

***** 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

October 11, 2004 4:30 PM

PROCLAMATIONS – 4:00 P.M.

Des Moines Jazz History Day and introduction of this year's Hall of Fame winners:

Sam Salomone
Julius Brooks
Jim Eklof

SPECIAL PRESENTATIONS

2004 Best of Des Moines Business Record Readers' Poll

2004 Winner:

Beaverdale – Best Neighborhood to Live in the Metro

2004 Runner Up:

Sherman Hill – Best Neighborhood to Live in the Metro

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

- 04-2103 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey and Vlassis.**
- 04-2104 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.

04-2105 3. APPROVING CONSENT AGENDA – items 3 through 46: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

04-2106 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (A) EL ZACATECAS CLUB 3211 INDIANOLA AVE C Liquor
- (B) ROAD TRIP OF IOWA 2110 GUTHRIE AVE C Beer

RENEWAL APPLICATIONS

- (C) APEX OIL 1200 SE 30TH ST C Beer
- (D) BLAZING SADDLE 416 E 5TH ST C Liquor
- (E) BLUES ON GRAND 1501 GRAND AVE C Liquor
- (F) BORDENAROS PIZZA 6108 SW 9TH ST C Beer/Wine
- (G) DRAKE DINER 1111 25TH ST C Liquor
- (H) FAMILY PANTRY 4538 LOWER BEAVER RD E Liquor
- ~~(I) FLEUR CINEMA & CAFE 4545 FLEUR DR C Beer/Wine~~
- (J) FLEUR WINE AND ALE 4521 FLEUR DR C Beer
- (K) GIT N GO STORE #6 5736 FRANKLIN AVE C Beer
- (L) JOE AND BETTYS 1225 E 30TH C Liquor
- (M) KARTARS MINI MART 3761 E UNIVERSITY AVE C Beer
- ~~(N) MY PLACE 910 HULL AV C Liquor~~
- (O) PETROPOINTE ON SECOND 1501 2ND AVE C Beer
- (P) QUIKTRIP #500 3700 HUBBELL AVE C Beer

SPECIAL EVENTS APPLICATIONS

- (Q) RAULS MEXICAN FOOD 504 E LOCUST ST C Liquor
FIVE DAY LICENSE IN CONJUNCTION WITH “AN EVENING WITH ANNA GASKELL” ON OCTOBER 10

22, 2004. PENDING APPROVAL OF BUILDING, ELECTRICAL, FIRE, ZONING AND VICE DEPARTMENTS.

(R) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine
FIVE DAY LICENSE IN CONJUNCTION WITH "DIG DOWNTOWN" ON OCTOBER 15, 2004.

- 04-2107 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2108 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 04-2109 7. Resolution to REJECT all bids on the Denman Fountain Restoration project, (pro estimated cost of under \$25,000)--lowest bid was over estimate, will be rebid next year. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2110 8. Approving Agreement with Iowa Department of Transportation for Park Avenue Improvements from SW 42nd Street to SW 56th Street. ([Council Communication No. 04-505](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2111 9. Approving Professional Services Agreement with Hellmuth, Obata + Kassabaum, Inc. (Rick Martin, Senior Principal, Kansas City, MO) for Principal Park 2004 Stadium Improvements, not to exceed \$410,500. ([Council Communication No. 04-512](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2112 10. Approving Change Order No. 4 with Cramer and Associates, Inc. for additional work on University Avenue Bridge over Des Moines River Rehabilitation, not to exceed \$189,657.39. ([Council Communication No. 04-510](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- 04-2113 (A) Douglas Avenue Widening at Beaver Avenue, Cedar Valley Corp. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2114 (B) Greater Des Moines Softball Park Field Lighting, High Tech Electric, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2115 (C) Cownie Soccer Complex Improvements, Concrete Technologies Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2116 (D) Drainage Improvements Behind 201 E. Grand Avenue, Castle Concrete Services, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2117 (E) Glendale Cemetery 2004 HMA Overlay, Grimes Asphalt & Paving Corp. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2118 12. Communications from various contractors requesting permission to sublet certain items for the Upper Union Park Sewer Separation Phase II and the American Discovery Trail and Riverpoint Segment public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2119 13. Approving Private Construction Contract between Nelsen Plumbing Company and Zhen Chen Enterprises, LLC for Sanitary and Storm Sewer Improvements at 4212 Douglas Avenue, \$9,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
14. Approving completion and recommending acceptance of the following Private Construction Contracts:
- 04-2120 (A) Van Hauen & Associates, Inc., and Erickson Development, Inc. for Sanitary Sewer Improvements for proposed Three Lakes Estates Plat 5 Development at Sweetwater Drive, Brockway Drive, and SE 28th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2121 (B) Van Hauen & Associates, Inc., and Erickson Development, Inc. for Storm Sewer Improvements for proposed Three Lakes Estates Plat 5 Development at Sweetwater Drive, Brockway Drive, and SE 28th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2122 (C) Sternquist Construction, Inc. and Erickson Development, Inc. for Pavement Improvements for proposed Three Lakes Estates Plat 5 Development at Sweetwater Drive and Brockway Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2123 15. Approving Private Construction Contract with The Massman Group, LLC for alley pavement improvements near 110/120 – 10th Street, subject to inspection and approval of the City Engineer. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 04-2124 16. Receive and file petition and waiver form, for paving or curb replacement program/requirement to repair driveway, for property at 1358 E. 15th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2125 17. Deletion of NAC-Emergency Assessment at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2126 18. Deletion of special assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2127 19. Levying assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) for Schedule No. 2004-11. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

