

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

**The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '04-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.**

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**March 8, 2004**

**4:30 P.M.**

**SPECIAL PRESENTATIONS**

Presentation by Youth Advisory Board regarding Metro Star 2004

**INVOCATION:** Pastor Candice Brown  
Capitol Hill Christian Church

- 04-452 1. **ROLL CALL: Present: Coleman, Brooks, Mahaffey and Overman. Absent: Hensley and Vlassis. Mayor Cownie participated electronically in this meeting.**
- 04-453 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Coleman to adopt. Motion Carried 5-2.**

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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.**

- 04-454 3. **APPROVING CONSENT AGENDA – items 3 through 62: Moved by Overman to adopt the balance of the consent agenda. Motion Carried 5-2.**

**LICENSES AND PERMITS**

- 04-455 4. **Approving the following Alcoholic Beverage License Applications: Moved by Overman to adopt. Motion Carried 5-2.**

**NEW APPLICATIONS**

|                |                               |                                     |
|----------------|-------------------------------|-------------------------------------|
| (A)            | MARGARET'S 3020 FOREST AVENUE | C Liquor                            |
| <del>(B)</del> | <del>QUIKTRIP #501</del>      | <del>2221 E EUCLID AVE</del> C Beer |
| <del>(C)</del> | <del>QUIKTRIP #501</del>      | <del>2221 E EUCLID AVE</del> B Wine |
| (D)            | WAVELAND GOLF COURSE          | 4908 UNIVERSITY AVE C Liquor        |

**RENEWAL APPLICATIONS**

|     |                                  |                                |
|-----|----------------------------------|--------------------------------|
| (E) | AK OCONNORS                      | 4050 URBAN DALE AVE C Liquor   |
| (F) | BOWLERAMA LANES                  | 1313 E DIEHL AVE C Liquor      |
| (G) | FRANCIES 2100 WAKONDA VIEW DRIVE | C Liquor                       |
| (H) | HAIRY MARYS                      | 2307 UNIVERSITY AVE C Liquor   |
| (I) | HAWKEYE ELKS LODGE #160          | 1401 WALKER ST C Liquor        |
| (J) | HAWKEYE PANTRY                   | 501 LOCUST STREET E Liquor     |
| (K) | HY VEE FOOD STORE #3             | 3221 SE 14TH ST E Liquor       |
| (L) | HY VEE FOOD STORE #5             | 1107 E Army Post Road E Liquor |
| (M) | INDEPENDENT LODGE #4             | 1601 6TH AVE C Liquor          |
| (N) | IOWA BEEF STEAK HOUSE            | 1201 E EUCLID AVE C Liquor     |
| (O) | KELLYS TEXACO                    | 111 63RD ST C Beer             |
| (P) | NAT FOOD MART #1                 | 3804 HUBBELL AVE C Beer        |
| (Q) | RACCOON RIVER BREWING CO         | 200 10TH ST C Liquor           |

|     |                         |                 |          |
|-----|-------------------------|-----------------|----------|
| (R) | SCORNOVACCAS PIZZA      | 3900 E 14TH ST  | B Beer   |
| (S) | SOUTHRIDGE AMOCO        | 6300 SE 14TH ST | C Beer   |
| (T) | WINSTONS PUB AND GRILLE | 601 LOCUST ST   | C Liquor |

**OUTDOOR SERVICE APPLICATION**

|     |   |                    |          |
|-----|---|--------------------|----------|
| (U) | TIM FLANAGANS RESTAURANT  | 2120 INGERSOLL AVE | C Liquor |
|     | Temporary outdoor service for St. Patricks Celebration on March 16 to March 18, 2004.<br>Pending approval of Building and Fire Departments. |                    |          |

