

**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

**The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '05-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.**

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**February 7, 2005 4:30 P.M.**

**INVOCATION:** Pastor Tony Thurston  
College Avenue Christian Church

- 05-244 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 05-245 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

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**\*Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

- 05-246 3. APPROVING CONSENT AGENDA – items 3 through 53: **Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

- 05-247 4. Approving Alcoholic Beverage License application for the following: **Moved by Brooks to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) CENTRAL GRILL 2734 DOUGLAS AVE C Beer/Wine

(B)	FLEUR WINE & ALE	4521 FLEUR DR	E Liquor
(C)	LA CRUZ #3	3900 E 14TH ST	C Beer
(D)	WALNUT TAP	2401 E WALNUT ST	C Liquor

### RENEWAL APPLICATIONS

(E)	CANDY KITCHEN	2024 FOREST AVE	C Beer
(F)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(G)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(H)	EL AQUILA REAL AUTHENTIC	3600 BEAVER AVE	C Liquor
(I)	FACES LOUNGE	416 E WALNUT ST	C Liquor
(J)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(K)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(L)	FORTY THREE RESTAURANT	1000 WALNUT ST	C Liquor
(M)	HOPPERS	2515 WEDGEWOOD RD	C Liquor
(N)	INGERSOLL LIQUOR & BEVERAGE	3500 INGERSOLL AVE	E Liquor
(O)	K-BOOM	319 COURT AVE	C Liquor
(P)	KUM & GO #440	821 E EUCLID AVE	C Beer
(Q)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(R)	NAT FOOD MART	1443 2ND AVENUE	C Beer
(S)	SHANGRI LA BUFFET	4349 MERLE HAY ROAD	B Beer

### OUTDOOR SERVICE APPLICATIONS

(T)	TIM FLANAGANS RESTAURANT	2120 INGERSOLL AVE	C Liquor
(1)	Temporary outdoor service for St. Patrick's Day celebration on March 17 and 18, 2005. Pending approval of Fire Department.		

- 05-248      5.    City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-249      6.    City Clerk to issue Coin Operated Machine Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

### PUBLIC IMPROVEMENTS

7.    Resolution Ordering Construction of the following:
- 05-250      (A)    Denman Fountain Restoration – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$24,000). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-251      (B)    2004 Expanded Street Resurfacing Program - Arterial – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$1,425,111). **Moved by Brooks to adopt. Motion Carried 7-0.**

- 05-252 (C) 2004 Expanded Street Resurfacing Program – Residential – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$1,027,750). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-253 (D) Woodlawn Park Improvements – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$75,500). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-254 (E) Agrimergent Technology Park-Clearing & Grubbing Contract 1 – Receiving of Bids, (03-01-05), and Setting Date of Hearing, (03-07-05). (Construction Estimate - \$400,425). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-255 8. Approving Change Order No. 2 with Walter, Inc. for additional work on Fire Station No. 2 Renovation Project, not to exceed \$41,263. ([Council Communication No. 05-062](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-256 9. Approving Iowa Department of Transportation Change Order to Keo Way (Birds Run) Phase 1 Storm Sewer Outlet, and Qwest Communications License Agreement for Communications Avoidance Structure. ([Council Communication No. 05-063](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
- 05-257 (A) Sanitary Sewer Improvements for Loco Joe’s at 6550 Bloomfield Road between 65th and 66th Streets, Mihalovich Plumbing & Heating Co., and The Pro-Line Co., Inc. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-258 (B) Sanitary Sewer Improvements for Top Value Foods Market, 801 University Avenue between Rhiner’s Plumbing Co., Inc. and Snag, LLC. **Moved by Brooks to adopt. Motion Carried 7-0.**
11. Approving completion and recommending acceptance of the following Private Construction Contracts with Brook Run L.C. for Brook Run Village Plat 8, located at 65th and Douglas Avenue and proposed Village Run Drive:
- 05-259 (A) Storm Sewer Improvements – McAninch Corporation. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-260 (B) Sanitary Sewer Improvements – McAninch Corporation. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-261 (C) Street Improvements – Sternquist Construction, Inc. **Moved by Brooks to adopt. Motion Carried 7-0.**

