

**\*\*\* 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**

**March 22, 2004**

**4:30 P.M.**

**SPECIAL PRESENTATIONS - 4:15 P.M.**

Presentation to City by Dave Caris, MidAmerican Energy for "Trees Please" Grant

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

04-565 1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Brooks, Mahaffey, Overma and Vlassis.**

04-566 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.**

04-567 3. **APPROVING CONSENT AGENDA – items 3 through 53: Moved by Hensley to adopt. Motion Carried 7-0.**

## LICENSES AND PERMITS

04-568

4. Approving the following Alcoholic Beverage License Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

### NEW APPLICATIONS

(A)	CAFE CORSO	3701 INGERSOLL AVE	C Beer/Wine
(B)	MOBIL FOOD MART	3732 EASTON BLVD	C Beer
(C)	PLAYHOUSE	1011 LOCUST ST	C Liquor
(D)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(E)	QUIKTRIP #501	2221 E EUCLID AVE	B Wine
(F)	SCHAFFERS	601 E LOCUST ST	B Wine
(G)	SEC TAYLOR STADIUM	350 SW 1ST STREET	C Liquor

### RENEWAL APPLICATIONS

(H)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(I)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(J)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(K)	GIT N GO STORE #5	2700 INDIANOLA AVE	C Beer
(L)	GRANDVIEW GOLF COURSE	2401 E 29TH STREET	B Beer
(M)	HIGHLAND PARK COUNTRY CLUB	518 EUCLID AVENUE	C Liquor
(N)	IOWA CUB CLUB OF DES MOINES	1 LINE DR	C Liquor
(O)	LCS CORNER	344 E JACKSON AVE	C Liquor
(P)	LIQUOR ISLAND	901 E EUCLID AVE	E Liquor
(Q)	NUT POB RESTAURANT	3322 INDIANOLA AVE	C Beer/Wine
(R)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(S)	QUIKTRIP #544	3941 SE 14TH ST	C Beer
(T)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(U)	SHIE CONCESSION	3000 E GRAND AVE	B Beer
(V)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(W)	TOP VALUE FOODS	801 UNIVERSITY AVE	E Liquor
(X)	WELLMANS PUB	2920 INGERSOLL AVE	C Liquor

### OUTDOOR SERVICE APPLICATION

(Y)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
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Temporary outdoor service area in conjunction with Drake Relays celebration on April 23,2004.

04-569

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

## PUBLIC IMPROVEMENTS

- 04-570 6. Approving Supplemental Agreement No. 3 with Calhoun-Burns and Associates, Inc. for construction phase services for SW 9<sup>th</sup> Street Bridge over Yeader Creek, not exceed \$55,000. ([Council Communication No. 04-152](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-571 7. Approving Professional Services Agreement with Veenstra & Kimm, Inc. for Closer Creek Storm Drainage Improvements--27<sup>th</sup> Street to 30<sup>th</sup> Street, \$145,088. ([Council Communication No. 04-150](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-572 8. Communication from Jasper Construction Services, Inc. requesting permission to sublet certain items on Highland Park Streetscape project. **Moved by Hensley to adopt. Motion Carried 7-0.**
9. Approving completed construction and approving final payment for the following:
- 04-573 (A) East University Avenue Sanitary Relief Sewer, Van Hauen & Associates, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-574 (B) Drake Municipal Observatory ADA Entry, Munro Construction Co. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- 04-575 10. Approving deletion of NAC-Emergency Assessments at various locations on Schedules 2003-82, 2004-04, and 2004-50, (property transferred ownership). **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- 04-576 11. Approve and accept real estate documents for property at 805 and 809 Grandview Avenue for the Upper Union Park Sewer Separation Project-Phase II, \$150 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-577 12. Approve and accept real estate documents for property at 2705 East Railroad Avenue and 1002 SE 27<sup>th</sup> Court for the WRA Biosolids Storage Facility Project, \$21,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-578 13. Approve and accept Quit Claim Deed from Polk County for the proposed Airport Runway 13R-31L Project, \$0. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-579 14. Approve and accept Drainage Facility and Waterway Agreement from Union Pacific

