

**\*\*\* 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**

**November 8, 2004 4:30 P.M.**

**PROCLAMATIONS – 4:15 P.M.**

Hunger and Homelessness Month

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

- 04-2346 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.**
- 04-2347 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Kiernan 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.**

- 04-2348 3. **APPROVING CONSENT AGENDA – items 3 through 47: Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

- 04-2349 4. Approving alcoholic beverage license applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

### NEW APPLICATIONS

- |     |                          |                     |          |
|-----|--------------------------|---------------------|----------|
| (A) | ESTRADAS RESTAURANT      | 3029 MERLE HAY ROAD | C Liquor |
| (B) | HY VEE GAS DES MOINES #5 | 1113 E ARMY POST RD | C Beer   |

### RENEWAL APPLICATIONS

- |     |                               |                                |          |
|-----|-------------------------------|--------------------------------|----------|
| (C) | ALDI INC #03                  | 3940 E 14TH STREET             | C Beer   |
| (D) | ALDI INC #29                  | 500 E ARMY POST RD             | C Beer   |
| (E) | ALDI INC #38                  | 2543 E UNIVERSITY AVE          | C Beer   |
| (F) | CORIGLIANOS PIZZA             | 2619 SW 9 <sup>TH</sup> STREET | B Beer   |
| (G) | EL RODEO #2                   | 1234 E EUCLID AVE              | C Liquor |
| (H) | FLEUR CINEMA & I<br>Beer/Wine | 4545 FLEUR DR                  | C        |
| (I) | HESSEN HAUS                   | 101 4 <sup>TH</sup> STREET     | C Liquor |
| (J) | HULL AVENUE TAP               | 834 E HULL AVENUE              | C Liquor |
| (K) | PARK AVENUE PUB               | 1101 PARK AVE                  | C Liquor |
| (L) | QUIKTRIP #541                 | 2428 HUBBELL AVE               | C Beer   |
| (M) | RUSTYS                        | 2565 WEDGEWOOD RD              | C Liquor |
| (N) | SOUTHSIDE TOBACCO & LIQUOR    | 2424 SW 9 <sup>TH</sup> ST     | E Liquor |
| (O) | STROLL INN                    | 3325 HUBBELL AVE               | C Liquor |

- 04-2350 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2351 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

- 04-2352 7. Resolution Ordering Construction of SW 9<sup>th</sup> Street Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation – Receiving of Bids, (11-16-04), and Setting Date of Hearing, (12-6-04). (Construction Estimate - \$1,459,671.20). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2353 8. Approving and authorizing execution of Iowa Department of Transportation Preconstruction Agreement for 56<sup>th</sup> Street Interchange Reconstruction. ([COUNCIL](#))

- [Communication No. 04-569](#)) **Moved by Hensley to adopt. City Manager to provide status report on the IDOT \$12.7 million loan for I-235. Motion Carried 7-0.**
- 04-2354 9. Approving and authorizing execution of Iowa Department of Transportation Change Order No. 3 to Deans Lake Phase 1 Storm Sewer Outlet. ([Council Communication No. 04-569](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2355 10. Approving Private Construction Contract between Eco-Tech Construction, LLC and Rottlund Homes of Iowa, Inc. for Sanitary Sewer Manhole Improvements in the Reservoir Townhomes Plat 1. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- 04-2356 (A) 11<sup>th</sup>/12<sup>th</sup> Streets Connector Traffic Signals, Baker Electric. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2357 (B) Cownie Soccer Complex Concession Shelter Repair, Bergstrom Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2358 (C) 7<sup>th</sup> and Grand Parking Garage Elevator Replacement, O’Keefe Elevator. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2359 (D) University Avenue Median Modifications at 2<sup>nd</sup> Avenue, Johnson Concrete and Petroleum Cont., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

12. Levying assessments for costs of Nuisance Abatement for the following:
- 04-2360 (A) NAC Emergency Orders (Community Development), Schedule No. 2004-31. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2361 (B) NAC Emergency Orders (Community Development), Schedule No. 2004-81. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2362 (C) NAC Emergency Orders (Public Works), Schedule No. 2004-80. **Moved by Hensley to adopt. Motion Carried 7-0.**
13. Approving deletion of special assessments as follows:
- 04-2363 (A) 3009 Dean Avenue – Schedule 2004-11. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2364 (B) 3105 Stanton Avenue – Schedule 2004-56. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 04-2365 14. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees October 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2366 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits October 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2367 16. Petition and waiver forms for sidewalk program/request to repair driveway executed by owners of one property, and authorizing City Manager to proceed with construction. **Moved by Hensley to adopt. Motion Carried 7-0.**