20. Approving real estate documents for the following properties:
- 04-2128 (A) 910 Mason Avenue for SW 9th Culvert Repair at Luster Lane Project, \$690 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2129 (B) 5415 McKinley Avenue for the Airport Runway 13R/31L Project, \$184,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2130 (C) 5215 McKinley Avenue for the Airport Runway 13R/31L Project, \$166,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2131 (D) Ewing Park for the Easter Lake Retention Basin Project – Phase 2, closing costs only. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2132 (E) 1615 East 18th Street for the Guthrie Avenue Business Park Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2133 (F) 1201 Center Street for the 12th Street Reconstruction at Keosauqua Way Project, \$1,455 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2134 (G) 3009 East Payton Avenue for the Easter Lake Retention Basin Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendations from Council Member Michael Kiernan as follows:
- (A) NUMBER NOT USED.
 - 04-2135 (B) Reappointment of Joseph Grandanette to the Park and Recreation Board (Seat 4) for a four-year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 04-2136 (C) Reappointment of Dean Peyton to the Public Housing Board (Seat 2) for a three-year term commencing June 30, 2004 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 04-2137 (D) Reappointment of Jeffrey Morgan to the Urban Design Review Board (Seat 2) for a three-year term commencing June 30, 2004 to expire June 30, 2007, and reappointment to Seat 4 on Skywalk Committee (as member of Urban Design Review Board) for a three-year term commencing June 30, 2004 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 04-2138 21-I Recommendation of Council Member Bob Mahaffey to appoint Odell Jenkins to Seat 10 on the Park and Recreation Board commencing June 30, 2001 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-2139 22. On vacation of segment of Monroe Street right-of-way in vicinity of 1300 SE 1st Street (10-25-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2140 23. On conveyance of City-owned landlocked property south of Ingersoll Avenue, north of Grand Avenue, and west of projected Martin Luther King, Jr. Parkway to Timothy Flanagan Corporation, \$1, (10-25-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2141 24. On conveyance of 501 West Martin Luther King Jr. Parkway to WKKS Properties, \$150,000, (10-25-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2142 25. On vacation and conveyance of east/west alley between Ingersoll Avenue and Grand Avenue from 16th Street to 17th Street to Iowa Paint Manufacturing Company, \$65,500, (10-25-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2143 26. On request from Terrus Group to amend the Hillside PUD Conceptual Plan for property located between 7th and 9th Streets and between Center and Crocker Streets, (10-25-04) ([Council Communication No. 04-514](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2144 27. On proposed Connection Fee Ordinance for Southeast Ridge Area Trunk Sewer System Benefited District, (11-22-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2145 28. On intent to convey the Des Moines Metropolitan Wastewater Reclamation Facility, certain sanitary interceptor sewers, Wastewater Detention Basins and Pumping Stations to the Des Moines Metropolitan Wastewater Reclamation Authority, (10-25-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-2146 29. Submitting various traffic regulation changes as follows:([Council Communication No. 04-509](#)) **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance-North Side of Creston Avenue, west of SW 12th Street.
- (B) Stop Sign on Gray Street at SE 3rd Street.
- (C) Allow Parking-East Side of 19th Street from Woodland Avenue, south to the Alley.
- 04-2147 30. Submitting traffic regulation changes regarding proposed 2004 City Snow Routes ([Council Communication No. 04-508](#)) **Moved by Coleman to receive, file, and refer to Legal Department for preparation of proper legislation. City Manager will distribute snow route regulation information to Neighborhood Associations and residents. Motion Carried 7-0.**
- 04-2148 31. Submitting out-of-state travel for Bill McCarthy, John Jones, Joanne Pollock, and Michael Armstrong. ([Council Communication No. 04-492](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 04-2149 32. Issuance of Certificate of Completion for Water Street Brownstones. ([Council Communication No. 04-502](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2150 33. Preliminary terms of agreement with 2300 University, LLC for redevelopment project between 23rd and 24th Streets, south of University Avenue. ([Council Communication No. 04-501](#)) **Moved by Vlassis to approve the preliminary terms of agreement and authorize the City Manager to negotiate the final terms of agreement with 2300 University, LLC. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

