

**\*\*\* 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 25, 2004 4:30 P.M.**

**PROCLAMATIONS – 4:15 P.M.**

Lupus Awareness Month  
Javits-Wagner-O'Day (Goodwill)

**INVOCATION:** Father Jim Kiernan  
St. Ambrose Cathedral

04-2226 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

04-2227 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.

04-2228 3. APPROVING CONSENT AGENDA – items 3 through 56: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

04-2229 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

**RENEWAL APPLICATIONS**

(A) CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(B) DAHLS FOODS	3400 E 33RD ST	E Liquor
(C) DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(D) DUDS N SUDS	2629 BEAVER AVE	B Beer
(E) FAIRGROUNDS 66	303 SE 30TH ST	C Beer
(F) GARDEN	112 SE 4TH ST	C Liquor
(G) MY PLACE	910 HULL AV	C Liquor

**SPECIAL EVENT APPLICATION**

(H) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine  
Five-day license in conjunction with Dig Downtown on October 29, 2004.

04-2230 5. Consideration of Class C Liquor License for West End Lounge, 2309 Forest Avenue. **Recommendation from Vice Control Unit to deny. Moved by Hensley to deny the license, due to failure of good moral character, pursuant to Chapter 10 of the Des**

**Moines Municipal Code and Chapter 123 of the Code of Iowa and the Rules and Regulations thereof. Motion Carried 7-0.**

- 04-2231 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

- 04-2232 7. Resolution Ordering Construction of 2004 Sanitary Sewer Lining Program-Contract 1 – Receiving of Bids, (11-30-04), and Setting Date of Hearing, (12-6-04). (Construction Estimate - \$3,600,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
8. Approving residential paving of portions of College Avenue, Terrace Drive and E. 28<sup>th</sup> Street, alley between Penn and E. 8<sup>th</sup> Street from Buchanan to Freemont, and installation of curb and gutters on Urbandale Avenue from Merle Hay, west to City limits:
- 04-2233 (A) Communication from City Manager. **Moved by Hensley to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**
- 04-2234 (B) Preliminary resolution for construction. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2235 (C) Fixing values of lots. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2236 (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2237 (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (11-22-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2238 9. Approving Private Construction Contract between Nuckolls Concrete Services, Inc. and J.D. Carpenter Companies, Inc. for Street Improvements in E. 14<sup>th</sup> Street at intersection with E. Ovid Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
- 04-2239 (A) Double T Asphalt and Des Moines Independent Community School District for Street Improvements, widening of west side of SW 9<sup>th</sup> Street, northerly of Loomis Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2240 (B) Earth Movers, Inc. and Central Iowa Hospital Corporation for Sanitary Sewer Improvements, rerouting of sewer pipe, manholes and miscellaneous associated work at 700 E. University Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving the following Change Orders:
- 04-2241 (A) No. 9 with Jasper Construction Services, Inc. for additional work on Highland Park Streetscape Project, not to exceed, \$26,710. ([Council Communication No. 04-539](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 04-2242 (B) No. 3 with Rognes Corporation for additional work on Upper Union Park Sewer Separation Phase II Project, not to exceed \$29,345.50. ([Council Communication No. 04-538](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2243 12. Communication from Van Hauen & Associates, Inc. requesting permission to sublet certain items on Bill Riley Trail Drainage Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2244 13. Accepting completed construction and approving final payment for Upper Union Park Sewer Separation Phase 1, KRI Company. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

- 04-2245 14. Levying assessment for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2004-58. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

- 04-2246 15. Approve and accept real estate documents for the following:  
(A) 5405 McKinley Avenue for the Airport Runway 13R/31L Project, \$275,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2247 (B) 1325 Locust Street for the Western Gateway Project, \$19,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2248 16. Authorization to proceed with right-of-way acquisition for Oak Park Avenue Storm Drainage Improvements Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2249 17. Approving Tax Abatement applications for additional value added by improvements made during 2004. (203 applications). ([Council Communication No. 04-544](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2250 18. Approving final subdivision plat for August Home Plat 1, 2150 Grand Avenue. ([Council Communication No. 04-543](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2251 19. Approving tax abatement application that was timely filed for additional value added by improvements during 2003 for 2628 Bent Ridge Court. ([Council Communication No. 04-542](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor apply the application retroactively as if it had been timely processed by the City of Des Moines and forwarded to the Polk County Assessor prior to March 1, 2004. Motion Carried 7-0.**