**Motion Carried 7-0.**

- 05-262 12. Approving permission to sublet from Rasch Construction, Inc. for Southeast Ridge Tr  
Sanitary Sewer-Phase 1. **Moved by Brooks to adopt. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment for the following:
- 05-263 (A) Highland Park Streetscape Arch and Historic Marker, Bergstrom Construction, I  
**Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-264 (B) SW 9<sup>th</sup> Street & Virginia Avenue Traffic Signals, Price Industrial Elec  
Inc. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-265 (C) Bill Riley Trail Drainage Improvements, Van Hauen & Associates, Inc. **Moved  
Brooks to adopt. Motion Carried 7-0.**
- 05-266 (D) Blank Park Zoo Entrance Modifications, Castle Concrete Services Inc. **Moved  
Brooks to adopt. Motion Carried 7-0.**
- 05-267 (E) 44<sup>th</sup> Street and Forest Avenue Sewer Separation, Van Hauen & Associates, I  
**Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-268 (F) Thomas Beck Storm Sewer Repair, west of SW 9<sup>th</sup> Street, Van Hauen & Associat  
**Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-269 (G) US 69 and County Line Road Left Turn Lanes and Traffic Signals, Iowa Signa  
Electric Co. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-270 (H) 2004 Sanitary Sewer Televising Program Contract 2, Hydro-Klean, Inc. **Moved  
Brooks to adopt. Motion Carried 7-0.**
- 05-271 14. Authorization to proceed and acquire right-of-way for City-Wide Storm Sewer Lin  
Project for four locations:([Council Communication No. 05-048](#)) **Moved by Brooks  
adopt. Motion Carried 7-0.**
- (A) SW 23<sup>rd</sup> Street, west of Fleur Drive.
- (B) Martin Luther King, Jr. Parkway at 17<sup>th</sup> Street.
- (C) Martin Luther King, Jr. Parkway at Bennett Avenue.
- (D) West of E. 30<sup>th</sup> Street, south of Easton Boulevard.

- 05-272 15. Authorization to proceed on 2005-2006 Paving Program, which is included in 2004-2005 Capital Improvements Program. ([Council Communication No. 05-047](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-273 16. Authorizing the City Engineer to take action to secure the completion of the Union Park Water Playground Project. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-274 17. Approving Addendum No. 4 to Urban Design Standards for Public Improvements, 2004 Edition, and Addendum No. 6 to Urban Standard Specifications for Public Improvements, 1998 Edition. ([Council Communication No. 05-045](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
18. Approving the following items regarding McKinley Avenue from Fleur Drive to 920 East:
- 05-275 (A) Recommendation from City Manager regarding proposed construction. **Moved by Brooks to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**
- 05-276 (B) Preliminary resolution for construction of Sidewalk Improvements. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-277 (C) Resolution fixing values of lots. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-278 (D) Preliminary Plat and Schedule, Estimate of Cost and Proposed Plans and Specifications for construction of Sidewalk Improvements. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-279 (E) Resolution of Necessity, Notice to Property Owners and Setting Date of Hearing, (05-28-05). **Moved by Brooks to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

19. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Order (Community Development) for the following:
- 05-280 (A) Schedule No. 2005-75. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-281 (B) Schedule No. 2005-25. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-282 (C) Schedule No. 2005-01. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-283 20. Approving deletion of NAC-Emergency Assessment at 1175 9<sup>th</sup> Street. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-284 21. Approving refund of unused special assessment default fund; Refund Schedule No. 2003. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-285 22. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees February 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

05-286 23. Real estate documents for property in vicinity of SW 34<sup>th</sup> Street and relocated Army Road for the future Airport Runway 13R/31L Runway Protection Zone Project, \$573, plus costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-287 24. Real estate documents for property at 1315 Locust Street for the Western Gateway Project, \$325,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-288 25. Real estate documents for property at 5200 Park Avenue for the Park Avenue widening Project, \$1,750 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-289 26. Real estate documents for property in vicinity of Beardsley Street and County Road R for the Clover Hill Sanitary Trunk Sewer Project, \$4,260 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-290 27. Acquisition of necessary right-of-way and easements for the Leetown Creekway Wood Box Replacement Project-Phase 3, \$150,000 estimated. **Moved by Brooks to adopt. Motion Carried 7-0.**

