

***** 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

June 21, 2004 4:30 P.M.

SPECIAL PRESENTATIONS (4:00 P.M.)

Excellence in Historic Preservation Awards.

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

- 04-1266 1. ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.
- 04-1267 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.

- 04-1268 3. APPROVING CONSENT AGENDA – items 3 through 52: Moved by Vlassis to adopt. Motion Carried 7-0.

LICENSES AND PERMITS

- 04-1269 4. Approving the following applications for Alcoholic Beverage Licenses: **Moved by Vla to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) LA USULUTECA 2500 M L KING JR PKWY B Beer

RENEWAL APPLICATIONS

(B)	BEGGARS BANQUET	2306 UNIVERSITY AVE	B Beer
(C)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(D)	CARLS PLACE	1620 WOODLAND AVE	C Liquor
(E)	CREATIVE CROISSANTS	5800 FLEUR	C Liquor
(F)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(G)	DSM COMM PLAYHOUSE	831 42ND ST	C Liquor
(H)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY AVE	E Liquor
(I)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(J)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(K)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(L)	HOUSE OF BRICKS	3839 MERLE HAY RD	C Liquor
(M)	HY VEE FOOD STORE #4	4707 FLEUR DR	E Liquor
(N)	HY VEE FOOD STORE #5	1107 E ARMY POST RD	E Liquor
(O)	KELLEYS	3606 BEAVER AVE	C Liquor
(P)	LA MIE BAKERY & REST	841 42ND ST	C Beer/Wine
(Q)	POLK CO CONVENTION	501 GRAND AVE	C Liquor
(R)	QUIKTRIP #530	2300 E 14TH ST	C Beer
(S)	QUIKTRIP #534	2945 E UNIVERSITY AVENUE	C Beer
(T)	QUIKTRIP #535	1501 E GRAND AVE	C Beer
(U)	QUIKTRIP #554	901 SW 63RD	C Beer
(V)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	C Beer
(W)	SPLASH SEAFOOD BAR & GRILL	303 LOCUST ST	C Liquor
(X)	VETERANS MEM AUDITORI	833 5TH AVENUE	C Liquor
(Y)	WEST GRAND 66 #20236	6222 GRAND AVE	C Beer

TRANSFER TO NEW LOCATION

(Z) DES MOINES ART CENTER REST 800 WALNUT ST C Liquor
TEMPORARY TRANSFER OF LICENSE FOR A ONE DAY EVENT ON JULY 9, 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL AND FIRE DEPARTMENTS.

SPECIAL EVENTS APPLICATIONS

(AA)	CHUCKS RESTAURANT	3612 6TH AVE	B Beer
	FIVE DAY LICENSE FOR THE ANNUAL CHUCK'S STREET PARTY ON AUGUST 7, 2004.		
(BB)	CONCESSION SPOT 23	3000 E GRAND AVE	B Beer

FOURTEEN DAY LICENSE FROM AUGUST 10, 2004 THRU AUGUST 24, 2004 FOR IOWA STATE FA

(CC) EMBASSY SUITES HOTEL 25 E WALNUT AVE B Beer
FIVE DAY LICENSE FOR BOOTH A AT TASTE OF DES MOINES ON JULY 23 AND 24, 2004. PENDING APPROVAL OF BUILDING DEPARTMENT.

(DD) EMBASSY SUITES HOTEL 25 E WALNUT AVE B Beer
FIVE DAY LICENSE FOR BOOTH B AT TASTE OF DES MOINES ON JULY 23 AND 24, 2004. PENDING APPROVAL OF BUILDING DEPARTMENT.

04-1270 4-I. Approving Class C Liquor License for Palmer’s Pub, 1030 E. 9th Street. SPONSOR: Kiernan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1271 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

04-1272 6. Ordering construction of Drainage Improvements behind 201 E. Grand Avenue – Receipt of Bids, (7-13-04), and Setting Date of Hearing, (7-26-04), (Construction Estimate \$20,850). **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1273 7. Approving and authorizing the execution of Iowa Department of Transportation Preconstruction Agreements for the E. 5th Street Pedestrian Bridge, 40th Street Pedestrian Bridge, and 44th Street Pedestrian Bridge. ([Council Communication No. 04-316](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Cownie and Hensley.**