Railroad Company for the Deans Lake Outlet Storm Sewer Project-Phase I, \$7,1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-580 15. Approving subdivision plat entitled James E. Rasmussen Industrial Park, located west of NE 22<sup>nd</sup> Street (Delaware Avenue) and north of I-35/80. ([Council Communication No. 04-142](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-581 16. Establishing fair market value (Lots 6-12, 32, 40, 42 & 43 Ferrari Heights Replat) and authorizing acquisition of property for the Southeast Ridge Trunk Sanitary Sewer Project, \$19,841 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 04-582 17. Communication from Marty Mauk advising of his resignation from the Zoning Board of Adjustment (Seat 1) effective May 1, 2004. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 7-0.**
- 04-583 18. Communication from Richard Nelson advising of his resignation from the Historical District Commission (Seat 3) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 7-0.**

### **STREET CLOSURES**

- 04-584 19. Approving request from Pam Kulik, representing Downtown Community Alliance, to close Water Street (1<sup>st</sup> Street) from Market to Elm from 9 AM on May 5, 2004 through 5 PM on June 1, 2004 for "Designs On Downtown". **Moved by Hensley to adopt. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

- 04-585 20. On request from RM Madden Construction, Inc., to rezone property at 26 E. Hartford Avenue from Ltd "C-1" (Neighborhood Retail Commercial) to "R-3" (Multiple-Family Residential), to allow residential mortgage financing of single-family and two-family dwelling development, (4-5-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-586 21. On request from Mercy Medical Center, to rezone property at 1111-6<sup>th</sup> Avenue, from "C-2" (General Retail and Highway Oriented Commercial) "C-0" (Commercial Residential) and "R-4" (Multiple-Family Residential), to PUD, and approve the

proposed PUD Conceptual Plan for the Mercy Medical Center campus showing three-story, 204,707 square foot East Tower addition to the main hospital and 75 new surface parking stalls, subject to conditions, (4-5-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- 04-587            22.    Approving payment of \$137.50 to Ahlers & Cooney, P.C. for consultation and legal services regarding the Irwin Chemical Building at 401 S.E. 6<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-588            23.    Approving payment of \$37.50 to Ahlers & Cooney, P.C. for environmental law counsel in conjunction with the acquisition services regarding environmental contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-589            24.    Approving payment of \$430.95 to Jane McAllister of Ahlers & Cooney, P.C. for advice and assistance in addressing environmental concerns in conjunction with development of the Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-590            25.    Approving payment of \$1,200 to Charles W. Goering, Inc. and \$5,302.75 to Contractor Rental Company for claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-591            26.    Approving payment of \$229.50 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-592            27.    Approving payment of \$14,904.60 to Gerald Beener for workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-593            28.    Approving payment of \$7,855.80 to Stanford Lamay for workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

- 04-594            29.    Submitting the revised City of Des Moines Employee Work Place Policy Handbook formerly the Equal Opportunity Program/Affirmative Action Plan. ([Council Communication No. 04-143](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-595            30.    Submitting various traffic regulation changes as follows: **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation.**

**Motion Carried 7-0. Council Member Brooks votes no on 30(D).**

- (A) Parking Restriction Modifications due to the reconstruction of Park Street.
- (B) Designation of Aurora Avenue as a Three-Lane Roadway from Beaver Avenue to Merle Hay Road.
- (C) Parking Restriction Modification – 41<sup>st</sup> Street between University Avenue and Forest Avenue.
- (D) Removal of Rush-Hour Restriction-6<sup>th</sup> Avenue between Locust Street and Walnut Street.
- (E) Extension of Parking Restriction-South Side of East Fleming Avenue, East of East 14<sup>th</sup> Street. ([Council Communication No. 04-151](#))

- 04-596 31. Submitting out-of-state travel for Bruce Bergman, Jeff Franklin, Richard Singleton, John Leporte, Jack Kamerick, David Knutzen and Terrance Vorbrich. ([Council Communication No. 04-135](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Overman.**