- 04-2151 34. Preliminary approval for \$100,000 loan to Excell Marketing, L.C. and authorization for placement of traffic signals at Park Avenue and SW 55th Street in conjunction with final approval of Loan Agreement. ([Council Communication No. 04-511](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2152 35. Preliminary approval for a NCR (Neighborhood Commercial Revitalization) loan of \$200,000, for renovations to 420 E. Locust Street. ([Council Communication No. 04-498](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2153 36. Authorization to submit Grant Agreement to EPA to obtain release of previously approved grant funds for lining of sanitary sewers. ([Council Communication No. 04-506](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2154 37. Submission of a \$50,000 grant request to Polk County Housing Trust Fund for development of four affordable single-family homes in the King Irving neighborhood. ([Council Communication No. 04-503](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2155 38. Iowa Department of Transportation Agreement, No. 07253 for capital improvements at Commercial Air Service Airports between the City and the Iowa Department of Transportation for capital improvements at Des Moines International Airport, \$411,800. ([Council Communication No. 04-500](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2156 39. Advisory Board's recommendation for use of the 2004 Local Law Enforcement Block Grant funds. ([Council Communication No. 04-499](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2157 40. McKinley Avenue Corridor Study. ([Council Communication No. 04-507](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2158 41. 2005 City Council Meeting Schedule. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2159 42. Request from the Des Moines Marathon Executive Director to hang a temporary banner for the finish line across 20' of East 1st Street between East Court and East Walnut for the Des Moines Marathon on October 17, 2004. **Moved by Hensley to approve subject to street use permit being issued. Motion Carried 7-0.**
- 04-2160 43. Civil Service Entrance Lists for Investigative Assistant, Parking Meter Checker, Customer Service Worker, Customer Service Representative, and Senior City Planner. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2161 44. Finance Director to draw checks for check registers of October 14 and October 21, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of October 11 and October 18, 2004; and to draw checks for biweekly payroll due October 15, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-2162 45. Amending Chapter 114 of the Municipal Code regarding traffic regulation change parking restriction modifications due to new construction on 2nd Avenue between C Avenue and Vine Street. **Moved by Hensley that this ordinance do now pass, [#14,379](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-2163 46. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second reading for passage. Motion Carried 7-0.**

- (A) Corner Clearance-East Side of East 43rd Court, south of Douglas.
- (B) Corner Clearance-West Side of 21st Street North of Meek Avenue and West Side of 21st Street, south of Mondamin Avenue.
- (C) Removal of Commercial Loading Zone-West Side of 8th Street, north of Washington Street.
- (D) Loading Zones Established-30th Street between University Avenue and Forest Avenue.

- 04-2164 (E) Final consideration of ordinance above, (waiver requested by Traffic and Transportation), 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, [#14,379](#). Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

- 04-2165 47. On vacation of north/south and east/west alleys in vicinity of East Vine Street, East Ma Street, SE 7th Street and SE 8th Street. **Moved by Brooks that this ordinance considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- 04-2166 48. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote passage. Motion Carried 7-0.**

- (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20th Street.
(B) Intersection Study – 34th Street and Clark Street.