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

05-291 28. Recommendation of Mayor Frank Cownie to appoint Jule A. Thorsen to the Library Board of Trustees (seat 1) to fill unexpired term of Barb Ettleson commencing July 1, 2004 to expire July 1, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-292 29. Recommendation of the Neighborhood Development Corporation to appoint Catherine Dietz-Kilen to the Neighborhood Revitalization Board (seat 14) for a three-year term commencing June 30, 2004 to expire June 30, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-293 30. Recommendation of Council Member Tom Vlassis to reappoint Susan Oltrogge to the Licensing and Appeals Board (seat 4) for a three-year term commencing April 1, 2004 to expire April 1, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- 05-294 31. Regarding on request from Leachman Lumber Company for vacation and conveyance of Lyon Street from Hubbell Avenue to its current east terminus, subject to conditions. **Moved by Brooks to adopt and refer to the City Manager to implement. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- 05-295 32. On vacation of an 8' wide southernmost east/west alley right-of-way running 68.5' east of and vacated 11<sup>th</sup> Street between Cherry and Vine, (2-28-05). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-296 33. On sale of City property located at 5818 and 5820 Winona Avenue, to RM. Mad Construction -- \$21,400 and to Steve and Judy Rodish -- \$400, (2-28-05). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-297 34. On issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds, (for essential corporation purpose), to refund and refinance GO Bonds Series 1996F and 1998D, (2-28-05). ([Council Communication No. 05-056](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-298 35. On Supplement No. B2 to the Governmental Lease-Purchase Master Agreement with B of America Leasing & Capital, LLC, not to exceed \$475,000, for acquiring a runway p striper and a street sweeper for the Airport, (2-28-05). ([Council Communication No. 055](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-299 36. On amendment to the Annual Budget for current fiscal year ending June 30, 2005, (2-28-05). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-300 (A) On proposed Annual Budget for fiscal year ending June 30, 2006, (2-28-05). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-301 37. On the 2005-1 Omnibus Amendment to the City's Urban Revitalization Plan, extending duration for three years, (2-28-05). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-302 38. On amendment to the approved PUD Conceptual Plan for the Science Center of I building and garage, north of Martin Luther King Jr. Parkway, between SW 3<sup>rd</sup> and SW 4<sup>th</sup> Streets, to allow for additional signage, (2-28-05). ([Council Communication No. 05-056](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-303            39. Approving payment of \$7,265.65 to Myers & Jenkins Law Firm in conjunction with U Corporation Bankruptcy and ATA Holdings Corp. Bankruptcy. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-304            40. Approving payment of \$4,137.50 to Nyemaster, Goode, Voigts, West, Hansell & O'Br P.C. for consultation services in conjunction with collective bargaining and related matters. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-305            41. Approving payment of \$2,646 to Sullivan & Ward, P.C. in conjunction with National Pollution Discharge Elimination System Permit (NPDES). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-306            42. Approving representation of Des Moines Police Officer Garth House by Hans McClintock & Riley. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-307            43. Approving payment of \$6,625 to John Mahler for property damage and authorizing additional \$300 for transportation expenses as the result of an auto accident. **Moved by Brooks to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- 05-308            44. Submitting out-of-state travel for Sandy Roozeboom, Sone Cam, Robert Kraft, Thor Turner, and David Keenan. ([Council Communication No. 05-044](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

## APPROVING

- 05-309            45. CSBG Contract No. 05-07-CJ by and between the Iowa Department of Human Rights/Division of Community Action Agencies and the City for community services for low-income persons from October 1, 2004 to September 30, 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-310            46. Form of Agreement between the City of Des Moines, West Des Moines State Bank, the Federal Home Loan Bank of Des Moines to implement the Affordable Housing Program Grant for Emergency Home Repairs for low-income owner-occupants, \$250,000 ([Council Communication No. 05-058](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**



