

**\*\*\* 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**

**July 18, 2005 4:30 P.M.**

**SPECIAL PRESENTATIONS – 4:00 P.M.**

“Outstanding Employer” presentation to the City by the 767<sup>th</sup> Engineering Battalion

**PROCLAMATIONS – 4:00 P.M.**

Neighborhood Finance Corporation’s 15<sup>th</sup> Anniversary

National Recreation & Parks Association Month

**INVOCATION:** Rev. Jim Wallace  
Central Presbyterian Church

- 05-1623 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 05-1624 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.**

\* \* \* \* \*

**\*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.**

- 05-1625 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**

- 05-1626 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Member Kiernan declares a conflict of interest and abstains from voting on 4(A).**

**NEW APPLICATIONS**

(A)	METRO MARKET	2002 WOODLAND AVE	B Native Wine
(B)	SILVESTRINIS PIZZA	5418 DOUGLAS AVE	C Liquor
(C)	CAFE DI SCALA	644 18TH ST	C Liquor

**RENEWAL APPLICATIONS**

<del>(D)</del>	<del>AH BLANK GOLF COURSE</del>	<del>711 COUNTY LINE RD</del>	<del>C Liquor</del>
(E)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(F)	AMANAS ON THE HILL	3000 E GRAND AVE	B Beer
(G)	APPLEBEES GRILL	6301 SE 14TH ST	C Liquor
(H)	APPLEBEES GRILL	3900 MERLE HAY RD	C Liquor
(I)	CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(J)	DELL OIL LTD	5800 SW 9TH ST	C Beer
(K)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(L)	DRAKE UNIVRATHSKELLER	2875 UNIVERSITY AVE	C Liquor
(M)	EMBASSY CLUB	801 GRAND AVE	B Wine
(N)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
<del>(O)</del>	<del>LA PIZZA HOUSE</del>	<del>1013 SE 14TH STREET</del>	<del>C Liquor</del>
(P)	MASTER JACKS	3000 E GRAND AVE	B Beer
(Q)	RAULS TACO HOUSE	1541 E GRAND AVE	C Liquor
(R)	STOCKMANS INN	3000 E GRAND AVE	B Beer

**OUTDOOR SERVICE APPLICATIONS**

(S)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	TEMPORARY LICENSE IN CONJUNCTION WITH EAST VILLAGE BIKE NIGHT ON JULY 29, 2005. PENDING APPROVAL OF ELECTRICAL DEPARTMENT.		
(T)	HESSEN HAUS	101 4TH STREET	C Liquor
	TEMPORARY LICENSE IN CONJUNCTION WITH DOWNTOWN OKTOBERFEST ON SEPTEMBER 23 AND 24, 2005. PENDING APPROVAL OF THE BUILDING DEPARTMENT.		

## SPECIAL EVENT APPLICATIONS

- (U) NICK SEXTON INC. 25 E LOCUST ST Five (5) Day License  
CLASS C NATIVE WINE LICENSE IN CONJUNCTION WITH TASTE OF DES MOINES ON JUNE 22 AND 23, 2005. PENDING APPROVAL OF BUILDING, AND ELECTRICAL INSPECTIONS.
- (V) SOCIETY OF ITALIAN AMER 1801 MCKINLEY Five (5) Day License  
CLASS C BEER WINE LICENSE IN CONJUNCTION WITH THE SOCIETY OF ITALIAN AMERICAN FESTIVAL ON AUGUST 4, 2005 THROUGH AUGUST 8, 2005.
- (W) WINSTONS PUB & GRILLE 800 WALNUT ST Five (5) Day License  
CLASS C BEER WINE LICENSE IN CONJUNCTION WITH "BIG DIG" CELEBRATION ON AUGUST 5, 2005. PENDING APPROVAL OF FIRE INSPECTION.
- (X) WINSTONS PUB & GRILLE 800 WALNUT ST Five (5) Day License  
CLASS C BEER WINE LICENSE IN CONJUNCTION WITH "BIG DIG" CELEBRATION ON AUGUST 26, 2005. PENDING APPROVAL OF FIRE INSPECTION.