- 04-456 4I. Approving Class C Liquor License Application for Riccelli’s Supper Club, 3803 Indianola Avenue. Pending approval of Building, Electrical, Fire and Police Departments. SPONSOR: Brooks. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-457 4II. Approving temporary outdoor service area for Smokey’s Bar-B-Que, 2301 SW 9<sup>th</sup> Street for St. Patrick’s Day celebration from March 16 to March 18, 2004. Pending approval of Building, Electrical and Fire Departments. SPONSOR: Brooks. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-458 5. City Clerk to issue Cigarette Licenses. **Moved by Overman to adopt. Motion Carried 5-2.**

**PUBLIC IMPROVEMENTS**

- 04-459 6. Ordering construction for the following:
  - (A) University Avenue Median Modifications at 2<sup>nd</sup> Avenue – Receiving of Bids, (3-30-04), and Setting Date of Hearing, (4-5-04), (Construction Estimate - \$37,105). **Moved by Overman to adopt. Motion Carried 5-2.**
  - 04-460 (B) WRF Combined Hauled Waste/Solids Processing Improvements - Receiving of Bids, (4-13-04), and Setting Date of Hearing, (4-19-04), (Construction Estimate - \$11,136,300). **Moved by Overman to adopt. Motion Carried 5-2.**
  - 04-461 (C) 2004 Tennis Court Resurfacing Program - Receiving of Bids, (3-30-04), and Setting Date of Hearing, (4-5-04), (Construction Estimate - \$53,300). **Moved by Overman to adopt. Motion Carried 5-2.**
  - 04-462 (D) Union Park Water Playground - Receiving of Bids, (3-30-04), and Setting Date of Hearing, (4-5-04), (Construction Estimate - \$330,000). **Moved by Overman to adopt. Motion Carried 4-1-2. Nays: Brooks.**
- 04-463 7. Approving execution of Iowa Department of Transportation Agreement for SW 8<sup>th</sup> Street Viaduct over Martin Luther King Jr., Parkway Rehabilitation. ([Council Communication No. 04-124](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-464 8. Approving execution of Professional Services Agreement with W. A. Architecture LLC (William L. Anderson, Principal, DSM) in conjunction with Western Gateway Improvement, \$670,710. ([Council Communication No. 04-116](#)) **Moved by Overman to adopt. Motion Carried 4-1-2. Nays: Cownie.**
- 04-465 9. Approving execution of Professional Services Agreement with Larson Architecture LLC, (Rick Larson, President, DSM) in conjunction with the Greenhouses at Chesterfield, \$27,900. ([Council Communication No. 04-119](#)) **Moved by Overman to defer to the March 22 meeting. Motion Carried 5-2.**
- 04-466 10. Approving agreement with Principal Life Insurance Company to place two traffic observation cameras on the 801 Grand Building, as part of the Central Business District Traffic Signal Upgrade. ([Council Communication No. 04-121](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-467 11. Accepting completed construction and approving final payment for the WRF Dewatering Wetwell Improvements, Baker Group. **Moved by Overman to adopt. Motion Carried 5-2.**

- 04-468 12. Communications from Reilly Construction Co., Inc. and Affiliates and Corell Contractor, Inc. (joint venture) requesting permission to sublet on the M.L. King, Jr. Parkway-Combined Grand Avenue Bridge and Raccoon River to Ingersoll Avenue Grading and Sewer; and from Jensen Construction Co. and United Contractors, Inc. (joint venture) requesting permission to sublet on the M.L. King, Jr. Parkway and Fleur Drive Intersection/bridges Combined Project. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-469 13. Approving Iowa Department of Transportation Change Order No. 13 in conjunction with Keo Way (Birds Run) Phase 1 Storm Sewer Outlet, \$45,453.59. ([Council Communication No. 04-125](#)) **Moved by Cownie to adopt. Motion Carried 4-1-2. Nays: Brooks.**

#### **SPECIAL ASSESSMENTS**

14. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
- 04-470 (A) Schedule No. 2004-04. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-471 (B) Schedule No. 2004-26. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-472 (C) Schedule No. 2004-52. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-473 (D) Schedule No. 2004-76. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-474 15. Approving deletion of NAC-Emergency Assessment at 1328 – 4<sup>th</sup> Street, Schedule 2004-51, (property transferred ownership). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-475 16. Approving correction of sidewalk assessment for 1707 Euclid Avenue on Schedule No. 2003-34. **Moved by Overman to adopt. Motion Carried 5-2.**

