05-211 (B) \$1,500 penalty or 30-day suspension of cigarette permit for Some Place Else, 1 Hubbell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-212 58. On proposal to lease City-owned real estate locally known as the Guzman Building Birdland Marina to the Des Moines Rowing Club. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-213 59. On request from Randal Meiners to rezone property at 900 Williams Street, from "R1- (One Family Low Density Residential), to "PUD" (Planned Unit Development), approval of a Conceptual Plan to allow development of 16 ranch townhome units with private drive access, subject to revisions to the Plan. **Moved by Brooks to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-214 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-215 (B) Final consideration of ordinance above, (waiver requested by developer), 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, #14,400. Motion Carried 7-0.**
- 05-216 60. On sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham, to Communication Technologies, Inc. \$82,000. **Moved by Brooks to continue to the February 7, 2005 Council meeting at 5:30 PM. City Manager to report on overall plan and rezoning for the area. Motion Carried 7-0.**
- 05-217 61. On sale of property in the vicinity of 5800 SW 4th Street to LAB Investment Company, Inc., \$8,500. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-218 62. On vacation and conveyance of Third Street from University to Laurel Avenue, to Healy Initiatives, Iowa Corp, d/b/a Mercy Medical Center – Des Moines, (to correct error in lot description in previous Council action). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-219 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-220 (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, #14,400. Motion Carried 7-0.**

END HEARINGS AT 5:38 P.M.

APPROVING

63. NUMBER NOT USED.
- 05-221 64. Programmatic Agreement with the State Historic Society of Iowa and Advisory Council on Historic Preservation, for archaeological work associated with the construction of detention basins in Riverpoint West, (SW 14th Street near Raccoon River). ([Council Communication No. 05-034](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-222 (A) Resolution ordering construction of Riverpoint West Detention Basin - Receiving basins bids (02-22-05), and Setting Date of Hearing, (02-28-05). (Construction Estimate \$1,325,122). **Moved by Hensley to adopt. Motion Carried 7-0.**

65. Agreements for SW 9th Street and County Line Road Intersection Improvements: ([Cou Communication No. 05-036](#))

05-223 (A) IDOT Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-224 (B) Intergovernmental 28E Agreement with Warren County. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-225 I. Resolution to recess and reconvene in closed session pursuant to Section 20.17 of the Iowa Code, which provides for strategy meetings of public employers. **Moved by Coleman to adopt. Motion Carried 7-0.**

05-226 II. CLOSED SESSION

05-227 III. Terminate this closed session and reconvene in open session. **Moved by Coleman 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.

05-228 1. Consideration to approve or reject the decision of the fact-finder in conjunction with the Des Moines Police Bargaining Unit Association. **Moved by Hensley to reject the decision of the fact-finder. Motion Carried 7-0.**

BOARD OF HEALTH

05-229 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:

05-230 (A) 3317 Crocker Street, Titleholder: Michael L. Dooley. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**

- 05-231 (B) 802 E. Granger Avenue, Titleholder: Donna J. See; Mortgage Holder: Centex Home Equity Corporation. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**
- 05-232 (C) 2713 E. Walnut Street, Titleholder: Commercial Federal Bank. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**
- 05-233 (D) 1008 26th Street, Titleholder: SSW, L.L.C.; Mortgage Holder: Commercial Federal Bank, F.S.B. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**
- 05-234 (E) 3307 50th Street, Titleholders: Fredrika A. Dixon and Duane Dixon; Contract Buyer: Michael Dixon. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**
- 05-235 2. The Engineering Department to cause the removal of the structure at 1350 Hutton Street. Titleholder: Terry McKenry. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-236 3. Request for consideration of an extension of time to complete renovation of the structure located at 1120 21st Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-237 4. Release of demolition costs reserve held by GAB Robins regarding property known as 1443 E. 17th Court held under claim number 56018-45603 insured by Ethel Greenlee with claim being made for enforcement costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

****Council considered Extra Item 1 next****

- 05-238 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:45 P.M. Motion Carried 7-0.**

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