- 05-1627 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:
- 05-1628 (A) Central Place Pump Stations Trash Rack Replacement – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - \$439,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1629 (B) E. 16<sup>th</sup> Street and E. Sheridan Avenue Storm Sewer Improvements – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - \$351,218). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1630 (C) Fire Station Numbers 3, 5, and 9 Reroofing – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - \$170,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1631 (D) 5<sup>th</sup> and Keo Parking Garage Rehabilitation – Phase 1 – Receiving of Bids, (8-16-05), and Setting Date of Hearing, (8-22-05). (Construction Estimate - \$967,444.50). **Moved by Hensley to adopt. Motion Carried 7-0.**
7. Approving completion and recommending acceptance of the following Private Construction Contracts:

- 05-1632 (A) Eco-Tech Construction, L.L.C. and D.W. Homes, Inc. for Street Paving Improvements to serve Stoney Pointe Development including widening of east side of SE 14<sup>th</sup> Street between Hart Avenue and E. Diehl Avenue as well as portion of width paving of Hart Avenue and E. Diehl Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1633 (B) Eco-Tech Construction, L.L.C. and D.W. Homes, Inc. for Sanitary Sewer Improvements to serve Stoney Pointe Retail Center, 5921 SE 14<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1634 (C) Eco-Tech Construction, L.L.C. and D.W. Homes, Inc. for Storm Sewer Improvements east of SE 14<sup>th</sup> located between SE Diehl and SE Hart to serve Stoney Pointe. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1635 (D) Eco-Tech Construction, L.L.C. and Vacco Properties, Inc. for Paving Improvements in new development Stanton Landing Plat 1, located at Stanton Avenue and SW 29<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1636 (E) Eco-Tech Construction, L.L.C. and Vacco Properties, Inc. for Sanitary Sewer Improvements in new development Stanton Landing Plat 1, located at Stanton Avenue and SW 29<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1637 (F) Eco-Tech Construction, L.L.C. and Vacco Properties, Inc. for Storm Sewer Improvements in new development Stanton Landing Plat 1, located at Stanton Avenue and SW 29<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1638 (G) Sternquist Construction, Inc. and Clarke Company, Ltd. for Street Improvements to serve proposed Woods on the River Plat 7 subdivision in vicinity of Grand River Drive and East King Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1639 (H) The Underground Company, Ltd. and Clarke Company, Ltd. for Sanitary Sewer Improvements to serve proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1640 (I) The Underground Company, Ltd. and Clark Company, Ltd. for Storm Sewer Improvements to serve proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1641 (J) McAninch Corporation and Clarke Company, Ltd. for Storm Sewer Improvements including storm sewer extension to serve Woods on the River Plat 1, 2200 block of East King Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1642 (K) The Underground Company, Ltd. and Clarke Company, Ltd. for Storm Sewer Improvements in drainage way between Glenwood Drive and Deep Woods Court.

Woods On the River Plat 3. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1643 (L) Palmer Plumbing LLC and 2901 Grand Condominiums LLC for Storm Sewer Improvements to install storm sewer manhole to service 2901 Grand Avenue, located at 29<sup>th</sup> Street between Grand Avenue and Locust Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1644 (M) Elder Corporation and Koester Construction for Storm Sewer Improvements at SW 29<sup>th</sup> and Virginia. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1645 (N) Elder Corporation and Des Moines Independent Community School District for Storm Sewer Improvements for widening of north side of Geil Avenue to provide drop-off area for Morris Elementary School, 1401 SW Geil Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1646 (O) Venter Spooner, Inc. and DM/Maple Lane, LLLP for Storm Sewer Improvements to serve Maple Lane Apartments, 4041 Hubbell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1647 8. Approving completed construction and final payment to Castle Concrete Services, Inc. for 2004 PCC Pavement Restoration Program, \$158,374.50. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

- 05-1648 9. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Order (Community Development) and (Public Works) for Schedule No. 2005-08. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving deletion of the following NAC Emergency Assessments:
- 05-1649 (A) Schedule 2005-07 for 2831 Grand Avenue, 2241 E. 34<sup>th</sup> Street and 2809 Columbia Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1650 (B) Schedule 2005-07 for 2720 E. 39<sup>th</sup> Court and 2701 E. Market Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1651 11. Adopting and levying Deficiency Assessments, Schedule No. 2005-37. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Approving the following:

- 05-1652 (A) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for June 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1653 (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1654 13. Receive and file petition and waiver form for sidewalk program/request to repair driveway executed by the owner of one property. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 05-1655 14. Real estate documents for property at 1300 Grand Avenue for the Western Gateway Project, \$220,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1656 15. Establishing revised market value and authorizing acquisition of property for the Gutierrez Avenue Business Park Project, \$75,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1657 16. Payment of condemnation award for the acquisition of properties at 1320 and 1406 Grand Avenue for the Western Gateway Project, \$425,000 plus sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 05-1658 17. Recommendation of Council Member Christine Hensley to appoint Barry D. Morton to Seat 6 on the Housing Appeals Board for a three-year term commencing March 16, 2008 and expire March 16, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1659 18. Communication from Joseph Grandanette advising of his resignation from the Park Recreation Board (Seat #4) effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- 05-1660 19. Regarding request from Kirkwood Commons, LLC for vacation and conveyance of east/west segment of alley between Walnut Street and Court Avenue, extending west from 4<sup>th</sup> Street, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 05-1661 20. Regarding request from Aztec Motors for vacation and conveyance of east 15 feet of 12<sup>th</sup> Street, adjoining lots 1 and 2, Block 19 of Allen's 2<sup>nd</sup> Addition and vacated V Street, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager to implement. Motion Carried 7-0.**
- 05-1662 21. Regarding request from Striggles Legacy II, LLC for vacation and conveyance of irregular shaped segment of southern portion of Ingersoll Avenue right-of-way between 17<sup>th</sup> and 18<sup>th</sup> Streets, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. City Manager will meet with adjoining property owners prior to the hearing. Motion Carried 7-0.**
- 05-1663 22. Regarding request from Artistic Iron Properties, LC, Scott Street Enterprises, LC and Stevens Dry Wall, Inc. for vacation and conveyance of north/south alley between SE 4<sup>th</sup> Street and SE 5<sup>th</sup> Street from Scott Avenue to Shaw Street in vicinity of 615 SE 4<sup>th</sup> Street, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**
- 05-1664 23. Regarding request from Malcolm Wells for vacation and conveyance of irregular shaped portion of Crocker Street right-of-way between 15<sup>th</sup> Street and 16<sup>th</sup> Street adjoining 16<sup>th</sup> Street, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**
- 05-1665 24. Regarding request from Des Moines Automotive Parts Co. for vacation of dead-end segment of SE 42<sup>nd</sup> Street right-of-way extending north from Vandalia Road. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**
- 05-1666 25. Regarding "S-O" (Study Overlay) District for Four Mile Creek floodplain. **Moved by Hensley to receive, file and adopt, and to direct the Community Development Department to mail notice to the affected property owners. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- 05-1667 26. On conveyance of City-owned property at 1127 11<sup>th</sup> Street to, Houses for You, (7-25-07) ([Council Communication No. 05-394](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1668 27. On vacation and conveyance of the East 160' of the East/West alley between 23<sup>rd</sup> St and 24<sup>th</sup> Street south of University Avenue adjoining Lots 10-17 of Drake University Addition, and the East/West alley between University Avenue and Drake Park Avenue from the North/South alley to 24<sup>th</sup> Street, to 2300 University Avenue, LLC, (7-25-05) ([Council Communication No. 05-393](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1669 28. On request from Andy Holt, to rezone property in vicinity of 4180 NE 43<sup>rd</sup> Court generally south of intersection of Hubbell Avenue and NE 43<sup>rd</sup> Court, from "A-1" (Agricultural) and "C-2" (General Retail and Highway Oriented Commercial) to "R1-60" (One-Family Residential) and Limited "C-2" (General Retail and Highway Oriented Commercial), (8-8-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1670 29. On request from High Land Company, LC, to rezone property at 2019 Ingersoll Avenue from "C-2" (General Retail and Highway Oriented Commercial) and "C-3A" (Central Business District Support Commercial) to Limited "NPC" (Neighborhood Pedestrian Commercial), (8-8-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1671 30. On request from Drake University, to rezone property in vicinity of 1500 27<sup>th</sup> Street and vicinity of 2806 Clark Street, from "R1-60" (One-Family Low Density Residential) and Limited "R-3" (Multiple-Family Residential), (8-8-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1672 31. On request from Luther Care Services to rezone property located at 2909, 2911, and 2913 East 16<sup>th</sup> Street from "R1-60" (One-Family Low Density Residential) to "PUD" (Plan Unit Development) and 2<sup>nd</sup> Amendment to Luther Park PUD Conceptual Plan, (8-8-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1673 32. On request from Eastgate Plaza L.L.C. to amend existing Eastgate Plaza "PUD" Conceptual Plan for property in vicinity of 1546 East Euclid Avenue, (8-8-05). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- 05-1674 33. Approving payment of \$2,058 to Ahlers & Cooney, P.C. for consultation regarding proposed Regional Transit District Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1675 34. Approving payment of \$6,039.96 to Hall & Associates to represent stormwater management utility regarding NPDES permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1676 35. Approving payment of \$2,063 to Myers & Jenkins for representation in ATA Holdings Corp. bankruptcy and UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**