04-1274 8. Approving Change Order No. 6 (not to exceed \$122,424.18) and Change Order No. 7 (not to exceed \$27,568.70) with Jensen Construction Co. and United Contractors, Inc., a joint venture, for additional work on M.L. King Jr. Pkwy and Fleur Drive Intersection/Bridge Combined Project – total not to exceed \$149,992.88. ([Council Communication No. 04-315](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

04-1275 9. Approving designation of lowest responsible bidder as Rognes Corp., (Warren Rognes, President, Ames), contract and bond and permission to sublet for Upper Union Park Sewer Separation Phase II, \$4,547,750. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1276 (A) Approving Professional Services Supplemental Agreement No. 2 with Veenstra & Kimm, Inc., (H.R. Veenstra, Jr., President, WDSM), \$87,005. ([Council Communication No. 04-312](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1277 10. Communication from Cramer & Associates, Inc. requesting an extension of time of 35 days on the S.W. 9th Street Bridge over Raccoon River and UPRR Rehabilitation with a revised completion of July 15, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-1278 11. Communication from M. Peterson Construction Company requesting an extension of t
until August 1, 2004 on the 2003 Sidewalk Replacement Program due to wear
conditions. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1279 12. Authorization to proceed on the 2004-05 Sidewalk Program which is included in the 20
2005 Capital Improvements Program. ([Council Communication No. 04-314](#)) **Moved
Vlassis to adopt. Motion Carried 7-0.**
13. Approving completed construction and approving final payment for the following:
- 04-1280 (A) Blank Park Zoo Service Building, Munro Construction Company. **Moved by Vla
to adopt. Motion Carried 7-0.**
- 04-1281 (B) Skywalk 4F-5F Skylight Replacement, Munro Construction Company. **Moved
Vlassis to adopt. Motion Carried 7-0.**
- 04-1282 (C) Gray's Lake Entrance Gates, Access Control Technologies, Inc. **Moved by Vla
to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 04-1283 14. Approving deletion of NAC-Emergency Assessments at 1616 Porter Avenue and 2
Kingman Boulevard. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-1284 15. Approve and accept real estate documents for property for the Southeast Ridge Tr
Sanitary Sewer Project, \$5,082 plus closing costs. **Moved by Vlassis to adopt. Mot
Carried 7-0.**
- 04-1285 16. Establishing fair market value and authorizing acquisition of property at 2143 & 2147 H
Street for the Ingersoll Run Outlet Sewer Project, \$ 20,400 plus closing costs. **Moved
Vlassis to adopt. Motion Carried 7-0.**
- 04-1286 17. Approve and accept real estate documents for property at 5201 Park Avenue, for the F
Avenue Widening Project, \$ 2,900 plus closing costs. **Moved by Vlassis to ado
Motion Carried 7-0.**
- 04-1287 18. Approve and accept real estate documents for property at 921 Pleasant Street, for the
Street Reconstruction Project, \$11,300 plus closing costs. **Moved by Vlassis to ado
Motion Carried 7-0.**