## **BOARD/COMMISSIONS/NEIGHBORHOODS**

- 04-2252 19-I Approving appointment of Phil Roeder as the School Liaison to Des Moines Parks & Recreation Board. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 04-2253 20. Approving payment of \$13,498.50 to Harold Mills for injury sustained during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2254 21. Approving payment of \$21,621.15 to Frank Rains for injury sustained during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

- 04-2255 22. On conveyance of an Underground Electric Line Easement at the west side of SE 43<sup>rd</sup> Street and half mile south of Vandalia Road to MidAmerican Energy as part of the Agrimergent Technology Park Storm Water Improvements Project, (11-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2256 23. On vacation and conveyance of the south 130' of a dead end segment of the north/south alley running south from E. Lacona between SE 8<sup>th</sup> Street and SE 8<sup>th</sup> Court, to Mark A. and Tammy L. Ruby, \$75, and to John W. Virden, \$75, (11-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2257 24. On request from Michael Barnes, to rezone property at 615 Park Street, from "C-2" (General Retail and Highway Oriented Commercial) to "C-3" (Central Business District Commercial), (11-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2258 25. On request from Harry Aller and Iowa Auto Top to amend paragraph (36) of subsection (c) of Section 134-947 of the Zoning Ordinance regarding the scope of general motor vehicle repair businesses allowed in "C-2" General Retail and Highway Oriented Commercial

district to allow automotive upholstery, scratch and dent repair and minor painting, (11-8-04). ([Council Communication No. 04-554](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2259 26. On conditional approval of a request from Triton Homes, LLC, for amendment to the approved River Oaks Centre PUD Concept Plan for property at 6000 Creston Avenue, to change the approved 72 units of multifamily residential to 72 units of townhomes, subject to plan revisions, (11-8-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **APPROVING**

- 04-2260 27. Directing sale of \$5,160,000 Sewer Revenue Bonds, series 2004G, to fund costs of the Municipal Wastewater Treatment Utility System including the Southeast Ridge Trunk Sanitary Sewer Project, (11-8-04). ([Council Communication No. 04-545](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2261 28. Directing sale of \$14,790,000 Sewer Revenue Refunding Bonds, Series 2004H, to be used to refund and refinance Series 2002C and 1995A, (11-8-04). ([Council Communication No. 04-546](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2262 29. Setting Date of Hearing on Supplement No. B1 to the Governmental Lease-Purchase Master Agreement, \$700,000, for acquisition and financing of 32 vehicles for the Police Department, (11-8-04). ([Council Communication No. 04-532](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
30. NUMBER NOT USED.

#### **CITY MANAGER COMMUNICATIONS**

- 04-2263 31. Submitting traffic regulation changes as follows: **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**  
(A) Corner Clearance – East side of SE 8<sup>th</sup> Court, south of King Avenue.  
(B) Metro Community Relations Official Police Vehicle Parking – 9 SW 7<sup>th</sup> Street.  
(C) Traffic Calming – Madison Avenue between Lower Beaver Road and Beaver Avenue.  
(D) Two-Sided Parking Restriction – Wolcott Avenue between SW 30<sup>th</sup> Street and SW 31<sup>st</sup> Street.  
(E) Midblock Pedestrian Signal – On Forest Avenue, east of 18<sup>th</sup> Street. ([Council Communication No. 04-535](#))
- 04-2264 32. Submitting out-of-state travel for Eric Anderson and Tom Vlassis. ([Council Communication No. 04-553](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **APPROVING**