### LAND/PROPERTY TRANSACTIONS

- 17. Approve and accept real estate documents for the following:
  - 04-2368 (A) 2536 Martin Luther King, Jr. Parkway for the Closes Creek Storm Water Improvements Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2369 (B) 4580 Fleur Drive for the McKinley Avenue Reconstruction Project, \$2,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2370 (C) 5160 Pine Avenue & 5260 Army Post Road for the Army Post Road/Highway Relocation Project, \$4,001 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2371 (D) Property located in Warren County locally known as Tax Parcel #0500002082 and #05000010640 for the Southeast Ridge Trunk Sanitary Sewer Project, \$10,001 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2372 18. Establishing Fair Market Value and authorizing acquisition of property at 1711 Dixie Street for the Guthrie Avenue Business Park Project, \$450,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2373 19. Approving subdivision plat entitled Three Lakes Estates Plat 6 located in vicinity north of East Pine Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2374 (A) Agreement with Erickson Development, Inc. for improvements within unimproved portion of Three Lakes Parkway right-of-way, southeast of Moonlight Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**
  - 04-2375 (B) Agreement with Three Lakes Neighborhood Association for snow removal and mowing along the new sidewalk to be constructed within the unimproved portion

Three Lakes Parkway. **Moved by Hensley to adopt. Motion Carried 7-0.**

20. NUMBER NOT USED

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

- 04-2376 21. Approving amended Procedural Rules for Licensing and Appeals Board. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2377 22. Approving South Park Neighborhood Association's request to extend southern boundary ([Council Communication No. 04-575](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2378 23. Recommendation of Council Member Robert Mahaffey for reappointment of Dan Flaherty to the Plan and Zoning Commission (Seat 10) for a five-year term commencing July 1, 2004 to expire July 1, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2379 24. Communication from Dolph Pulliam advising of his resignation from the Neighborhood Revitalization Board (Seat 11) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 7-0.**
- 04-2380 25. Communication from Rose Vasquez advising of her resignation from the Board of Works Trustees (Seat 3) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 7-0.**

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

26. Items regarding property in the vicinity the 1900 block of Des Moines Street and Lyon Street:
- 04-2381 (A) Setting date of hearing on rezoning of property in the vicinity of 1902 Des Moines Street from R1-60 (One Family Low Density Residential) to "M-1" (Light Industrial) to allow for expansion of Leachman Lumberyard business, subject to conditions, (04-22-04). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- 04-2382 (B) Recommendation from City Plan and Zoning Commission regarding request to vacate and convey portions of the east/west alley between Des Moines and Lyon Street. **Moved by Vlassis to adopt and to refer to the City Manager to implement. Motion Carried 6-1. Absent: Coleman.**
- 04-2383 27. On request from Luther Care Service for amendment to the Luther Park Center Plan Concept Plan for property at 2908 E. 16<sup>th</sup> Street to define the design and site configuration of a conceptually approved multifamily residential building proposed to be three-stories containing 32 independent senior living apartments on the first and second stories and

- assisted living quarters on the third story, subject to revisions on the Plan, (11-22-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2384 28. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Farm Limited Partnership, south of the North River and immediately east of US Highway 65 (1-10-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2385 29. On request from Carl Guiffre representing Pick N Payless, Inc. for relief from temporary moratorium on commencement or expansion of "M-2" (Heavy Industrial) uses to permit new auto salvage business in vicinity of 1701 Maury Street, (11-22-04). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Mahaffey.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

- 04-2386 30. Regarding request from Dale Jones, 720 SE 15<sup>th</sup> Court, for vacation and conveyance of north/south alley between SE 15<sup>th</sup> and SE 15<sup>th</sup> Court from Maury to Shaw, subject to certain conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

#### LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

- 04-2387 31. Approving payment of \$2,072.46 to Myers & Jenkins for representation of the City in UAL Corporation Bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2388 32. Approving settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