#### **LAND/PROPERTY TRANSACTIONS**

- 04-476 17. Establishing Fair Market Value and authorizing acquisition of property located between Dean Avenue and Market Street and between E. 20th Street and E. 21<sup>st</sup> Court for E. 29<sup>th</sup> Street Connector Trunk Sewer Project. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-477 18. Approve and accept real estate documents for City owned property at 2111 Grand Avenue for Martin Luther King, Jr. Parkway Project. **Moved by Overman to adopt. Motion Carried 5-2.**
19. Approving acquisition of right-of-way for the following projects:
- 04-478 (A) 12<sup>th</sup> Street Reconstruction at Keosauqua Way. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-479 (B) Park Avenue Widening from SW 42<sup>nd</sup> Street to SW 56<sup>th</sup> Street. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-480 (C) 10<sup>th</sup> Street Reconstruction. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-481 20. Granting prior approval of tax abatement for additional value added by improvements to 6550 Bloomfield Road. **Moved by Overman to adopt. Motion Carried 5-2.**

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

- 04-482 21. Communication from Mike Ludwig advising of resignation of Bob Mahaffey from the Plan and Zoning Commission effective January, 2004, (Seat 6). **Moved by Overman to receive, file, and accept resignation with appreciation of service. Motion Carried 5-2.**
- 04-483 22. Communication from Chair of the Sister Cities Commission advising of resignation of Helen Dagley effective immediately, (Seat 1). **Moved by Overman to receive, file, and accept resignation with appreciation of service. Motion Carried 5-2.**
- 04-484 23. Communication from Andrea Hauer on behalf of the Chair of the Urban Design Review Board requesting that Seat 7 (Jeff Lewis) be declared vacant. **Moved by Overman to receive and file with appreciation of service. Motion Carried 5-2.**

- 04-485 24. Recommendation of Mayor Frank Cownie to reappoint Gary Edgington to Seat 8 on the Licensing & Appeals Board for a three year term commencing April 1, 2003 to expire April 1, 2006. **Moved by Overman to adopt. Motion Carried 5-2.**

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

- 04-486 25. Regarding preliminary subdivision plat for Park Avenue Estates located at 1718 East Park Avenue. **Moved by Overman to receive, file and adopt. Motion Carried 5-2.**
- 04-487 26. Regarding public comments on draft of Article V (Off-Street Parking) of the proposed new zoning ordinance. **Moved by Overman to receive, file and refer to the Zoning Code Steering Committee. Motion Carried 5-2.**