- 05-1677 36. Approving payment of \$52,883 to employee Gary Wiegert for workers compensation claim for permanent injury. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1678 37. Settlement of Isaac Harris, et al. v. City of Des Moines, Federal Case No. 4-04-CV-00 in amount of \$36,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **CITY MANAGER COMMUNICATIONS**

- 05-1679 38. Submitting out-of-state travel for Sandra Morris, Eric Nevins, Bob Clock, Mike Moore, Susan Low, Kandi Reindl, Ellen Walkowiak, Bruce Bergman, Kelly Fisher, and Larry Davey. ([Council Communication No. 05-398](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1680 39. Submitting traffic regulation changes as follows: ([Council Communication No. 05-399](#)) **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner Clearance to facilitate movement of Solid Waste Vehicles-both sides of Washington Avenue east of 38<sup>th</sup> street.
- (B) Corner Clearances-West side of 29<sup>th</sup> Street south of Grand Avenue.
- (C) Court Avenue traffic revisions. ([Council Communication No. 05-399](#))

### **APPROVING**

- 05-1681 40. Submission of Community Services Block Grant (CSBG) COMMUNITY ACTION PLAN (application) to Iowa Department of Human Rights/Division of Community Action Agencies for low-income persons. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1682 41. Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) carryover funding for the 2005 Neighborhood Conservation Services (NCS) Owner-Occupied and Investor-Owned Rehabilitation Programs. ([Council Communication No. 05-387](#)) **Moved by Hensley to adopt, and refer to the City Manager to provide report at the August 22 Council Meeting regarding unspent funds. Motion Carried 7-0.**
- 05-1683 42. Execution of federal documents to fund Community-Wide Petroleum Assessment of Des Moines Brownfields. ([Council Communication No. 05-400](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-1684 43. First Amendment to Urban Renewal Development Agreement with East Village Square Apartments, L.P. ([Council Communication No. 05-371](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

**Motion Carried 7-0.**

- 05-1685 44. Application for Enterprise Zone Benefits for Community Housing Development Corporation. ([Council Communication No. 05-401](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 05-1686 45. Extension of Agreement for Enhanced Parking System Customer Services and Related Programs between the City and Downtown Community Alliance for an additional one year to June 30, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1687 46. Execution and submission of application to obtain release of approved grant funds for lining of storm sewers. ([Council Communication No. 05-397](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1688 47. Shive-Hattery, Inc. to provide Parks Identification Signage Design Services, \$19,500. ([Council Communication No. 05-389](#)) **Moved by Hensley to approve. Motion Carried 6-1. Nays: Vlassis.**
- 05-1689 48. Communication from Downtown Community Alliance requesting approval on behalf of the United Way 2-1-1 Call Center to approve banner design for 100 banners in downtown on Locust and Eighth Streets to be displayed in February, 2006. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- 05-1690 49. Employee Online Computer Training Agreement through Human Resources Department with MindLeaders, Inc., \$35,875. ([Council Communication No. 05-374](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1691 50. Submitting Quarterly Treasurer's Report as of June 30, 2005. **Moved by Hensley to receive and file. Motion Carried 7-0.**
51. Bids from the following:
- 05-1692 (A) Charles Gabus Ford for one 15,000 GVW truck to be used by the Street Maintenance Division, \$36,152.65. (Eleven bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1693 (B) Dewey Ford for one 15,000 GVW truck to be used by the Street Maintenance Division, \$49,960. (Eleven bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1694 (C) TMC Auto Body for repair services to be purchased during fiscal year 2006 to be used by Fleet Maintenance Center, \$40,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1695 (D) West Publishing for electronic research materials to be used by the Legal Department \$39,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1696 (E) Truck Country for two 56,000 GVW trucks. One to be used by the Park Recreation Department and one to be used by Solid Waste Division. (Seven bids mailed, six received). ([Council Communication No. 05-375](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1697 (F) G & L Clothing for annual contract plus two additional one year renewal options to furnish employee safety incentive clothing for Public Works Department. (Eleven bids mailed, two received). ([Council Communication No. 05-376](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
52. Civil Service Lists for the following:
- 05-1698 (A) Entrance List for Public Works Operations Manager. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1699 (B) Entrance Lists for Electrician, Firefighter, and Horticulture Technician, Promotional Lists for Sewer Cleaning Equipment Operator and Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1700 53. Authorizing Finance Director to draw checks on the registers of July 7, 2005 and July 14, 2005, and July 21, 2005; and to draw checks for the biweekly payroll due July 8, 2005 and July 22, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