- 04-2389 33. Regarding waiver of permit fees for banners and special event signage requested by neighborhood associations. ([Council Communication No. 04-570](#)) **Moved by Hensley to receive, file and refer to the City Manager to meet with Des Moines Neighbors to review the level of funding. Motion Carried 7-0.**
- 04-2390 34. Submitting out-of-state travel for T. M. Franklin Cownie. ([Council Communication No. 04-557](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

35. The following items regarding low-income housing tax credit:

- 04-2391 (A) Receipt of communication from City Manager regarding City's Affordable Housing Policy and adopted criteria for reviewing low-income housing tax credit projects. ([Council Communication No. 04-571](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2392 (B) Support for low-income housing tax credit application to Iowa Housing Finance Authority by James C. Conlin for construction of 60 units of Family Housing at 600 SW Creston Avenue, Buildings C & D. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2393 (C) Support for low-income housing tax credit application to Iowa Housing Finance Authority by Court Avenue Partners II, L.P. for construction of 52 units of mixed income housing that includes 26 units of family housing at 312 Court Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2394 (D) Support for low-income housing tax credit application to Iowa Housing Finance Authority by James C. Conlin for construction of 30 units of family housing at 300 East Douglas Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2395 (E) Support for low-income housing tax credit application to Iowa Housing Finance Authority by Mid Limited Partnership #86 for rehabilitation of 31 units of mixed income housing that includes 16 units of family housing at 1440 Walnut (Creston Building). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2396 (F) Denying support for low-income housing tax credit application to Iowa Housing Finance Authority by Cherry Lane Company, LLLP for construction of 52 units of family housing in 4500 block of Hubbell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2397 (G) Denying support for low-income housing tax credit application to Iowa Housing Finance Authority by Des Moines Housing Partners, L.P. for renovation of 52 units of family housing at 340 SW 5<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2398 (H) Denying support for low-income housing tax credit application to Iowa Housing Finance Authority by Anawim Housing for construction of 7 units of family housing and renovation of 9 units of family housing in vicinity of 13<sup>th</sup> and Forest. ([Council Communication No. 04-572](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

36. NUMBER NOT USED.

- 04-2399 37. Beginning the process to adopt the 2003 edition of the International Council Family Construction Codes in conjunction and coordination with participating surrounding communities. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2400 38. Receive and file Ingersoll Avenue Improvement Plan and refer to City Manager recommendation. ([Council Communication No. 04-574](#)) **Moved by Hensley approve. Motion Carried 7-0.**
- 04-2401 39. Committing \$10,000 donation to the Worker's Monument on the State Capitol grounds. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2402 40. Assignment of Urban Renewal Agreement for lease of land for private development Nelson Development 12, L.L.C. and approving collateral assignment of lease for property at 101 SW 4<sup>th</sup> Street. ([Council Communication No. 04-573](#)) **Moved by Hensley adopt. Motion Carried 7-0.**
- 04-2403 41. Golf Course Management Renewal Agreements with Ned Chiodo dba Southern Golf A.H. Blank Golf Course and Robert Vanscoy for Grandview and Waveland Golf Courses. ([Council Communication No. 04-579](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2404 42. Communication from Downtown Community Alliance on behalf of Iowa Farm Bureau Federation to approve banner design for 36 banners in downtown Des Moines on Grand and Fifth Avenue during December. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
43. Bids from the following:
- 04-2405 (A) Motorola Inc. per State of Iowa Contract CT1199MV for mobile radio equipment to be used by the Police Department, \$88,546.84. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2406 (B) Old Diminon Brush Company for an annual contract with two additional one-year renewal options to furnish street sweeper brooms and parts as requested by the Facility Maintenance Center. (Six bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2407 (C) Construction & Aggregate Products, \$58,373.50 and Utility Equipment Company \$1181 for steel cutting edges for snow plows and motor patrols as requested by the Facility Maintenance Center at a total cost of \$59,554.50. (Four bids mailed, three received). ([Council Communication No. 04-566](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**