- 04-1288 19. Approving final subdivision plat entitled PARK AVENUE ESTATES located in vicinity of 1700 block of East Park Avenue. ([Council Communication No. 04-3](#))
Moved by Vlassis to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-1289 20. Recommendation of Council Member Archie Brooks to reappoint Cleo Ashman to Seat 1 on the Des Moines International Airport Board for a four-year term commencing June 1, 2004 to expire June 30, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1290 21. Recommendation of At-Large Council Member Chris Coleman to reappoint James Erickson to Seat 3 on the Des Moines International Airport Board for a four-year term commencing June 30, 2004 to expire June 30, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1291 22. Recommendation of Council Member Christine Hensley to reappoint Kaye Lozier to Seat 12 on the Plan & Zoning Commission for a five-year term commencing July 5, 2004 to expire July 5, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1292 23. Recommendation of Council Member Bob Mahaffey to appoint Michael Barber to Seat 1 on the Access Advisory Board for a four-year term commencing June 15, 2004 and expiring June 15, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-1293 24. Regarding request from Hubbell Realty Company for approval of preliminary subdivision "RIVER POINT PLAT NO. 4" located southeast of SW 7th Street and Murphy Street to create three separate lots for existing business and development. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 04-1294 25. Regarding request from Chad Ogle d/b/a Action Auto Body for vacation and conveyance of north/south alley from Granger Avenue to Dunham Avenue between Indianola Avenue and South Union Street. **Moved by Vlassis to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-1295 26. On request from A to Z Rental to rezone properties located in the vicinity of 3749 and 3 E. University Avenue from "C-1" (Neighborhood Retail Commercial) and "R1-60" (Family Low Density Residential) to "C-2" (General Retail and Highway-Oriented Commercial) to allow for expansion of existing rental business with building addition eliminate outdoor storage, (7-12-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1296 27. On request from Eastgate Plaza L.L.C., (Norman Weinstein, Officer), to rezone property located at 3817 and 3819 East 14th Street and to amend the Eastgate Plaza PUD Conditional Use Plan, (7-12-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1297 28. On request from Chad Ogle d/b/a Action Auto Body to rezone property located at 1711 Union Street from "R-3" (Multiple Family Residential) to Limited "M-1" to allow for development of property in conjunction with adjoining property for auto body repair shop (7-12-04). **Moved by Brooks to adopt and request first and final reading of ordinance be placed on the July 12, 2004 agenda with the hearing. City Manager and staff have the alley vacation documents presented at the July 12, 2004 meeting. Motion Carried 7-0.**
- 04-1298 29. On easement across City property at E. 37th and Easton Creek Crossing, with MidAmerica Energy, for gas lines and above ground regulator station, \$1,000, (7-12-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-1299 30. Approving payment of \$8,964.60 to Spiegel & McDiarmid Law Firm for services rendered in conjunction with the Brownfields Showcase Community, federal funding, Riverpoint West Redevelopment and related matters. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1300 31. Approving payment of \$810 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and related environmental issues in lease and use agreements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1301 32. Approving payment of \$2,024.24 to Hanson, Bjork & Russell, LLP for representation of City in lawsuit *Summy v. City of Des Moines, et al.* **Moved by Vlassis to approve payment. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-1302 33. Regarding preliminary terms for a short-term sublease of parking spaces to be included in an urban renewal lease for proposed ramp, 101 SW 4th. ([Council Communication No. 04-297](#)) **Moved by Vlassis to approve the preliminary terms and to authorize the City Manager to finalize the terms in the urban renewal lease that will be included in the development proposals for construction of a private parking structure on Disposition Parcel No. 01-05/Metro Center Urban Renewal Area at 101 SW 4th Street. Motion Carried 6-1. Nays: Brooks.**
- 04-1303 34. Submitting out-of-state travel requests for T. M. Franklin Cownie, Eric Anderson, Amelia Hamilton Morris. ([Council Communication No. 04-297](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1304 35. Submitting various traffic regulation changes as follows:([Council Communication No. 04-313](#)). **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance – North Side of East Ovid Avenue, East of East 35th Street.
 - (B) Modifications to Metered Parking and Rush-Hour Restrictions – Areas of Locust Street from 12th to 15th Streets, Grand Avenue from 15th to 16th Streets, and 15th Street from Grand Avenue to Locust Street.
 - (C) Corner Clearance – East Side of 38th Street, South of Urbandale Avenue.
 - (D) Aurora Avenue Speed Limit Modifications.

APPROVING

- 04-1305 36. Emergency Shelter Grant (ESG) contract with Iowa Department of Economic Development where City will receive a grant award of \$455,158 of ESG funding for the period of July 1, 2004 to June 30, 2005. ([Council Communication No. 04-299](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1306 37. Application for enterprise zone benefits for Metro Engineering, Inc.'s project in the Moines Gateway Enterprise Zone located at 400 4th Street (former Kirkwood Hotel). ([Council Communication No. 04-301](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

- 04-1307 38. License Agreement with HMG Parking Co. I, L.L.C. for Locust Mall, 700 Locust.
- 04-1308 39. Agreements with five firms to perform Phase 1 environmental assessment work in se areas, \$169,623. ([Council Communication No. 04-298](#)) **Moved by Vlassis to approve Motion Carried 7-0.**
- 04-1309 40. Unified Planning Work Program and budget submitted by Metropolitan Planning Organization (MPO) for fiscal year 2004-2005, beginning July 1, 2004. **Moved Hensley to adopt and add Council Member Michael Kiernan as an alternate representative. Motion Carried 7-0.**
- 04-1310 41. Lease Agreement from July 1, 2004 through December 31, 2004 for 9,000 square feet of greenhouse space at 1444 East Washington Avenue, \$15,000. ([Council Communication No. 04-310](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Kiernan.**
42. Authorizing and providing for issuance of the following General Obligation Bonds:
- 04-1311 (A) \$13,685,000 Series 2004C. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1312 (B) \$14,425,000 Series 2004D (Urban Renewal). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1313 (C) \$4,830,000, (Taxable Series 2004E). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1314 43. Initial Operating Contract with the Des Moines Metropolitan Wastewater Reclamation Authority, as amended and updated. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1315 (A) Amendment to the City Investment Policy to provide for co-investment of City WRA funds. ([Council Communication No. 04-308](#)) **Moved by Vlassis to approve Motion Carried 7-0.**
- 04-1316 44. Execution of Memorandum of Understanding with City of Des Moines, Des Moines Public Library and Public Library of Des Moines Foundation regarding funding of Des Moines Public Library Ten Year Facilities Plan. ([Council Communication No. 04-318](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1317 45. Receipt of bid package for construction of New Central Library. ([Council Communication](#)