**APPROVING**

- 04-597 32. Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) carryover and program income funding for the 2004 HUD Consolidated Plan, \$5,106,755. ([Council Communication No. 04-136](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-598 33. Execution of Release of Second Real Estate Mortgage for condominium space in 1 Court Avenue UDAG Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-599 34. Execution of a Design Agreement with the Department of the Army for design of the Principal Riverwalk and related agreement with Principal Life Insurance Company. ([Council Communication No. 04-153](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
35. Items regarding the Federal Home Loan Bank of Des Moines (FHLB):
- 04-600 (A) First Amendment to Contract for Sale of Land or Private Redevelopment. ([Council Communication No. 04-148](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-601 (B) Setting date of hearing for approval of a Parking License Agreement, (4-5-04). ([Council Communication No. 04-149](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

**Carried 7-0.**

- 04-602            36.    Governor's Traffic Safety Bureau – OWI Enforcement Grant Award to provide overtime and equipment for officers to focus on OWI drivers in Des Moines from April 1 – September 30, 2004, (\$50,000). ([Council Communication No. 04-137](#)). **Moved by Overman to adopt. Motion Carried 7-0.**
- 04-603            37.    Application for US Department of Homeland Security Assistance to Firefighter Grant. ([Council Communication No. 04-139](#)). **Moved by Overman to adopt. Motion Carried 7-0.**
- 04-604            38.    Professional Services Agreement with Larson Architecture, LLC (Rick Larson, President, DSM), in conjunction with Greenhouses at Chesterfield-\$27,900, (continued from 3-8-04). ([Council Communication No. 04-141](#)). **Moved by Vlassis to adopt. Motion Carried 4-3. Nays: Cownie, Coleman and Overman.**
- 04-605            39.    Naming of a pocket park located on 13<sup>th</sup> Street between Washington and College Streets in honor of Edna Griffin. ([Council Communication No. 04-140](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**
- 04-606            40.    Issuance of \$1,000,000 Aviation System Revenue Capital Loan Note, Taxable Subordinate Series 2000A, to modify the redemption provisions. ([Council Communication No. 04-145](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-607            41.    Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Special City Elections to be held Tuesday, April 13 and May 11, 2004. **Moved by Hensley to approve. City Clerk will notify the City Properties Administrator and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.**
- 04-608            42.    Communication from Downtown Community Alliance, on behalf of the Meredith Corporation, to approve banner design for seven banners to be displayed in downtown on Locust Street during April. **Moved by Hensley to receive, file and approve banner design. Motion Carried 6-1. Nays: Brooks.**
- 04-609            43.    Intergovernmental 28E Agreement with Metro Waste Authority for operation of program for the collection and processing of Yard Waste Materials. ([Council Communication No. 04-154](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-610            44.    Municipal Housing Agency's Certificate of Consistency with the City's 2000-2005 Consolidated Plan. ([Council Communication No. 04-138](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-611            45.    Receipt of the Legislative Update of the 80<sup>th</sup> Iowa General Assembly. **Moved by Hensley to receive and file the report; Council to submit a letter of support.**

**Legislative Body urging their support and approval of benefits allocated toward affordable housing. Motion Carried 7-0.**

46. Bids from the following:
- 04-612 (A) Combined Systems Technology for APC Uninterruptible Power Supplies to be used by the Information Technology Department, \$33,338.80. (Eleven bids mailed, ten received). **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-613 (B) Dewey Ford for one 9900 GVWR truck and two 15,000 GVWR trucks to be used by the Public Works Department Sewer Operations Division, \$143,055.65. (Eleven bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-614 (C) Motorola for radio equipment under State of Iowa Contract CT1199MV to be used by the Police Department, \$63,756. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-615 (D) Bierman Electric for an annual contract with two additional one-year renewal options to furnish electrical contractor services. (Nine bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-616 47. Civil Service Entrance Lists for Firefighter, Fleet Services Service Person, and Police Information Typist. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-617 48. Authorizing Finance Director to issue checks on the registers of March 25 and April 1, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 22 and March 29, 2004; and to draw checks for biweekly payroll due employees on April 2, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- 04-618 49. Amending Chapter 102 of the Municipal Code regarding Street Use Events and Parades. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 04-619 50. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes, (see roll call for list). **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 04-620 (A) Final consideration of ordinance above. **Moved by Coleman 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 that the ordinance do now pass, [#14,322](#). Motion Carried 7-0.**