- 04-2408 (D) Karl Chevrolet, \$74,570, Dewey Ford, \$11,985 and Mid-States Ford, \$41,074 various vehicles as requested by the Equipment Maintenance Center to be used Community Development and the Fire Department at a total cost of \$127,629. ( bids mailed, five received). ([Council Communication No. 04-558](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2409 (E) Component Technology (primary supplier) and Accurate Hydraulics and Mach Services (secondary supplier) for an annual contract with two additional one-year renewal options to furnish hydraulic cylinder repair and service as requested by Fleet Maintenance Center. (Four bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2410 44. Finance Director to draw checks for check registers of November 12 and November 15, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of November 8 and November 15, 2004; and to draw checks for biweekly pay due November 12, 2004. **Moved by Hensley to adopt; refer to City Manager to review the process and attempt to decrease the time required to reimburse non-profit organizations. Motion Carried 7-0.**

#### **ORDINANCES – FINAL CONSIDERATION**

- 04-2411 45. Amending Chapter 114 of the Municipal Code regarding: **Moved by Hensley that this ordinance do now pass, [#14,385](#). Motion Carried 7-0.**
- (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20<sup>th</sup> Street.
- (B) Intersection Study-34<sup>th</sup> Street and Clark Street.

#### **ORDINANCES – SECOND CONSIDERATION**

- 04-2412 46. Amending Chapter 102 of the Municipal Code regarding snow and ice removal. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 04-2413 (A) Final consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes. **Moved by Hensley that the rule requiring that this 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 this ordinance be placed upon its final passage and that the ordinance do now pass [#14,386](#). Motion Carried 7-0.**
- 04-2414 (B) Amending the Schedule of Administrative Penalties. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-2415 47. Amending Chapter 114 of the Municipal Code regarding changes to City Snow Routes. **Moved by Hensley that this ordinance be considered and given second vote passage. Motion Carried 7-0.**

04-2416 (A) Final consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes. **Moved by Hensley that this ordinance do now pass, [#14,387](#). Motion Carried 7-0.**

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

### ORDINANCES – FIRST CONSIDERATION

04-2417 48. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Coleman that this ordinance be considered and given first vote passage. Motion Carried 7-0.**

(A) Corner Clearance – East side of SE 8<sup>th</sup> Court, south of King Avenue.

(B) Metro Community Relations Official Police Vehicle Parking – 9 SW 7<sup>th</sup> Street.

(C) Traffic Calming – Madison Avenue between Lower Beaver Road and Beaver Avenue.

(D) Two-Sided Parking Restriction – Wolcott Avenue between SW 30<sup>th</sup> Street and SW 31<sup>st</sup> Street.

(E) Midblock Pedestrian Signal – On Forest Avenue, east of 18<sup>th</sup> Street.

04-2418 (F) Final consideration of ordinance above. **Moved by Coleman 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, [#14,388](#). Motion Carried 7-0.**

04-2419 49. Vacating Third Street from University Avenue to Laurel Avenue, (repealing Ordinance 14,377), to correct an error in the legal description. **Moved by Hensley that this ordinance be considered and given first vote for passage. City Manager to review traffic safety concerns in the Mercy Hospital area. Motion Carried 7-0.**

04-2420 (A) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,388](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- 04-2421 50. From Dominique Francis, 2415 E. Garfield Avenue, to speak regarding various issues. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

\*\*Council considered Items 62 thru Board of Health, then Hearing Items\*\*

## HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 51 THRU 61)

- 04-2422 51. On appeal from Phillip and Laurie Staver, 2525 County Line Road, Lot #325, of Administrative Hearing Officer's decision regarding their dog. **Moved by Hensley to reverse declaration of hearing officer. Motion Carried 4-3. Nays: Cownie, Coleman and Vlassis.**
52. On items regarding Drake University Stadium Renovation:
- 04-2423 (A) Hearing on vacation of 28<sup>th</sup> Street from Forest to Clark. **Moved by Vlassis to continue the hearing to the November 22 Council Meeting at 5:30 P.M. Motion Carried 7-0.**
- 04-2424 (1) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2425 (B) Hearing on vacation of Clark Street from 27<sup>th</sup> to 28<sup>th</sup>. **Moved by Vlassis to continue the hearing to the November 22 Council Meeting at 5:30 P.M. Motion Carried 7-0.**
- 04-2426 (1) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2427 (C) Discussion regarding traffic study in the Drake area. **Moved by Vlassis to refer to City Manager and Traffic Safety Committee to give their recommendation soon as possible. Motion Carried 7-0.**
- 04-2428 53. On proposed First Year Action Plan (2005) of the 2005-2009 HUD Consolidated Plan ([Council Communication No. 04-559](#)) **Moved by Coleman to adopt the City Manager's recommendations. Council Member Hensley abstains on allocation to the NE. Motion Carried 6-1. Nays: Mahaffey.**
- 04-2429 (A) Communication regarding the Consolidated Plan. **Moved by Coleman to receive and file. Motion Carried 6-1. Nays: Mahaffey.**
- 04-2430 (B) Finding and recommendations of the City's Environmental Review Committee authorizing Intent to Request Release of Funds and Certifications. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Mahaffey.**