#### **SETTING DATE OF HEARINGS**

- 04-488 27. On request from Regency Homes, to rezone property at 3400 East Payton Avenue from “R1-80” (One Family Residential) to “PUD” (Planned Unit Development) and approve the Sterling Trace Concept Plan providing for approximately 77 single-family lots between 65’ and 80’ wide, and 48 single family semidetached lots, subject to conditions, (3-22-04). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-489 28. On request from the Metro Market, L.L.C., to rezone property at 2001 High Street from Limited “C-2” (General Retail and Highway Oriented Commercial) to revised Limited “C-2”, to amend the existing conditions to allow concurrent use of both retail and auction house while reducing square footage of auction house, number of fixed seats and number of required parking spaces, (3-22-04). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-490 29. On conveyance of property near vacated Market Street from Riverside Drive west to vacated SW 6<sup>th</sup> Street, to MidAmerican Energy Company, for underground electric line easements near the Science Center of Iowa, (3-22-04). **Moved by Overman to adopt. Motion Carried 4-1-2. Nays: Brooks.**
- 04-491 30. On Voluntary Annexation of territory at 3930 SE 72<sup>nd</sup> Avenue, approximately 212 acres, (5-3-04). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-492 31. On items regarding the zoning of the Downtown Riverfront Area, (3-22-04):
- (A) On amendment to the Zoning Ordinance to revise the “D-R” Downtown Riverfront District regulations to allow existing warehouse uses to be a legal conforming use; to establish the current Bulk Regulations and Special Limitations as design guidelines for review under provisions of the Site Plan Ordinance; to require certain development and use expansions to be subject to formal Site Plan review, and to make further amendments to the Site Plan Regulations to clarify the distinction between regulations and guidelines. **Moved by Overman to adopt. Motion Carried 4-1-2. Nays: Brooks.**
- 04-493 (B) On Plan and Zoning Commission-initiated request to rezone property in the area generally bounded by Interstate 235 on the north, Des Moines Street on the south, E. 4<sup>th</sup> Street on the east and Robert D Ray Drive on the west, from M-1 (Light Industrial) to “D-R” (Downtown Riverfront). **Moved by Overman to adopt. Motion Carried 4-1-2. Nays: Brooks.**
- 04-494 (C) On Plan and Zoning Commission-initiated request to rezone property in the area generally bounded by Raccoon Street and Allen Street on the north, Scott Avenue on the south, SE 4<sup>th</sup> Street on the east, and SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Streets on the west, from “M-1” (Light Industrial) to “D-R” (Downtown Riverfront District). ([Council Communication No. 04-112](#)) **Moved by Overman to adopt. Motion Carried 4-1-2. Nays: Brooks.**

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

- 04-495 32. Approving payment of \$2,752 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title work. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-496 33. Approving payments of \$1,396.08 to law firm of Myers & Jenkins and \$118 to the law firm of Tishler & Wald, Ltd. for the UAL Corporation bankruptcy. (Total \$1,514.08). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-497 34. Approving payment of \$8,511.67 to law firm of Hall & Associates for legal services with Iowa Department of Natural Resources regarding National Pollution Discharge Elimination System permit for Wastewater Reclamation Authority Treatment Plant. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-498 35. Approving payment of \$11,632.32 to Monica Newman for settlement of workers' compensation claim for injuries sustained during course and scope of her employment. **Moved by Overman to adopt. Motion Carried 5-2.**

## **CITY MANAGER COMMUNICATIONS**

- 04-499 36. Regarding preliminary terms of agreement with Metro Engineers, Inc. for redevelopment of former Kirkwood Hotel, 4<sup>th</sup> and Walnut. ([Council Communication No. 04-115](#)) **Moved by Mahaffey to receive and file and to direct the City Manager to proceed with negotiations with Metro Engineers consistent with the terms set forth in the accompanying Council Communication. Motion Carried 5-2.**
- 04-500 37. Regarding proposed economic development loan to Protocol Driven Healthcare, Inc. (Jennifer Jolley, President, Bernardsville, NJ). ([Council Communication No. 04-130](#)) **Moved by Overman to approve the preliminary loan terms and to authorize the City Manger to negotiate the final terms of agreement with Protocol Driven Healthcare, Inc. Motion Carried 5-2.**
- 04-501 38. Regarding extension of tax abatement to property in vicinity of 1435 East Madison Avenue. **Moved by Mahaffey to receive and file. This item will be discussed at the March 23 Council Workshop. Motion Carried 5-2.**
- 04-502 39. Submitting various traffic regulation changes as follows: ([Council Communication No. 04-126](#)) **Moved by Overman to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**  
(A) One-Sided Parking Restriction – Lakewood Cove Plats I and II.  
(B) Commercial Loading Zone – South Side of Grand Avenue, west of 13<sup>th</sup> Street.
- 04-503 40. Submitting out-of-state travel for Allen Ihde, Richard Towers, Steve Lussier, David Ness, Allan Tunks, and Tom Turner. ([Council Communication No. 04-104](#)) **Moved by Brooks to adopt. Motion Carried 4-1-2. Nays: Overman.**