****Council considered Item 51 next****

COUNCIL REQUESTS

- 04-2167 49. From Council Members Tom Vlassis and Bob Mahaffey to speak regarding proposed City/County merger proposal. **Moved by Vlassis to receive and file comments, and adopt the resolution. Motion Carried 4-0. Council Members Coleman, Hensley and Kiernan declare a conflict of interest and abstain from voting.**

****Council considered Hearing Items 55 thru 64 next****

WITHDRAWN

- ~~04-2168 50. From Council Member Michael Kiernan, to discuss forming a Live Music Commission. To be placed on November 8, 2004 Council Meeting.~~

COMMUNICATIONS/REPORTS

- 04-2169 51. Petition from residents in the vicinity of Martin Luther King Academy of Math Science, 1849 Forest Avenue, requesting a rolling stop sign at 18th and Forest Avenue. **Moved by Vlassis to receive, file and refer to City Manager and Traffic Safety Committee for review, and bring recommendations back to Council as soon as possible, but no later than October 25th Council Meeting. Motion Carried 7-0.**

****Council considered Item 49 next****

- 04-2170 52. From the Des Moines Chapter of the Iowa Council of the United Blind, to make presentation to Council in conjunction with White Cane Safety Day, October 15. **Mo**

by Hensley to receive and file comments. Motion Carried 7-0.

- 04-2171 53. From Francine Belinsky, 3105 Stanton, to speak regarding an assessment for clean-up her property. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- 04-2172 54. From Bob Wessel, 2719 E. Leach, to speak regarding the Water Works. **Moved by Vlassis to receive and file comments. This item will be discussed at the October 27 Council workshop. Motion Carried 7-0.**

****Council considered Items 65 thru balance of agenda next****

HEARINGS (OPEN AT 6:05 P.M.) (ITEMS 55 THRU 64)

- 04-2173 55. On sale of City property at Witmer Parkway and Beaver Avenue, to R. M. Mad Construction, \$16,240, to construct a single-family home. **Moved by Vlassis to continue the hearing to October 25, 2004 at 5:30 P.M. City Manager to provide Council outline of the criteria for this project. Motion Carried 7-0.**
- 04-2174 56. On sale of property south of Ingersoll, north of Grand and west of projected Martin Luther King Jr. Parkway, to Metzger Smith Properties, L.L.C., \$20,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-2175 57. On request from St. Andrew's Group LLC, for amendment to the Carman Estates Phase 2 Concept Plan, for property in the 2400 block of E. Payton, to define site concept for condominium residential units within six two-story structures, subject to revisions to the plan. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-2176 58. On Supplement No. 16 to the Governmental Lease-Purchase Master Agreement, not to exceed \$80,000, to acquire 3 SUV's for the Police Department NBSD Program. ([Council Communication No. 04-493](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-2177 (A) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
59. NUMBER NOT USED.
- 04-2178 60. On application for Voluntary Annexation from Twin Eagles Development, L.L.C. approximately 33 acres consisting of the NE 30th Place right-of-way extending west from

NE 52nd Ct. and an adjoining tract of land extending south to NE 23rd Avenue (East Blvd.) and NE Oakhill Drive **to continue to October 25, 2004 at 5:30 PM.** Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

04-2179 (A) Set date of hearing on request from Twin Eagles Development, L.L.C. to rezone property at 5450 NE 23rd Avenue from "A-1" (Agricultural) to "PUD" (Planned Urban Development) and approve a "PUD" conceptual plan for "Copper Crossing", (10-04). ([Council Communication No. 04-515](#)) Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

61. On Issuance of bonds for the following:

04-2180 (A) \$20,650,000 Sewer Revenue Refunding Bonds, to refinance Series 2002C 1995A. ([Council Communication No. 04-495](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

04-2181 (1) Authorization for additional action. Moved by Vlassis to adopt. Motion Carried 7-0.

04-2182 (B) Loan and Disbursement Agreement and issue of \$5,965,000 Sewer Revenue Capital Loan Notes, to fund the Upper Union Park Sewer Separation Project and the City Sanitary Station Pump Replacement. ([Council Communication No. 04-496](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

04-2183 (1) Authorization for additional actions. Moved by Vlassis to adopt. Motion Carried 7-0.