No. 04-302) **Moved by Vlassis to receive and file. Motion Carried 7-0.**

46. 28E Agreement with Iowa Department of Transportation for maintenance of primary road extensions within Des Moines for the following:

04-1318 (A) 02/03, \$123,294.46. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1319 (B) 03/04, \$128,740.02. **Moved by Vlassis to adopt. Motion Carried 7-0.**

47. Agreements with MidAmerican Energy for the following:

WITHDRAWN

04-1320 (A) Value-added Service Agreement. ([Council Communication No. 04-309](#))

WITHDRAWN

04-1321 (B) Street Lighting Service Agreement. ([Council Communication No. 04-300](#))

04-1322 48. Annual insurance renewal for July 1, 2004 for property and casualty insurance recommended by Jester Insurance Services, Inc., \$1,179,504. ([Council Communication No. 04-303](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1323 49. Civil Service Promotional Lists for Truck Driver and Pump Station Technician. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

50. Bids from the following:

04-1324 (A) West Publishing for a non-competitive procurement of a blanket order for access to electronic research materials during fiscal year 2005 to be used by the Law Department, \$39,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1325 (B) Mettam Safety Supply for a Self Contained Breathing Apparatus (SCBA) and accessories to be used by the Fire Department, \$26,607.72. (Fourteen bids mailed, twelve received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1326 (C) Chas W. Goering for water service stop box relocation services to be used by the Public Works Department, \$40,015. (Thirteen bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1327 51. Authorizing Finance Director to issue checks on registers of June 24, July 1 and July 15, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for

weeks of June 21, June 28, and July 5, 2004; and to draw checks for biweekly payroll employees on July 9, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-1328 52. Amending Chapter 2 of the Municipal Code regarding procurement by solicitation competitive bids, and procurement by request for proposals. **Moved by Vlassis that this ordinance do now pass, #14,346. Motion Carried 7-0.**

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

Council considered Items 55 thru 61 next

ORDINANCES - SECOND CONSIDERATION

- 04-1329 53. Amending Gas Franchise Ordinance by extending term of franchise with MidAmerica Energy Company and amending franchise fees provided in ordinance. **Moved by Henrich that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Mahaffey and Kiernan.**
- 04-1330 54. Amending Electric Franchise Ordinance by extending term of franchise with Mid America Energy Company and amending franchise fees provided in ordinance. **Moved by Henrich that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Mahaffey and Kiernan.**

Council considered Hearing Items 62 thru 76 next, then the balance of the agenda

ORDINANCES - FIRST CONSIDERATION

- 04-1331 55. Amending Chapter 90 of the Municipal Code regarding powers and duties of the Public Housing Board. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1332 (A) Final consideration of ordinance above, (waiver requested by the Legal 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, #14,346. Motion Carried 7-0.**
- 04-1333 56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Revisions to On-Street Parking-Area of E. 11th Street and Des Moines Street.