- 04-2265 33. 2003 Supportive Housing Program Renewal Grant Agreement for supplemental funding for local homeless programs to address service gaps. ([Council Communication No. 04-519](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2266 34. Authorization of \$250,000 grant request to the Polk County Housing Trust Fund for the City Emergency Repair Loan Program. ([Council Communication No. 04-520](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2267 35. Closeout documents for a Fiscal Year 1999 Supportive Housing Program (SHP) Grant. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2268 36. Land purchase agreement with Des Moines Development Corporation (DMDC) Properties for acquisition of property in Western Gateway, \$110,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2269 37. Release of Covenant for 1531 Maine Street in Central Place. ([Council Communication No. 04-521](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2270 38. Neighborhood Revitalization Program Loan in the amount of \$9,000 for renovation to 1022 Des Moines Street, Capitol Grounds Coffeehouse. ([Council Communication No. 04-552](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2271 39. Amendment to Schedule of Fees for Coin Operated Amusement Devices. ([Council Communication No. 04-548](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2272 40. License Agreement with Nationwide Mutual Insurance Company for installation and operation of a Fiber Optic Communications System in City Skywalks. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2273 41. Authorization to submit applications to Des Moines Metropolitan Planning Organization for Federal Surface Transportation Program (STP) and Transportation Enhancement (TE) funds for 2008 Fiscal Year. ([Council Communication No. 04-540](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2274 42. Public Works Department's status report on the solid waste fund. ([Council Communication No. 04-550](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2275 43. New recyclable rates with Mid America Recycling, Inc. ([Council Communication No. 04-549](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2276 44. Agreement with MidAmerican Energy Company for installation of underground electric distribution system along Carlisle Road as part of Agrimergent Technology Park Storm Sewer Outlet and Pump Station. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2277 45. 23<sup>rd</sup> Annual Equal Opportunity Status Report and the 2004-2005 Affirmative Action Annual Work Plan. ([Council Communication No. 04-536](#)) **Moved by Hensley to receive, file and refer to City Manager for a report on the processes used to attract minority employees. Motion Carried 7-0.**
- 04-2278 46. City of Des Moines Financial Report for three months ended September 30, 2004. ([Council Communication No. 04-534](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2279 47. Master Lease-Purchase Agreement Form and Provider to Banc of America Leasing & Capital, LLC. ([Council Communication No. 04-530](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2280 48. Addition of Easter Lake Recreational Trail System to Bicycle and Pedestrian Trail Facilities Plan Map. ([Council Communication No. 04-541](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2281 49. Receipt of Blank Park Zoo Foundation Financial Report and authorizing negotiation of terms to extend 28E Operational Agreement beyond current termination date of June 30, 2005. ([Council Communication No. 04-547](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2282 50. Communication from Downtown Community Alliance for the following:  
(A) Ballet Theater of Des Moines to display 36 banners on 18 poles on Locust Street during November. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**
- 04-2283 (B) Meredith Corporation of Des Moines to display 7 banners on 7 poles on Locust Street during November. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**
- 04-2284 51. BI Tran Systems, Inc. as Service Provider for Traffic Management System Software, related hardware and training. ([Council Communication No. 04-537](#)) **Moved by Hensley**

**to approve. Motion Carried 7-0.**

- 04-2285 52. Civil Service Entrance Lists for Plans Examiner, Family Self Sufficiency Coordinator, Housing Services Homeowner Property Disposition Coordinator, and Promotional Lists for Fleet Services Mechanic Team Leader and Senior Refuse Collector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2286 53. Bids from the following:
- (A) Charles Gabus Ford for three (3) emergency utility vehicles, \$66,900 and Electronic Equipment Co. for the light bar equipment, \$5,135.58 for use by the Police Department, total cost \$72,035.58; subject to obtaining the necessary financing through the City's master lease-purchase agreement with Banc of America supplement no. 16. (Twelve bids mailed, seven received.) ([Council Communication No. 04-518](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2287 (1) Authorizing execution and delivery of Supplement No. 16 to the Governmental Lease-Purchase Master Agreement for the purchase of three vehicles for the NBSD program, \$72,035.58. ([Council Communication No. 04-531](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2288 (B) Ronald C. Peck Auction Services for auctioneering services to dispose of abandoned and/or surplus vehicles and equipment, and Auction Outlet for auctioneering services on unclaimed and miscellaneous surplus property for an annual contract with up to four additional one-year renewal options. ([Council Communication No. 04-517](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**
- 04-2289 54. Finance Director to draw checks for check registers of October 28 and November 4, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of October 25 and November 1, 2004; and to draw checks for biweekly payroll due October 29, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

- 04-2290 55. On vacation of north/south and east/west alleys in vicinity of East Vine Street, East Market Street, SE 7<sup>th</sup> Street and SE 8<sup>th</sup> Street. **Moved by Hensley that this ordinance do now pass, #14,380. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- 04-2291 56. Submitting various traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20<sup>th</sup> Street.
- (B) Intersection Study-34<sup>th</sup> Street and Clark Street.

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

**ORDINANCES - FIRST CONSIDERATION**

- 04-2292 57. Amending Chapter 114 of the Municipal Code regarding changes to City Snow Routes. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2293 58. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Corner Clearance-North Side of Creston Avenue, west of SW 12<sup>th</sup> Street.
- (B) Stop Sign on Gray Street at SE 3<sup>rd</sup> Street.
- (C) Allow Parking-East Side of 19<sup>th</sup> Street from Woodland Avenue south to the Alley.
- 04-2294 (D) Final consideration of ordinance above. **Moved by Brooks that the rule requiring**

**that 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 the ordinance be placed upon its final passage and that the ordinance do now pass, #14,381. Motion Carried 7-0.**