47. Agreements for assignment of the following tax sale certificates:
- 05-311 (A) 1964 Arlington Avenue, to Kinter Properties, Inc. **Moved by Brooks to adopt. Motion Carried 7-0.**
  - 05-312 (B) 1002-40<sup>th</sup> Street, to S & G Real Estate Investments, Inc. ([Council Communication No. 05-064](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
  - 05-313 48. Sole compliant bid from Vital Support Systems for Altiris Client/Server Management Software plus installation and startup services, \$147,675. **Moved by Brooks to adopt. Motion Carried 7-0.**
  - 05-314 49. Bid specifications for junk vehicle towing by Community Development Department ([Council Communication No. 05-049](#)) **Moved by Hensley to continue this item to Special Council Meeting on Friday, February 11<sup>th</sup> at 7:30 A.M. Motion Carried 7-0.**
  - 05-315 50. Receipt of the Legislative Update for the 81<sup>st</sup> Iowa General Assembly. **Moved by Brooks to receive and file. Motion Carried 7-0.**
  - 05-316 51. Civil Service Entrance List for Real Estate Relocation Coordinator and Promotional for Fire Engineer and Senior Housing Case Manager. **Moved by Brooks to receive and file. Motion Carried 7-0.**
  - 05-317 52. Finance Director to draw checks for check registers of February 10, February 17, February 24, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of February 7, February 14, and February 21, 2005; and to draw checks for biweekly payroll due on February 18, 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- 05-318 53. Amending Chapter 70 of the Municipal Code, regarding sale of products containing pseudoephedrine in combination with other active ingredients. **Moved by Brooks to adopt. Motion Carried 7-0. This ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

- 05-319            54. Amending Chapter 18 of the Municipal Code regarding the total number of cats and dogs allowed per property. **Moved by Brooks that this ordinance be considered and given first vote for passage. City Council will discuss other animal ordinance issues (number of dogs, fencing, and animal caretakers) at the February 16<sup>th</sup> Council Workshop. Motion Carried 7-0.**
- 05-320            55. Amending Chapter 26 of the Municipal Code regarding maintenance, repair, equipment use and occupancy of all residential rental buildings and structures, by providing an exception for single-family dwellings and duplexes occupied by the owner or member of that owner's immediate family. ([Council Communication No. 05-050](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-321            56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes that follow: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Parking Meter Changes in Response to East Village Development.
  - (B) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – Downtown University Area.
  - (C) Removal of Metered Spaces and Replacement with Loading Zones in accordance with an Agreement with Massman Group L.L.C. and 10<sup>th</sup> Street Lofts, L.L.P.
  - (D) Corner Clearance – north Side of East Walnut Street, east of E. 18<sup>th</sup> Street.
  - (E) Corner Clearance – east and west Sides of Polk Boulevard, north and south of Harwood Drive.
  - (F) Petition for Four-Way Stop – East 40<sup>th</sup> Court and Hull Avenue.
  - (G) Implement Traffic Regulations for Martin Luther King, Jr. Parkway from Fleur Drive to I-235 and for West Martin Luther King, Jr. Parkway from SW 2<sup>nd</sup> to Fleur Drive.

## COUNCIL REQUESTS

### WITHDRAWN

- 05-322      ~~57. From Council Member Vlassis to discuss pedestrian controlled stop lights in Beaver Business area.~~
- 05-323      58. From Council Member Vlassis to discuss the following: **Moved by Vlassis to receive, file and refer to the City Manager and Traffic Safety Committee for review and recommendation back to Council as soon as possible. Motion Carried 6-1. Absent Coleman.**
- (A) Install “NO PARKING CORNER TO HERE” signs on the north side of Clark Street at least two car lengths west of the intersections of 24<sup>th</sup> Street and 25<sup>th</sup> Street to facilitate turning onto Clark.
- (B) Install “NO PARKING ANY TIME” signs at curve along north side of Clark Street west of triangle at 23<sup>rd</sup> Street along NE to SW segment of curve, and two or three car lengths to the west.
59. From Mayor Cownie and Council Member Vlassis to discuss Central Place Industrial Park
- 05-324      (A) Stop lights on University Avenue at Illinois Street. **Moved by Vlassis to receive, file and refer to the City Manager and Traffic Safety Committee for review and recommendation back to Council as soon as possible. Motion Carried 7-0.**
- 05-325      (B) Additional business identification signs. **Moved by Vlassis to receive, file and refer to the City Manager and Community Development Department for review and recommendation back to Council as soon as possible. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- 05-326      60. From Sherman Hill Association requesting rezoning along the Cottage Grove/Crossing Corridor. **Moved by Hensley to receive, file and refer to Plan and Zoning Commission for review and recommendations regarding this area and any excess property in the area. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 61 THRU 69)