## **APPROVING**

- 04-504 41. Weatherization Contract (MEC-04-07J) by and between Iowa Department of Human Rights/Division of Community Action Agencies and the City for weatherization assistance for low-income persons from January 1, 2004 to December 31, 2004, \$168,000. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-505 42. Lease Agreement with Neighborhood Development Corporation for office space at 2009-2011 Forest Avenue for the Forest Avenue Community Services Site Office, (new location for combined Model City and Woodland Willkie Community Services sites). ([Council Communication No. 04-108](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-506 43. Schedule for preparation of 2005-2009 HUD Consolidated Plan and 2005 Action Plan. ([Council Communication No. 04-111](#)) **Moved by Overman to adopt. Motion Carried 5-**



2.

- 04-507 43I. Neighborhood Finance Corporation (NFC) Certificate of Consistency with 2000- 2004 Consolidated Plan. ([Council Communication No. 04-134](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-508 44. Authorizing application, local match and designating authorized representative for Flood Mitigation Assistance grant to update local hazard mitigation plan to comply with new federal rules. ([Council Communication No. 04-127](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-509 45. Authorization for Park and Recreation Director or his designee to execute agreements related to implementation of athletic events or tournaments which are not Park and Recreation Department programs, but which are hosted or sponsored by the Park and Recreation Department at its facilities. ([Council Communication No. 04-122](#)) **Moved by Brooks to adopt. Motion Carried 5-2.**
- 04-510 46. Modification No. 2 to Reimbursement Agreement with Transportation Security Administration for Law Enforcement Services at the Airport. ([Council Communication No. 04-129](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-511 47. Receipt of the following Proposed Airport Regulations:
- 04-511 (A) Regulation No. 04-44 regarding establishment of new tenant category. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-512 (B) Regulation No. 04-45 regarding abandoned vehicles. **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-513 48. Extension of RCC Consultants Inc. Agreement for Police and Fire Radio Communication Project, not to exceed \$58,612.50. ([Council Communication No. 04-105](#)) **Moved by Cownie to adopt. Motion Carried 5-2.**
- 04-514 49. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan in the amount of \$175,000 for renovations to 428 and 430 East Locust Street. ([Council Communication No. 04-133](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-515 50. Letter of Intent with EMC Insurance Companies for design and construction and related work for proposed parking garages to be constructed at 8<sup>th</sup> and Mulberry Streets. ([Council Communication No. 04-131](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-516 51. Evidence of financing, final conceptual development plan and execution of deed to Neighborhood Development Corporation for Disposition Parcel No. 98-B-Metro Center Urban Renewal Area - Wherry Block Building, 1600 – 1620 6<sup>th</sup> Avenue. ([Council Communication No. 04-117](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-517 52. Negotiation of contract with Emerging Solutions to provide PeopleSoft support. ([Council Communication No. 04-118](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-518 53. Agreement for professional services with The Terrus Group (Randall Minear, President) to perform periodic seasonal testing for mold in the Armory Building. ([Council Communication No. 04-128](#)) **Moved by Coleman to adopt. Motion Carried 5-2.**
- 04-519 54. Declaring official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the Des Moines Metropolitan Wastewater Reclamation Authority for certain original expenditures paid in conjunction with proposed projects. ([Council Communication No. 04-110](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-520 55. Delivery of Supplement No. 15 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC \$672,090, for purchase of 5 automated refuse trucks to be used by the Solid Waste Enterprise. ([Council Communication No. 04-109](#))