- 04-2295 59. Amending Chapter 102 of the Municipal Code regarding snow and ice removal. ([Council Communication No. 04-551](#)) **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 66 thru 75 next\*\***

#### **COUNCIL REQUESTS**

- 04-2296 60. From Council Member Chris Coleman to speak regarding labeling/naming of various Martin Luther King Jr. Parkway. **Moved by Coleman to receive and file comments; refer to City Manager for review and recommendation regarding signage in the area for a report back to Council on 11-22-04. Motion Carried 5-2. Nays: Kiernan and Vlassis.**
- 04-2297 61. From Council Member Michael Kiernan to discuss donation to the Workers Monument on the State Capitol grounds. **Moved by Kiernan to place this item on the October 27<sup>th</sup> Workshop agenda. Motion Carried 7-0.**

#### **COMMUNICATIONS/REPORTS**

- 04-2298 62. From Francine Belinsky, 3105 Stanton, to speak regarding the assessment for a clean up of her property. **Moved by Hensley to receive and file comments. Mrs. Belinsky will be sent a bill for \$95.00. If this amount is paid within 30 days, the City will waive the interest charge. Motion Carried 7-0.**
- 04-2299 63. From Robert and Gema Grant, 1701 E. Kirkwood, to speak regarding recycling. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**
- 04-2300 64. From Pastor Terry Pauley, 1931 SW 1<sup>st</sup> Street, to speak regarding release of City lien. **Moved by Hensley to receive and file comments; refer to City Legal for review and recommendation. Motion Carried 7-0.**
- 04-2301 65. Petition from property owners requesting paving on South Union Street from Jackson Avenue to the Dead End, north of Clay Street. **Moved by Brooks to receive, file and refer to the City Manager and the City Engineer. Motion Carried 7-0.**

#### **HEARINGS (OPEN AT 5:42 P.M.) (ITEMS 66 THRU 75)**

- 04-2302 66. On appeal from William H. Smith, Jr., 4816 Pleasant Street, regarding Administrative Hearing Officer's decision on impounded vehicles. **Moved by Coleman to uphold decision of the hearing officer. Motion Carried 7-0.**
- 04-2303 67. On Building Official's determination that structure at 1101 Scott Street constitutes a public nuisance, continued from June 21, 2004 (Staff recommends Titleholder be granted an additional thirty days to abate the nuisance). ([Council Communication No. 04-555](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2304 68. On items regarding Drake University Stadium Renovation:  
(A) Hearing on vacation of 28<sup>th</sup> Street from Forest to Clark. **Moved by Vlassis to continue to November 8, 2004 at 5:30 P.M. Motion Carried 7-0.**
- WITHDRAWN  
04-2305 (B) Hearing on vacation of Clark Street from 27<sup>th</sup> to 28<sup>th</sup>, and to continue the hearing on conveyance of the property to November 8, at 5:30 P.M. **Moved by Vlassis to continue the public hearing on the proposed vacation to November 8, 2004 at 5:30 P.M. in the Council Chambers; and to continue the proposed conveyance to**

**the November 22, 2004 meeting at 5:30 P.M. Motion Carried 7-0.**

WITHDRAWN

04-2306

(1) First consideration of ordinance above.

(C) Recommendation of Plan and Zoning Commission. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

04-2307

69. On vacation of segment of Monroe Street right-of-way in vicinity of 1300 SE 1<sup>st</sup> Street. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

04-2308

(A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

04-2309

(B) Final consideration of ordinance above, (waiver requested by Joseph Romeo), 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, [#14,382](#). Motion Carried 6-1. Absent: Vlassis.**

04-2310

70. On vacation and conveyance of east/west alley between Ingersoll Avenue and Grand Avenue from 16<sup>th</sup> Street to 17<sup>th</sup> Street to Iowa Paint Manufacturing Company, \$65,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-2311

(A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

04-2312

(B) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,383](#). Motion Carried 6-1.**

04-2313

71. 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 J. Flanagan Corporation, \$1. **Moved by Hensley to adopt and continue hearing to December 20, 2004 at 5:30 P.M. Motion Carried 6-1. Absent: Vlassis.**

04-2314

72. On conveyance of 501 West Martin Luther King Jr. Parkway to WKKS Properties, LC, \$150,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-2315

73. On intent to convey the Des Moines Metropolitan Wastewater Reclamation Facility, and certain sanitary interceptor sewers, Wastewater Detention Basins and Pumping Stations, to the Des Moines Metropolitan Wastewater Reclamation Authority, **Moved by Brooks to adopt, and continue the hearing to November 8, at 5:30 P.M. Motion Carried 7-0.**