- 05-327      61. On appeal from Ryan Buman, 2011 SW 1<sup>st</sup> Street, regarding recommended denial of Taxicab License. **Moved by Brooks to grant license for a six-month probationary period. Motion Carried 7-0.**
- 05-328      62. On sale of City property in the vicinity of Indianola Avenue at Granger Avenue, So

Union and E. Dunham, to Communication Technologies, Inc. \$82,000. **Moved by Brooks to continue the public hearing until March 28, 2005 at 5:30 P.M. Motion Carried 7-0.**

05-329 63. On vacation and conveyance of E. 7<sup>th</sup> Street right-of-way and part of Maple Street right-of-way, to Community Choice Credit Union, \$4,000. **Moved by Brooks to adopt. Motion Carried 7-0.**

05-330 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-331 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 75% majority votes. **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, #14,444. Motion Carried 7-0.**

64. Items regarding property at 1500 and 1520 Euclid Avenue:

05-332 (A) Recommendation from Plan & Zoning Commission. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

05-333 (B) Hearing on request from Mary H. Jaeger, Owner, to rezone property from "R1-1" (One Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial) to allow for expansion of existing restaurant. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance; refer to Plan and Zoning Commission to consider rezoning the property west of the property, on the south side of Euclid, to "C-2" or "C-1". Motion Carried 7-0.**

05-334 (C) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-335 (D) Final consideration of ordinance above, (waiver requested by applicant), requiring 75% majority 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, #14,444. Motion Carried 7-0.**

65. On related amendments to Zoning Ordinance and Site Plan Regulations: ([Council Communication No. 05-051](#))

05-336 (A) Communication from City Manager regarding rezoning of Riverpoint West area generally north of Des Moines River between SW 9<sup>th</sup> Street and Fleur Drive

encourage redevelopment of area with mix of residential and commercial use.  
**Moved by Hensley to receive, file and direct the City Manager to pursue agreement between Hubbell Realty and the development team comprised of George Sherman, Ryan Construction and Rottlund Homes regarding the future redevelopment of the Riverpoint West area. Motion Carried 7-0.**

- 05-337 (B) Resolution approving amendment to Des Moines 2020 Community Character Land Use Plan to change future land use classification for Riverpoint West area to Supplemental Commercial classification. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-338 (C) Resolution closing consolidated public hearing on proposed amendments to Zoning Ordinance and Site Plan Regulations itemized below: **Moved by Hensley to close the public hearing. Motion Carried 7-0.**
- 05-339 (1) First consideration of ordinance amending the Zoning Ordinance to establish a new "C-3B" Central Business District Mixed Use District. **Moved by Hensley to receive, file and direct the City Manager to pursue agreement between Hubbell Realty and the development team comprised of George Sherman, Ryan Construction and Rottlund Homes regarding the future redevelopment of the Riverpoint West area. Motion Carried 7-0.**
- 05-340 (2) First consideration of ordinance amending the Site Plan Regulations to establish design guidelines for review of site plans for development within new "C-3B" District, and requiring Plan and Zoning Commission approval of site plans for vehicle display lots in all districts. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-341 (3) First consideration of ordinance amending the Zoning Ordinance to provide consistent treatment of signage and allowed building height in "D-R" Downtown Riverfront District. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-342 (D) Resolution closing public hearing on proposal to rezone Riverpoint West area to "C-3B" District and to further rezone a portion in vicinity of 122 and 200 SW 16<sup>th</sup> Street to impose additional regulations under "S-O" Study Overlay District. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of rezoning ordinances. Motion Carried 7-0.**
- 05-343 (1) First consideration of ordinance rezoning Riverpoint West area to "C-3B" District. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-344 (2) First consideration of ordinance rezoning property in vicinity of 122 and 200 SW 16<sup>th</sup> Street to impose additional regulations under "S-O" District. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-345 66. On Lease Agreement with the South Des Moines Girls Amateur Softball Association, lease of Carney Softball Fields at 2501 SW 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
67. On Lease of property at 623 Grand Avenue:
- 05-346 (A) To Boesen the Florist, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-347 (B) To Boesen the Florist, for a sidewalk café. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-348 68. On Fourth Amendment to the Land Lease for Parcel Distribution Facility, with Un Parcel Service, Inc, to clarify payment of sanitary sewer connection fees, and set the c the Site and Grading Plan shall be presented to the City. ([Council Communication No. 057](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-349 69. On Greenhouses at Chesterfield: Resolution approving plans, specifications, form contract documents, Engineer's estimate and designating lowest responsible bidder Legacy Construction Group, (Douglas N. Stephens, President, Grimes), \$372,563. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Cownie.**
- 05-350 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Cownie.**