**Moved by Overman to adopt. Motion Carried 5-2.**

- 04-521 (A) Bid from Peterbilt of Des Moines, (Altoona) for 5 truck chassis' \$435,765; and bid from Mid-Iowa Solid Waste Equipment, (Johnston), for 5 truck bodies, \$232,325, (12 bids mailed – 6 received). ([Council Communication No. 04-106](#)) **Moved by Overman to adopt. Motion Carried 5-2.**
56. Communications from Downtown Community Alliance requesting approval of the following banner designs as follows:
- 04-522 (A) On behalf of the Alliance of Black Telecommunications Professionals, four (4) banners in downtown on Locust Street during April. **Moved by Overman to receive, file and approve banner design. Motion Carried 5-2.**
- 04-523 (B) On behalf of the Federal Home Loan Bank, 54 banners in downtown on Locust, Grand and Walnut Streets during April. **Moved by Overman to receive, file and approve banner design. Motion Carried 5-2.**
- 04-524 (C) On behalf of the State Historical Society of Iowa, 44 banners in downtown on Locust Street during April – June. **Moved by Overman to receive, file and approve banner design. Motion Carried 5-2.**
- 04-525 57. Receipt of the Legislative Update of the 80<sup>th</sup> Iowa General Assembly. **Moved by Brooks to receive and file the report. Motion Carried 5-2.**
- 04-526 58. Civil Service Entrance List for Principal Traffic Engineer and Promotional List for Lead Surveyor. **Moved by Overman to receive and file. Motion Carried 5-2.**
- 04-527 59. Issuance of Request For Proposal (RFP) for consultant to complete Aquatics Study and provide recommendation of improvements for three aquatic centers and two swimming pools. ([Council Communication No. 04-120](#)) **Moved by Cownie to approve. Motion Carried 5-2.**
60. Bids from the following:
- 04-528 (A) FireGuard for MSA Clear Command amplifier kits to be used with self contained breathing apparatus by the Fire Department, \$68,625. (Ten bids mailed, six received). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-529 (B) Tri-State Companies for one 16' finish cut rotary mower to be used by the Park and Recreation Department, \$47,972. (Eleven bids mailed, three received). **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Cownie.**
- 04-530 (C) Great American Outdoor for four out front rotary mowers to be used by the Park and Recreation Department, \$99,500. (Ten bids mailed, six received). ([Council Communication No. 04-107](#)) **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Cownie.**
- 04-531 (D) Various vendors for fire fighting supplies to be used by the Fire Department, \$115,192.46. (Twelve bids mailed, seven received). **Moved by Overman to adopt. Motion Carried 5-2.**
- 04-532 61. Authorizing Finance Director to issue checks on the registers of March 11 and March 18, 2004; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 8 and March 15, 2004; and to draw checks for biweekly payroll due employees on March 19, 2004. **Moved by Overman to adopt. Motion Carried 5-2.**

**ORDINANCES - FINAL CONSIDERATION**

- 04-533 62. Amending Section 114-3203 of the Municipal Code to place a "Police Only" parking restriction near 611 Forest Avenue. **Moved by Overman that this ordinance do now pass, [14,321](#). Motion Carried 5-2.**

**ORDINANCES - FIRST CONSIDERATION**

- 04-534 63. Amending Chapter 102 of the Municipal Code regarding Street Use Events and Parades. ([Council Communication No. 04-132](#)) **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**
- 04-535 64. Amending Chapter 74 of the Municipal Code regarding Blank Park Zoo fee. ([Council Communication No. 04-123](#)) **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**
- 04-536 65. Repealing and replacing Ordinance 14,294, to rezone the Riverfront area, to correct an error in the original legal description. ([Council Communication No. 04-114](#)) **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**
- 04-537 66. Amending Chapter 2 of the Municipal Code regarding City's residency requirement. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**
- 04-538 67. Amending Chapter 114 of the municipal code regarding various traffic regulation changes, (see roll call for list). **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**COMMUNICATIONS/REPORTS**

- 04-539 68. From Kevin Brown, 5616 New York Avenue, requesting to speak regarding parking tickets and pet licenses. **Moved by Coleman to receive, and file. Mr. Brown did not appear at the meeting. Motion Carried 4-3. Absent: Brooks, Hensley and Vlassis.**