- 04-2431 54. On conveyance of an Underground Electric Line Easement at the west side of SE . Street and half mile south of Vandalia Road, to MidAmerican Energy as part of Agrimergent Technology Park Storm Water Improvements Project. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2432 55. On vacation and conveyance of the south 130' of a dead end segment of the north/south alley running south from E. Lacona between SE 8<sup>th</sup> Street and SE 8<sup>th</sup> Court, to Mark A. Tammy L. Ruby, \$75, and to John W. Virden, \$75. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2433 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2434 (B) Final consideration of ordinance above, (waiver requested by applicants), requiring 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, [#14,391](#). Motion Carried 7-0.**
- 04-2435 56. On intent to convey the Des Moines Metropolitan Wastewater Reclamation Facility certain sanitary interceptor sewers, Wastewater Detention Basins and Pumping Station to the Des Moines Metropolitan Wastewater Reclamation Authority. ([Council Communication No. 04-581](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2436 57. On request from Michael Barnes to rezone property at 615 Park Street from “C-2” (General Retail and Highway Oriented Commercial) to “C-3” (Central Business District Commercial). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-2437 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2438 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 7 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 that the ordinance do now pass, [#14,391](#). Motion Carried 7-0.**
- 04-2439 58. On conditional approval of a request from Triton Homes, LLC for approval of an amendment to the approved River Oaks Centre PUD Concept Plan for property at 6 Creston Avenue to change the approved 72 units of multifamily residential to 72 units of townhome, subject to plan revisions. **Moved by Hensley to continue to the November Council Meeting at 5:30 P.M. Motion Carried 7-0.**

- 04-2440 59. On request from Mr. Harry Aller and Iowa Auto Top to amend paragraph (36) subsection I of Section 134-947 of the Zoning Ordinance regarding the scope of general motor vehicle repair businesses allowed in “C-2” General Retail and Highway Oriented Commercial district to allow automotive upholstery, scratch and dent repair and minor painting. **Moved by Mahaffey to adopt and approve, subject to final passage of enacting ordinance. Motion Carried 7-0.**
- 04-2441 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-2442 (B) Final consideration of ordinance above, (waiver requested by applicant), requiring 7 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, #14,300. Motion Carried 7-0.**
- 04-2443 60. On Supplement No. B1 to the Governmental Lease-Purchase Master Agreement, \$700,000 for acquisition and financing of 32 vehicles for the Police Department. ([Council Communication No. 04-561](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 04-2444 (A) Authorization for additional actions and issuance of an initial supplement. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 04-2445 (B) Authorizing execution and delivery of a governmental lease-purchase Master Agreement. **Moved by Kiernan to adopt. Motion Carried 7-0.**
61. Items regarding the Court Avenue Housing Project:
- 04-2446 (A) Hearing regarding Urban Renewal Agreement for sale of land for Private Redevelopment with Court Avenue Partners II, L.P. ([Council Communication No. 04-567](#)) **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Vlassis.**
- 04-2447 (B) Hearing on conveyance of alley right-of-way adjoining the property, \$1,000. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Vlassis.**
- 04-2448 (C) Approving Urban Renewal Development Agreement with Court Avenue Partners II, L.P. for Spaghetti Works Building. ([Council Communication No. 04-580](#)) **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Vlassis.**