\*\*\*END HEARINGS AT 5:46 P.M.\*\*\*

#### APPROVING

- 05-351 70. Recommendation from Zoning Enforcement to **deny** Class B Beer License at Lou Chinese and Thai Food, 1022 E. 12<sup>th</sup> Street. ([Council Communication No. 05-060](#)) **Moved by Mahaffey to deny the license due to non-compliance with applicable regulations under the Zoning Ordinance. Motion Carried 6-1. Absent: Vlassis.**
- 05-352 71. Urban Renewal Development Agreement with Lander-Sherman Urban Development L for redevelopment of property, north of Vine Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets. ([Council Communication No. 05-060](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-353 72. Various economic development activities for Kemin Industries, Inc., 2100 Maury Street ([Council Communication No. 05-061](#)) **Moved by Brooks 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 have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Manager or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

- 05-354            1.    Approving new bargaining agreement with Des Moines Association of Professional Firefighters, Local No. 4. SPONSOR: Vlassis. ([Council Communication No. 05-001](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan**
- 05-355            2.    First consideration of ordinance amending Chapter 114 of the Municipal Code regarding the railroad crossing at 5200 Park Avenue. SPONSOR: Vlassis. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-356            (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis), 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 [#14,413](#). Motion Carried 7-0.**

## BOARD OF HEALTH

- 05-357            MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

## HEARING

- 05-358            1.    On resolution to cause the removal of the garage structure located at 1612 E. 27<sup>th</sup> 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: Emery A. Rector; Mortgage Holder: Wells Fargo Home Mortgage, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## AUTHORIZING

2.    Court action to secure authority to cause the abatement of the following public nuisance structures:

- 05-359 (A) 1515 Delaware Avenue, Titleholder: Christine Frank d/b/a Tax 206. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-360 (B) 1807 10<sup>th</sup> Street, Titleholders: Edward Moss and Susan Moss; Contract Buyer: De Castro. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-361 (C) 1821 12<sup>th</sup> Street, Titleholders: Thomas V. Nguyen and Thanh T. Phan. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-362 (D) 1151 27<sup>th</sup> Street, Titleholder: Michael Schumacher d/b/a SSW, L.L.C.; Contract Buyers: Pat Andrews d/b/a Big Horn Properties, Brenda Zapata and Joe Zapata; Mortgage Holders: American Family Financial Services, Inc. and Commercial Federal Bank. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**

3. The Engineering Department to cause the demolition of the following structures:

- 05-363 (A) 2540 SE 14<sup>th</sup> Street, Titleholder: Fountain of Life Cathedral. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-364 (B) 1310 E. 38<sup>th</sup> Street, Titleholders: Robert D. Olson and Shirlene Olson. **Moved by Brooks to adopt. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 61 thru 69 next\*\***

05-365 **MOTION TO ADJOURN. Moved by Vlassis to adjourn at 5:46 P.M. Motion Carried 7-0.**

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