04-2184 (C) \$5,160,000 Sewer Revenue Bonds, to fund the Southeast Ridge Trunk Sanitary Sewer. ([Council Communication No. 04-494](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

04-2185 (1) Authorization for additional actions. Moved by Vlassis to adopt. Motion Carried 7-0.

04-2186 62. On Bill Riley Trail Drainage Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, CEO/Vice President, Clive), \$44,000. Moved by Hensley to adopt. Motion Carried 7-0.

04-2187 (A) Approving contract and bond. Moved by Hensley to adopt. Motion Carried 7-0.

04-2188 63. On Fire Station No. 3 Renovation: Resolution approving plans, specifications, form

contract documents, Engineer's estimate and designating lowest responsible bidder Walter, Inc., (Randall W. Snider, President, DSM), \$373,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- 04-2189 (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 04-2190 64. On Easter Lake Retention Basins – Basin 9: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Peterson Contractors Inc., (Cordell Peterson, President), \$718,848.10. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2191 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2192 (B) Approving Professional Services Supplemental Agreement No. 1 with Snyder Associates, not to exceed \$74,000. ([Council Communication No. 04-504](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

* * * END HEARINGS AT 6:35 P.M. * * *

APPROVING

- 04-2193 65. Establishing a temporary moratorium on new "M-2" uses pending a comprehensive review of the "M-2" District boundaries and regulations. ([Council Communication No. 04-504](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2194 66. Wells Fargo Financial, Inc. application for enterprise zone benefits to the Des Moines Enterprise Zone Commission and Iowa Department of Economic Development. ([Council Communication No. 04-497](#)) **Moved by Hensley to approve. 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.

1. Requests from Council Member Tom Vlassis, regarding the following:

- 04-2195 (A) Council-initiated rezoning of a portion of Forest Avenue, on the south side, from 18th Street west to the western edge of the alley between 18th Street and 19th Street, from C-2 to R1-60; and the north side of Forest from 17th to 19th, from C-2 to R1-60 to allow for construction of infill housing. **Moved by Vlassis to receive, file, and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- 04-2196 (B) To place a 4-way stop at 39th and Madison; and to change the speed limit on Madison Avenue from Beaver east to MLK, Jr. Pkwy, from 30 mph to 25mph; Continue the 25 mph while lights are flashing near Woodlawn School. **Moved by Vlassis to receive, file, and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

BOARD OF HEALTH

- 04-2197 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a meeting of the Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

- 04-2198 (A) 2347 Capitol Avenue, Titleholders: Robert W. Farver and Mary H. Farver; Mortgage Holder: Bankers Trust Company of California, NA, as Custodian or Trustee. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2199 (B) 2208 Garfield Avenue (garage), Titleholder: The Estate of Robert J. Hutton. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to remove the following structures:

- 04-2200 (A) 510 Davis Avenue, Titleholder: Jennifer Knight heir to the Estate of Joan Knight. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-2201 (B) 1291 DeWolf Street, Titleholder: Edward L. Barber, Jr. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2202 (C) 5804 Snyder Avenue, Titleholder: Mary Alice Lane Estate. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2203 (D) 1406 2nd Place, Titleholder: Steven J. Clark. **Moved by Hensley to defer to October 25, 2004 Council Meeting. Motion Carried 6-1. Pass: Vlassis.**
- 04-2204 (E) 671 37th Street (garage), Titleholders, Geraldine P. Jennett and Paul L. Jennett. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2205 3. Release of demolition cost reserve held by American Modern Home Insurance Company under claim number 1551763001 regarding the property located at 2238 Elizabeth Avenue insured by Andy Newsome and Randy Snider. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2206 4. Release of demolition cost reserve held by Shelter Insurance Companies under claim number 14-71-494951-1 regarding the property located at 200 Hart Avenue insured by Mike Williamson. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

- 04-2207 5. Regarding a demolition cost reserve being held by GAB Robins North America, Inc. the fire damaged structure located at 3206 Raccoon Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated structure. Motion Carried 7-0.**
- 04-2208 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:55 P.M. Motion Carried 7-0.**

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