**HEARINGS (Opened at 5:40 P.M.) (Items 69 thru 76)**

- 04-540 69. On appeal from Earle Rock, 910 SE 9<sup>th</sup> Street, Ankeny, regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Overman to deny appeal. Motion Carried 5-2.**
- 04-541 70. On Voluntary annexation of territory in the Historic Fort Des Moines area. ([Council Communication No. 04-113](#)) **Moved by Brooks to adopt. Motion Carried 5-2.**
- 04-542 71. On request from Baker Real Estate L.P. to amend the approved PUD Conceptual Plan for portion of property at 4500 Hubbell Avenue to allow maximum of 156 multiple-family units. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-543 72. On sale of a portion of the vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, to Teresa M. Russo, \$50. **Moved by Brooks to adopt. Motion Carried 5-2.**
- 04-544 73. On sale of property in the vicinity of 202 E. Fulton Drive, to Des Moines Habitat for Humanity, Inc., \$5,805. **Moved by Brooks to adopt. Motion Carried 5-2.**
- 04-545 74. On assessment of \$300 penalty to BMJ Food Mart, 3625 Ingersoll, for violation of Iowa Cigarette Laws. **Moved by Cownie to adopt. Motion Carried 5-2.**
- 04-546 75. On Greater Des Moines Softball Park Field Lighting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as High Tech Electric, LLC (Mark Pottebaum, President), \$214,600. **Moved by Brooks to adopt. Motion Carried 5-2.**
- 04-547 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 5-2.**
- 04-548 76. On SW 9<sup>th</sup> Street Bridge over Yeader Creek: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Herberger Construction Co., Inc. (Dean Herberger, President), \$1,215,218.54. **Moved by Brooks to adopt. Motion Carried 5-2.**



- 04-549 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 5-2.**

\*\*END HEARINGS AT 5:59 P.M.\*\*

### **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

- 04-550 1. Communication from Council Member Jerry Overman regarding Des Moines Neighbor's graduating class. SPONSOR: Overman. **Moved by Overman to receive, file and discuss. Motion Carried 4-3. Absent: Brooks, Hensley and Vlassis.**

### **BOARD OF HEALTH**

- 04-551 **MOTION TO CONVENE. Moved by Cownie that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

### **HEARINGS**

- 04-552 1. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 304 Hackley Avenue; Titleholders: Sherry Stamper and Dawn Davis as heirs to the titleholder Gerald Davis. **Moved by Mahaffey to adopt. Motion Carried 5-2.**

### **AUTHORIZING**

2. Court authority to abate the public nuisance at the following locations:
- 04-553 (A) 3410 Amherst (garage), Titleholders: Dr. James Hamilton 401(k) Profit Sharing Plan, American Trust and Savings Bank, Trustee; Contract Buyer: Rennis Ryan; Mortgage Holder: Aegis Mortgage Corporation; Tax Certificate Holder: OHP49LC. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-554 (B) 1317 Clark (vacant), Titleholders: George H. and Leona M. Lester. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-555 (C) 3632 Indianapolis (vacant), Titleholders: Edward E. and Anissa J. McNeece. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-556 (D) 817 Pioneer (structure), Titleholders: Dan L. and Robbie L. Howe; Mortgage Holder: State Farm Savings and Loan Association of Des Moines. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-557 (E) 1157 18<sup>th</sup> Street (vacant), Titleholder: Grace Moore. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-558 (F) 6005 SW 19<sup>th</sup> Street (vacant), Titleholder: Jane M. L'Estrange. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-559 (G) 1700 E. 21<sup>st</sup> Street (vacant), Titleholders: Dan L. and Robbie L. Howe; Contract Buyers: James E. Childs and Laura A. Van Gundy; Mortgage Holder: West Des Moines State Bank. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-560 3. Release of demolition cost reserve held by Allied Insurance under claim number 14q7039 regarding property known as 2823 E. Walnut insured by Mary Davis. **Moved by Mahaffey to adopt. Motion Carried 5-2.**
- 04-561 **MOTION TO ADJOURN. Moved by Mahaffey to adjourn at 6:09 P.M. Motion Carried 5-2.**