- 04-621            51.    Amending Chapter 74 of the Municipal Code regarding Blank Park Zoo fee. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 04-622            (A)    Final consideration of ordinance above, (waiver requested by Blank Park Zoo Foundation), requires 6 votes. **Moved by Coleman 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, [#14,323](#). Motion Carried 7-0.**
- 04-623            52.    Repealing and replacing Ordinance 14,294, to rezone the Riverfront area, to correct error in the original legal description. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nay Brooks.**
- 04-624            (A)    Final consideration of ordinance above. **Moved by Coleman 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, [#14,324](#). Motion Carried 6-1. Nay Brooks.**
- 04-625            53.    Amending Chapter 2 of the Municipal Code regarding City’s residency requirements. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 04-626            (A)    Final consideration of ordinance above. **Moved by Coleman 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, [#14,325](#). Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- 04-627            54.    Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A)    One-Sided Parking Restriction – Lakewood Cove Plats I and II.
- (B)    Commercial Loading Zone – South Side of Grand Avenue-west of 13<sup>th</sup> Street

## COMMUNICATIONS/REPORTS

- 04-628            55.     From Beth A. Wilson to speak regarding culture in Des Moines. **Moved by Hensl to receive, file, and grant the request to speak; Ms. Wilson did not appear at the meeting. Motion Carried 7-0.**
- 04-629            56.     Request from South Side Revitalization Partnership, regarding placement of a “Des Moines Welcomes You” brick structure and landscaping at SE 14<sup>th</sup> and Indian Road. **Moved by Brooks to refer to City Manager to work with South Side Revitalization Partnership for placement of brick structure at Highway 69 and Bloomfield Rd. and refer to Legal and City Manager for review and recommendation at the April 19<sup>th</sup> Council meeting. Motion Carried 6-1. Absent Coleman.**

## HEARINGS (Opened at 5:33P.M.) (Items 57 thru 64)

57.     On items regarding the zoning of the Downtown Riverfront area:
- 04-630            (A)     Closing hearing on proposed amendment to the Zoning Ordinance and Site Plan Regulations regarding the regulation of development in the “D-1” (Downtown Riverfront District), when a site plan is required and the requirement for site plan approval. ([Council Communication No. 04-147](#)) **Moved by Vlassis to adopt and approve, subject to final passage of the enacting ordinance.**
- 04-631            (1)     First consideration of ordinance above. **Moved by Vlassis that the ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**
- 04-632            (2)     Final Consideration of ordinance above, (waiver requested by Community Development 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, [#14,326](#). Motion Carried 6-1. Nays: Brooks.**
- 04-633            (B)     Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan for land in an area south of I-235 and west of E. 4<sup>th</sup> Street to change the future land use designation from Traditional Industrial Support Commercial. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

- 04-634 (1) Closing the hearing on the rezoning the area above from “M-1” (Light Industrial) to “D-R”. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Nays: Brooks.**
- 04-635 (2) First consideration of ordinance above. **Moved by Vlassis that the ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**
- 04-636 (C) Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan for land in an area south of Raccoon Street and west of SE 3<sup>rd</sup> Street, to change the future land use designation from Traditional Industrial to Support Commercial. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**
- 04-637 (1) Closing the Hearing on the rezoning of the area above from “M-1” (Light Industrial) to “D-R”. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Nays: Brooks.**
- 04-638 (2) First consideration of ordinance above. **Moved by Vlassis that the ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**
- 04-639 58. On conveyance of property near vacated Market Street from Riverside Drive west to vacated SW 6<sup>th</sup> Street, to MidAmerican Energy Company, for underground electrical line easements near the Science Center of Iowa. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 04-640 59. On request from the Metro Market, L.L.C., to rezone property at 2001 High Street from Limited “C-2” (General Retail and Highway Oriented Commercial) to revised Limited “C-2”, to amend the existing conditions to allow concurrent use of both retail and auction house while reducing square footage of auction house, number of fixed seats and number of required parking spaces. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-641 (A) First consideration of ordinance above. **Moved by Hensley that the ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-642 (B) Final consideration of ordinance above, (waiver requested by applicant requires 6 votes. **Moved by Hensley that the rule requiring that a**