- (B) Petition for Two-Sided Parking Restriction-800 Block of E. Bell Avenue.
 - (C) Corner Clearance-West Side of E. 36th Court, South of E. Euclid Avenue.
 - (D) Corner Clearance-North Side of Burlington Terrace, East of Nash Drive.
 - (E) Corner Clearance-East Side of Nash Drive, South of Burlington Terrace.
 - (F) Removal of Parking Meter Spaces-East Side of 5th Avenue, North of Grand Avenue.
 - (G) Adjustment to Corner Clearances and Parking Meters-8th Street between Ce Street and Crocker Street.
 - (H) Additional On-Street Parking-East Side of SW 5th Street, North of Tuttle Street.
 - (I) Extension of Nighttime Parking Restriction-North Side of Locust Street between Street and 12th Street.
 - (J) One-Sided Parking Restriction-North Side of College Avenue from 8th Street to Street.
 - (K) Parking Restrictions to Facilitate Solid Waste Operations-SE 4th Street from Burnham Avenue South and any part of the cul-de-sac and Gleaves Court from Ovid Avenue to and including any part of the cul-de-sac.
 - (L) Parking Restriction to Facilitate Solid Waste Operations-Both Sides of the 4 block of Wakonda Parkway and including any part of the cul-de-sac.
 - (M) Additional Metered On-Street Parking Spaces-East Side of East Sixth Street near Grand Avenue and Des Moines Street.
- 04-1334 (N) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes. **Moved by Vlassis that the rule requiring that 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 ordinance be placed upon its final passage and that the ordinance do now pass #14,348. Motion Carried 7-0.**
- 04-1335 (O) Request by Council Member Vlassis to refer intersections of 9th and Clark and Clark to the Traffic Safety Commission for review and recommendation. **Motion Carried 7-0. Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 04-1336 57. From Chris Greenfield, Downtown Community Alliance, requesting the City to consider redevelopment of Riverpoint West area by a developer consortium. **Moved by Hensley to receive, file and refer to the City Manager to develop a “term sheet” within 45 days and a development agreement by the end of September. Motion Carried 7-0.**
- 04-1337 58. From Gerald LaBlanc, 8912 N.E. 46th Avenue, Altoona, requesting to speak regarding replacing the Woodland Cemetery Memorial Arch. **Moved by Vlassis to receive, file and approve the concept and refer to Parks Board for their next agenda. Motion Carried 7-0.**
59. NUMBER NOT USED.
- 04-1338 60. From Neighborhood Development Corporation regarding their seat on the Neighborhood Revitalization Board. **Moved by Brooks to receive, file, and refer to City Manager to review Legal to review issues. Motion Carried 7-0.**
- 04-1339 61. Petition from property owners requesting paving on SW 7th Street from Virginia Avenue to Pleasant View Drive. **Moved by Brooks to receive, file, and refer to City Manager and City Engineer. Motion Carried 7-0.**

HEARINGS (Opened at 6:13 P.M.) (Items 62 thru 76)

- 04-1340 62. On request from Townsend Engineering Company, to amend the PUD Conceptual Plan for the property at 2323 Hubbell, to allow for expansion of an existing office building to the south toward Dubuque Avenue, for a new meat laboratory to be used for research and development purposes. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 04-1341 63. On request from Ora Thomas d/b/a Thomas Used Cars, to rezone property at 1220 Street and 1223 E. 21st Street from “R1-60” (One Family Low Density Residential) to “C-2” (General Retail and Highway Oriented Commercial). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-1342 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1343 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 75% votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,343. Motion Carried 7-0.**

- 04-1344 64. On vacation and conveyance of the east/west alley between Ingersoll Avenue and Grand Avenue from 16th to 17th Street, to Iowa Paint Manufacturing, \$65,500. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1345 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1346 (B) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes. **Moved by Hensley that the rule requiring that all 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, that this ordinance be placed upon its final passage and that the ordinance do now pass, [#14,350](#). Motion Carried 7-0.**
- 04-1347 65. On vacation and conveyance of the dead end portion of the north/south alley north of Ovid Avenue between Cornell and Columbia Streets, to the Des Moines Independent Community School District, \$25. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-1348 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
66. On items regarding property at 1022 Des Moines Street:
- 04-1349 (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan, changing designation from Public/Semi Public to Downtown Supportive Commercial. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-1350 (B) Hearing to rezone from “C-0” (Commercial-Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for conversion of the existing single-family dwelling to a coffee shop, subject to conditions. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-1351 (C) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1352 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to 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, [#14,350](#). Motion Carried 7-0.**
- 04-1353 67. Dismissing proceeding on rezoning requested by Cornerstone Family Church, 4375 63rd Street, (application was withdrawn). **Moved by Hensley to receive and file, and**

dismiss the pending rezoning proceedings. Motion Carried 7-0.