54. NUMBER NOT USED

#### **ORDINANCES - FINAL CONSIDERATION**

- 05-1701 55. Amending Chapter 2 of the Municipal Code establishing a Des Moines Municipal Commission. **Moved by Hensley that this ordinance do now pass, [#14,465](#). Motion Carried 7-0.**
- 05-1702 (A) Communication from the City Clerk, submitting applications received. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-1703 (B) Approving membership structure. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

56. Items regarding downzoning of property along the south side of the 1800 block of Euclid Avenue:

05-1704 (A) Rezoning 1810 Euclid Avenue from “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

05-1705 (B) Rezoning the balance of the property from “M-1” (Light Industrial) to “C-2” (Neighborhood Oriented Commercial) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

\*\*Council considered Extra Item 1 next\*\*

**ORDINANCES - FIRST CONSIDERATION**

05-1706 57. Amending Chapter 98 of the Municipal Code regarding definition and regulation of transfer stations. [Council Communication No. 05-392](#) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

~~05-1707 (A) Final consideration of ordinance above, (waiver requested by Community Development Department) requires 6 votes.~~

05-1708 58. Amending Chapter 46 of the Municipal Code, adopting the 2003 International Fire Code. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

~~05-1709 59. Vacating the east/west alley between 23<sup>rd</sup> Street and 24th Street, south of University.~~

WITHDRAWN

~~05-1710 (A) Final consideration of ordinance above, (waiver requested by Legal Department) requires 6 votes.~~

05-1711 60. Amending Chapter 2 of the Municipal Code regarding appointments to the Youth Advisory Board. [Council Communication No. 05-378](#) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1712 (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis) requires 6 votes. **Moved by Vlassis that the rule requiring that ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that ordinance be placed upon its final passage and that the ordinance do now pass, [#14,466](#). Motion Carried 7-0.**
- 05-1713 60I. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows: **Moved by Hensley that this ordinance be considered and given first vote passage. Motion Carried 7-0. Council Member Vlassis declares a conflict of interest and abstains from voting on (F).**
- (A) Corner Clearance-west side of SW 13<sup>th</sup> Place, north of Elder Lane.
  - (B) Corner Clearance-west side of 15<sup>th</sup> Street, north and south of Bridal Row.
  - (C) Corner Clearance-south side of Caulder Avenue, east of SW 12<sup>th</sup> Place.
  - (D) Corner Clearance-east side of E. 8<sup>th</sup> Street, north of east Douglas Avenue.
  - (E) Corner Clearance-west side of E. 9<sup>th</sup> Street, south of East Seneca Avenue.
  - (F) Corner Clearance-north side of Hillcrest Drive, east of Lower Beaver Road.
  - (G) Parking restriction to facilitate movement of solid waste vehicles-north side of Randolph Street from SW 12<sup>th</sup> Street to the dead end.
  - (H) Installation of parking metered spaces-south side of Park Street between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street.
- 05-1714 (I) Final consideration of ordinance above. **Moved by Hensley 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, [#14,467](#). Motion Carried 7-0. Council Member Vlassis declares a conflict of interest and abstains from voting on (F).**