**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 or suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,327](#). Motion Carried 7-0.**

- 04-643            60.    Approving amendment to the Des Moines 2020 Land Use Plan changing approximately 14 acres of property in the vicinity of 3400 E. Payton Avenue from General Development Zone Low Density Residential to Low/Medium Density Residential, and denying proposed amendment of an additional 6.5 acres from Private Park/Open Space to General Development Zone Low Density and Low/Medium Density Residential. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-644            (A)    On application of Bill Spencer, Regency Homes to rezone property at 3400 Payton Avenue from “R1-80” (One Family Residential) to “PUD” (Planned Unit Development) and to approve a conceptual plan for such property providing for approximately 77 single family dwellings and 48 single family semi-detached dwellings. **Moved by Brooks to adopt, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-645            (B)    First consideration of ordinance above. **Moved by Brooks that the ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-646            (C)    Final consideration of ordinance above (waiver requested by the applicant requires 6 votes. **Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed or suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,328](#). Motion Carried 7-0.**
- 04-647            61.    On 2003 HUD Consolidated Annual Performance and Evaluation Report (CAPER) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-648            62.    On Building Official’s determination that the structure at 692 17<sup>th</sup> Street constitutes a public nuisance. ([Council Communication No. 04-155](#)). **Moved by Hensley to adopt. Owner will adequately weatherproof and secure the building, complete Phase One by October 1, 2004, and provide a financial plan and building plan for the next phase. Motion Carried 7-0.**
- 04-649            63.    On Brook Run Park and Riley Park Improvements: Resolution approving plan specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Concrete Technologies, Inc, (Brad Baumler, President, Urbandale), \$218,440.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-650 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis adopt. Motion Carried 7-0.**
- 04-651 64. On 8<sup>th</sup> and Mulberry Parking Garage Demolition: Resolution approving plan specifications, form of contract documents, Engineer's estimate, and designation of lowest responsible bidder as Environmental Contractors of Illinois, Inc. (M.V. Rafferty, President, Illinois and Metro Wrecking, Inc., (Kurt Pagliai, Owner, DSM), Joint Venture, \$343,850. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**
- 04-652 (A) Approving contract and bond and permission to sublet. **Moved by Hensley adopt. Motion Carried 6-1. Absent: Brooks.**

END HEARINGS AT 6:03 P.M

#### **APPROVING**

- 04-653 65. City of Des Moines' Landscape Standards as part of City's Site Plan Policies ([Council Communication No. 04-146](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

#### **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.

- 04-654 1. Request from Council Member Jerry Overman to discuss grand opening of Salvation Army, 105 E. Euclid Avenue. SPONSOR: Overman. **Moved by Overman to receive, file, and discuss. Motion Carried 6-1. Absent: Brooks.**

**BOARD OF HEALTH**

04-655 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as Board of Health. Motion Carried 6-1. Absent: Brooks.**

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

04-656 (A) 3918 Center (garage), Titleholders: John D. Wanchanic. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

04-657 (B) 1621 Jefferson (vacant), Titleholder: Mary Alice Johnson; Mortgage Holder: Conesco Financial Servicing Corporation f/k/a Green Tree Financial Servicing Corporation. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

**WITHDRAWN**

04-658 (C) 3612 Martin Luther King Jr. Parkway (vacant), Titleholder: Alverda Karaidos; Legal Interest Holder: Oak Park Investments Partnership VII.

**WITHDRAWN**

04-659 2. Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E070-237 regarding property known as 3305 Forest Avenue insured by Laura Capaldo.

04-660 3. Release of demolition cost reserve held by Allied Insurance under claim number 74A01541 regarding property known as 1016 Trisha Avenue insured by Janelle Ferris. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

04-661 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:16 P.M. Motion Carried 6-1. Absent: Brooks.**

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All-America City  
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