- 04-1354 68. On rezoning of 833-42nd Street from “C-1” (Neighborhood Retail Commercial) and “60” (One Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-1355 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-1356 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 2/3 majority 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, [#14,307](#). Motion Carried 7-0.**
- 04-1357 69. On Issuance of not to exceed \$8,600,000 Stormwater Management Utility Revenue Bonds. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1358 (A) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1359 (B) Directing sale of \$8,510,000 Stormwater Management Utility Revenue Bonds, Series 2004F. ([Council Communication No. 04-305](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1360 70. On Annexation Moratorium Agreement and 28E Agreement with City of Norwalk. **Moved by Brooks to adopt. Motion Carried 7-0.**
71. Items regarding sale of City-owned property at 711-16th Street:
- 04-1361 (A) On sale of property in vicinity of lots 18-21 to Hatch Development Group, LLC for \$40,213, and approving agreement to develop. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1362 (B) On sale of the south 11 feet of Lot 17, to Judy Hill, \$2,387. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-1363 72. On Building Official’s determination that structure at 1101 Scott Street constitutes a public nuisance. ([Council Communication No. 04-307](#)) **Moved by Brooks to defer to October 25th meeting for a status report. Motion Carried 7-0.**

- 04-1364 73. On Agrimergent Technology Park Storm Sewer Outlet and Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO, DSM), \$2,076,097.50. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Cownie.**
- 04-1365 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Cownie.**
- 04-1366 (B) Approving Professional Services Supplemental Agreement No. 1 with Earth Technology Services, Inc., (Alan Krusi, CEO, Long Beach, CA) in conjunction with Agrimergent Technology Park Storm Water Study and Storm Sewer Design Construction, not to exceed \$60,000. ([Council Communication No. 04-317](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Cownie.**
- 04-1367 74. On 2004 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as K Concrete, Inc., (Tony J. VerMeer, Pella), \$157,860. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1368 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1369 75. On 2004 Sidewalk Replacement Program-Designated Neighborhoods: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, designating lowest responsible bidder as T K Concrete, Inc., (Tony J. VerMeer, Pella), \$150,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1370 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1371 76. On Westchester Park Playground Improvements-Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction, Inc., (Robert Johnson, DSM), \$89,478.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1372 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

END HEARINGS AT 6:26 P.M.

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.

- 04-1373 1. Approving Des Moines Area Community College (DMACC) Certifications of Consistency with EC/EZ Strategic Plan and 2000-2004 HUD Consolidated Plan. ([Communication No. 04-320](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1374 2. Communication from Jay Flatt regarding purchase of two properties in the vicinity of 72nd SE 14th Street. SPONSOR: Brooks. **Moved by Brooks to receive, file, and refer to Planning and Zoning and City Manager. Motion Carried 7-0.**

BOARD OF HEALTH

- 04-1375 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

HEARINGS

WITHDRAWN

- 04-1376 1. On resolution to cause the removal of the garage structure located at 307 Indiana Avenue through administrative process and to charge for the enforcement costs incurred in bringing administrative removal action or to determine appropriate equitable action to be taken. Titleholder: Floyd Loggins; Contract Buyer: Mary Ann L. Gatewood.
- 04-1377 2. On resolution to cause the removal of the garage structure located at 311 Indiana Avenue through administrative process and to charge for the enforcement costs incurred in bringing administrative removal action or to determine appropriate equitable action to be taken. Titleholder: Lincoln O. Allison, Sr.; Mortgage Holder: Associates Home Equity Services, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-1378 3. On resolution to cause the removal of structures located at 2935 Walker Street through administrative process and to charge for the enforcement costs incurred in bringing administrative removal action or to determine appropriate equitable action to be taken. Titleholder: Erik Abild; Mortgage Holder: First National Acceptance Company. **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN

- 04-1379 4. On resolution to cause the removal of the garage structure located at 1501 9th Street administrative process and to charge for the enforcement costs incurred in bringing administrative removal action or to determine appropriate equitable action to be taken. Titleholder: Michael L. Dooley; Contract Buyer: Herbert L. McMillon, Sr.

AUTHORIZING

5. Court authority to abate the public nuisance at the following locations:
- 04-1380 (A) 1544 Arthur Avenue, Titleholder: Valson Group, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-1381 (B) 2519 E. 23rd Street, Titleholder: David Ellis. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-1382 6. The Engineering Department to remove the dwelling structures located at 1 University Avenue, Titleholders: Augustine Akpan and Inie Clement; Tax Certificate Holders: Z Fin 7 and Larry West. **Moved by Vlassis to adopt. Motion Carried 1. Pass: Cownie.**
- 04-1383 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:34 P.M. Motion Carried 7-0.**