## COUNCIL REQUESTS

- 05-1715        61. From Council Member Tom Vlassis, to discuss construction of a sidewalk in front of 3 and 3700 Martin Luther King Jr. Parkway, and alongside 2501 Euclid Avenue. **Moved by Vlassis to initiate sidewalk construction consistent with Council Policy and to direct the City Manager to visit with the Neighborhood and Polk County to determine what they can make a contribution. Motion Carried 7-0.**
- 05-1716        62. From Council Member Archie Brooks to discuss possible legal action regarding Club Cancun, 900 E. Army Post Road. **Moved by Brooks to refer to the Legal Department and Police Department to take whatever legal action is possible against Club Cancun to revoke its liquor license or to have it declared a nuisance by the Court and ask the Court to order this business to close or abate the nuisance. Motion Carried 7-0.**
- 05-1717        (A) Communication from South Park Neighborhood Board. **Moved by Brooks to receive and file. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- 05-1718        63. From Bob Wessel, 2719 Leach, to speak regarding the Des Moines Water Works. **Moved by Hensley to receive and file. Motion Carried 7-0. Mr. Wessel did not appear.**
- 05-1719        64. From Richard C. Roberts, 5910 Tonka Avenue, requesting to speak regarding vacating the 59<sup>th</sup> street alley-way which runs along his property. **Moved by Hensley to receive and file. Motion Carried 7-0. Mr. Roberts did not appear.**

## HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 65 THRU 69)

- 05-1720        65. On appeal from Prezont Jacques and Jennifer Sloan, regarding Administrative Hearing Officer's decision regarding their dog. **Moved by Kiernan to uphold declaration and to humanely destroy the animal. Motion Carried 7-0.**
- 05-1721        66. On appeal from Trinity Meyers regarding Administrative Hearing Officer's decision regarding his dogs. **Moved by Vlassis to uphold declaration and to humanely destroy the animal. Motion Carried 7-0.**
- 05-1722        (A) Communication from Nancy L. Briggs, 1726 – 30<sup>th</sup> Street, regarding dangerous animals in Des Moines. **Moved by Vlassis to refer to the City Manager and Police Department for review and recommendations. Motion Carried 7-0.**

- 05-1723 67. On vacation and conveyance of portions of north/south alleys in two blocks between SE and SE 7<sup>th</sup> Street bisected by Shaw Street, previously vacated portion of Shaw Street between SE 6<sup>th</sup> and SE 7<sup>th</sup> Street and the south ½ of Lot 5 north of and adjoining vacated Shaw Street, to James C. and Juliet Cunningham. ([Council Communication No. 05-396](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1724 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1725 (B) Final consideration of ordinance above, (waiver requested by applicant), require 7 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.**
- 05-1726 68. On vacation and conveyance of air rights over east/west alley adjoining 112-11<sup>th</sup> Street Mulberry Development, LLC. ([Council Communication No. 05-396](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Hensley.**
- 05-1727 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Hensley.**
69. Items regarding Greenwood Park Rose Garden Walk:
- 05-1728 (A) Resolution to REJECT all bids and close the hearing on plans, specifications, forms and contract documents and Engineers estimate. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1729 (B) Resolution Ordering Construction – Receiving of Bids, (8-2-05), and Setting Date of Hearing, (8-8-05). (Construction Estimate - \$27,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\* END HEARINGS AT 5:35 P.M.\*\*

### APPROVING

- 05-1730 70. Recommendation from the Interim City Manager Responsibility Sub-Committee regarding Short-term Goals and Critical Issues, for the Interim City Manager. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-1731 71. Permanent appointment of Mike Matthes to Assistant City Manager, and temporary appointment of Merrill Stanley to Assistant City Manager. **Moved by Coleman to adopt. Motion Carried 7-0.**