**\*\*END HEARINGS AT 6:21 P.M.\*\***

## APPROVING

- 04-2449      62. Directing sale of \$14,790,000 Sewer Revenue Refunding Bonds, Series 2004H. ([Council Communication No. 04-563](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2450      (A) Master Resolution regarding issuance of Sewer Revenue Bonds, authorizing providing for issuance and securing payment of Sewer Revenue Refunding Bonds, Series 2004H, and providing for method of payment, funding a debt service reserve fund and related matters. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2451      (B) Authorizing redemption of outstanding Sewer Revenue Bonds, Series 2002C and Sewer Revenue Capital Loan Note Series 1995A, directing notices of redemption to be given and appointing Wells Fargo Bank N.A. as Registrar and Paying Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2452      63. Directing sale of \$5,160,000 Sewer Revenue Bonds, Series 2004G: ([Council Communication No. 04-562](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2453      (A) Series Resolution authorizing and providing for issuance and securing payment of bonds. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2454      64. \$5,965,000 Sewer Revenue Capital Loan Notes, Series 2004I--Series Resolution approving and authorizing form of Loan and Disbursement Agreement, between the City of Des Moines Finance Authority, Iowa Dept. of Natural Resources and Wells Fargo Bank, N.A., providing for issuance and securing payment and providing for a method of payment. ([Council Communication No. 04-564](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2455      65. Assignment and Assumption Agreement, Funding Trust Agreement, and Continuation Disclosure Certificate in conjunction with issuance of bonds by the Des Moines Metropolitan Wastewater Reclamation Authority. ([Council Communication No. 04-565](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2456      (A) Authorizing redemption of certain outstanding sewer revenue obligations of the City of Des Moines being defeased by the Des Moines Metropolitan Wastewater Reclamation Authority, Directing Notices of Redemption to be given and appointing Wells Fargo Bank, N.A. as Registrar and Paying Agent for said bonds. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2457      66. Resolution to authorize submission of \$200,000 EPA Grant Proposal for Petroleum Assessment of Des Moines Brownfields. ([Council Communication No. 04-560](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

## BOARD OF HEALTH

- 04-2458 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board Of Health. Motion Carried 7-0.**
1. Obtaining court authority to abate the public nuisance structures at the following locations:
    - 04-2459 (A) 2245 Capitol Avenue and the structure known as 318 E. 23<sup>rd</sup> Street, Titleholder: CitiFinancial, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2460 (B) 215 College Avenue, Titleholders: Edward Moss d/b/a The Pyramid Group, Inc., Susan Moss d/b/a The Pyramid Group, Inc.; Contract Buyers: Edward Moss, Mark Aquilar, Reginald Moss, Mark Garris, Gary Moss, James L. Moss, Solomon D. Moss, Raymond Reynolds and Maxine Brown. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2461 (C) 1905 Des Moines Street (garage), Titleholders: Karen Weltzheimer and Alan Granger; Mortgage Holders: American General Financial, Inc., and Hearthside Lending Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2462 (D) 320 Indiana Avenue, Titleholder: Wells Fargo Bank, Minnesota National Association. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2463 (E) 501 Kirkwood Avenue, Titleholder: Lori Leeper; Mortgage Holders: Wells Fargo Bank Iowa National Association and Wells Fargo Financial Bank. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2464 (F) 2301 Logan Avenue, Titleholders: Violet and Kenneth Sharon; Mortgage Holder: Ameriquest Mortgage Company. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2465 (G) 2628 Lyon Street, Titleholder: Samann, LC. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2466 (H) 2601 E. Market Street, Titleholder: Bonnie Wimber; Mortgage Holder: US Bank NA. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - 04-2467 (I) 1727 E. 24<sup>th</sup> Street, Titleholder: Marie Ellen Worth. **Moved by Coleman to adopt. Motion Carried 7-0.**
  2. The Engineering Department to cause the removal of the following public nuisance structures:
    - 04-2468 (A) 3410 Amherst Street (garage), Titleholder: Rennis V. Ryan. **Moved by Coleman to adopt. Motion Carried 7-0.**

- 04-2469 (B) 1435 Arlington Avenue, Titleholder: Top Enterprises, LC. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-2470 (C) 1621 Jefferson Avenue, Titleholder: Mary Alice J. Coplen; Mortgage Holder: Conesco Finance Servicing Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-2471 (D) 1406 2<sup>nd</sup> Place, Titleholder: Stephen Clark, **(continued from October 25, 2000)** **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2472 (E) 7011 SW 16<sup>th</sup> Street, Titleholder: Jeanne Marie Meeker Nemetz; Mortgage Holder: Household Bank, FSB. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 04-2473 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:21 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