04-2316

74. On application for Voluntary Annexation from Twin Eagles Development, L.L.C. for approximately 33 acres consisting of the NE 30<sup>th</sup> Place right-of-way extending west from NE 52<sup>nd</sup> Ct. and an adjoining tract of land extending south to NE 23<sup>rd</sup> Avenue (Easton Blvd.) and NE Oakhill Drive. **Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Brooks.**

04-2317

(A) Resolution amending the Des Moines 2020 Comprehensive Land Use Plan to designate the above property as Low Density Residential, Low/Medium Density Residential and Medium Density Residential. **Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Brooks.**

- 04-2318 (B) On request from Twin Eagles Development, L.L.C. to rezone property at 5450 NE 23<sup>rd</sup> Avenue from "A-1" (Agricultural) to "PUD" (Planned Unit Development) and approve a "PUD" conceptual plan for "Copper Crossing". **Moved by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Pass: Brooks.**
- 04-2319 (C) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Brooks.**
- 04-2320 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 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, [#14,384](#). Motion Carried 6-1. Pass: Brooks.**
- 04-2321 75. On request from Terrus Group to amend the Hillside PUD Conceptual Plan for property located between 7<sup>th</sup> and 9<sup>th</sup> Streets and between Center and Crocker Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2322 75-I On sale of City property at Witmer Parkway and Beaver Avenue, to Jeri Griffiths, \$16,240, continued from 10-11-04. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 7:42 P.M.\*\***

**\*\*Council considered Items 61 thru 65 and then 76 thru Board of Health next\*\***

#### **CITY MANAGER RECOMMENDATIONS**

- 04-2323 76. Regarding preliminary terms for agreement with Regional Cultural Council, Inc. for payment of hotel-motel tax money for cultural and arts organizations. ([Council Communication No. 04-556](#)) **Moved by Hensley to approve the preliminary terms and to authorize the City Manager to negotiate a proposed agreement incorporating changes as outlined on the Council Communication for consideration by the Council at a future meeting. Motion Carried 7-0.**

#### **APPROVING**

77. The following with regard to the redevelopment of property south of Court Avenue between SW 3 and W 4<sup>th</sup> Streets:
- 04-2324 (A) Public Hearing on Urban Renewal Agreement for sale of City-owned parcels to Court Avenue Partners II, L.P. ([Council Communication No. 04-516](#)) **Moved by Hensley to continue the public hearing until November 8, 2004, at 5:30 P.M. Motion Carried 5-2. Nays: Brooks and Vlassis.**
- 04-2325 (B) ~~Urban Renewal Development Agreement for renovation of upper three floors of the Spaghetti Works Building, 302-310 Court Avenue for 52 residential apartments. ([Council Communication No. 04-533](#))~~
- 04-2326 (C) Setting Date of Hearing on proposed sale of vacated east/west alley adjoining the Spaghetti Works Building, \$1,000, (11-8-04). **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

#### **BOARD OF HEALTH**

- 04-2327 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

#### **AUTHORIZING**

1. Court authority to order abatement of the public nuisance structures at the following locations:

- 04-2328 (A) 1536 Arlington Avenue, Titleholders: Mark Robinson and Clarissa Robinson; Contract Buyer: Desiree Gomez; Mortgage Holders: Homecomings Financial Network, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2329 (B) 1347 22<sup>nd</sup> Street, Titleholders: Robert J. Lippold and Jocelyn S. Lippold, Mortgage Holder: Bankers Trust Company, N.A. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2330 (C) 1354 22<sup>nd</sup> Street, Titleholders: Mooring Tax Asset Group XXXVI, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2331 (D) 2107 E. 38<sup>th</sup> Street, Titleholder: Ameriquest Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2332 (E) 3846 56<sup>th</sup> Street, Titleholder: Shelly Meyers, Mortgage Holders: Mortgage Investor Services, LLC and The Provident Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
2. The Engineering Department to cause the removal of the following public nuisance structures:
- 04-2333 (A) 1317 Clark Street, Titleholders: George H. Lester and Leona M. Lester. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2334 (B) 1406 2<sup>nd</sup> Place, Titleholder: Stephen J. Clark, continued from 10-11-04. **Moved by Vlassis to continue to November 8, 2004 to allow Community Development time to review the renovation plan. Motion Carried 7-0.**

WITHDRAWN

04 2335—

04-2336

~~(C) 1704 E. 21<sup>st</sup> Street, Titleholder: Romona L Rogers.~~

MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 8:16 P.M. Motion Carried 7-0.**

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All-America City

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