- 05-1732 72. Agreement with Iowa Natural Heritage Foundation for uniform signage and communication media planning for Des Moines and Central Iowa trails. ([Council Communication No. 05-388](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-1733 73. Renaming Hawthorne Park, SE 14<sup>th</sup> Street and Railroad Avenue, next to the Des Moines River, to Pete Crivaro Park. ([Council Communication No. 05-391](#)) **Moved by Brook approve. Motion Carried 7-0.**
- 05-1734 74. Resolution of Intent regarding redevelopment of the Shops at Eastgate (northeast corner E. 14<sup>th</sup> Street and Euclid Avenue). ([Council Communication No. 05-403](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-1735 75. CEBA Loan Application to the State of Iowa and Preliminary Terms of Economic Development Loan to Meredith Corporation for assistance in adding 70 new jobs to the Des Moines office. ([Council Communication No. 05-372](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1736 76. Statement of intent regarding support for proposed Federal Courthouse Campus expansion along Principal Riverwalk. ([Council Communication No. 05-402](#)) **Moved by Brook adopt. Motion Carried 7-0.**

### **EXTRA ITEMS**

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

- 05-1737 1. Request from Council Member Christine Hensley to discuss “Des Moines Extra Makeover”. SPONSOR: Hensley **Moved by Hensley to receive and file. Motion Carried 7-0.**

### **BOARD OF HEALTH**

- 05-1738 MOTION TO CONVENE. **Moved by Kiernan that the City Council adjourn and convene a Board of Health. Motion Carried 7-0.**

### **AUTHORIZING**



1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:

- 05-1739 (A) 1915 Allison Avenue, Titleholder: 1915 Trust, Rod Wolford as Trustee; Contract Buyer: Sherri L. Fisher a/k/a Sherri Carpenter; Mortgage Holder: Citifinancial Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1740 (B) 1107 Filmore Street, Titleholders: Jose A. Gallardo and Maria Rocha. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1741 (C) 1341 McCormick Street, Titleholder: Rhonda Robinson. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1742 (D) 125 E. Olinda Avenue, Titleholders: Kevin Heglin and Paula Preston; Mortgage Holder: Bank One National Association. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1743 (E) 1720 8<sup>th</sup> Street, Titleholder: Credit Suisse First Boston; Contract Buyer: Maria Cruz. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1744 (F) 4316 SE 8<sup>th</sup> Street, Titleholders: Jerry L. Polson, Sr. and Judith A. Polson. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1745 (G) 1234 9<sup>th</sup> Street, Titleholders: Robert Cook; Contract Buyers: Consuelo Lopez and Yolanda Lopez; Mortgage Holders: Norwest Bank Iowa, N.A. and Household Financial Industrial Loan Company of Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1746 (H) 1336 E. 16<sup>th</sup> Street, Titleholder: Jami L Hanson; Mortgage Holders: Wells Fargo Bank Iowa National Association and Wells Fargo Home Mortgage, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1747 (I) 4703 SW 16<sup>th</sup> Street, Titleholder: Lawrence R. Byers. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1748 (J) 1274 E. 18<sup>th</sup> Street, Titleholder: Associates Financial Services Company, Inc. Contract Buyer: Wade A. Chambers. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1749 (K) 1405 23<sup>rd</sup> Street, Titleholder: Roberto Campos; Mortgage Holders: Norwest Bank Iowa, N.A. and Ameriquest Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1750 (L) 821 24<sup>th</sup> Street, Titleholders: Tuon Try and Phaly Tuon. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1751 (M) 1536 30<sup>th</sup> Street, Titleholder: SSW LLC; Mortgage Holder: Commercial Federal Bank, F.S.B. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

2. The Engineering Department to cause the removal of the following structures:

- 05-1752 (A) 1710 De Wolf Street, Titleholder: La Mar D. Booker. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1753 (B) 1104 26<sup>th</sup> Street, Titleholder: SSW, LLC; Contract Buyer: Pat Andrews d/b/a Horn Properties; Mortgage Holder: Commercial Federal Bank. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

- 05-1754                    **interest and abstains from voting.**  
(C) 1002 40<sup>th</sup> Street, Titleholders: Jack A. Stuart and Mary Jo Stuart; Mortgage Holder: US Bank National Association. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

- 05-1755                    3.    Communication regarding demolition cost reserve being held by Allied Insurance for fire-damaged house located at 5241 McKinley Avenue. **Moved by Brooks to receive a file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated structure. Motion Carried 7-0.**

- 05-1756                    MOTION TO ADJOURN. **Moved by Coleman to adjourn at 6:01 P.M. Motion Carried 7-0.**

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)

All-America City  
1949 1976 1981 2003