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

July 26, 2004 4:30 PM

PROCLAMATIONS (4:15 PM)

Korn Patch Klowns
National Night Out

INVOCATION: Pastor Amy Miracle
Westminster Presbyterian Church

04-1518  1. ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and Vlassis.

04-1519  2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.

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

04-1520  3. APPROVING CONSENT AGENDA – items 3 through 63: Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.
LICENSES AND PERMITS

04-1521 4. Approving the following applications for Alcoholic Beverage Licenses: Moved by Vlassis to adopt. Motion Carried 7-0.

NEW APPLICATIONS

(A) WINE & CHEESE GARDEN 3000 E GRAND AVE C Native Wine

RENEWAL APPLICATIONS

(B) AMANAS ON THE HILL 3000 E GRAND AVE B Beer
(C) DRAGON HOUSE EAST 2470 E EUCLID AVENUE C Liquor
(D) DRAKE UNIVERSITY 2875 UNIVERSITY AVE C Liquor
(E) LATIN KING RESTAURANT 2200 HUBBELL AVE C Liquor
(F) LOS COMPADRES 1440 MAURY ST C Liquor
(G) MICHAELS RESTAURANT & LOUNGE 4041 URBANDALE AVE C Liquor
(H) NE 14TH HANDIMART 5150 NE 14TH STREET C Beer
(I) OLD WEST BARBEQUE 3000 E GRAND AVE B Beer
(J) QUIKTRIP #523 850 ARMY POST RD C Beer

OUTDOOR SERVICE APPLICATIONS

(K) MICHAELS RESTAURANT & LOUNGE 4041 URBANDALE AVE C Liquor
Temporary Outdoor Service Area in conjunction with Beaverdale Fall Festival on September 17, 18 and 19, 2004.

(L) RACCOON RIVER BREWING CO. 200 10TH ST C Liquor
Outdoor Service Area in conjunction with event on August 14 and 15, 2004. Pending approval of Building Department.

SPECIAL EVENTS APPLICATIONS

(M) SHIE CONCESSION 3000 E GRAND AVE B Beer

04-1522 5. City Clerk to issue Cigarette Licenses. Moved by Vlassis to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

04-1523 (A) 44th Street and Forest Avenue Sewer Separation – Receiving of bids, (8-10-04), Setting date of hearing (8-23-04), (Construction estimate - $178,000). Moved by Vlassis to adopt. Motion Carried 7-0.
04-1524  (B)  Clark Street – 27th to 29th Streets Storm Sewer Improvements - Receiving of bids, (8-10-04), Setting date of hearing (8-23-04), (Construction estimate - $768,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1525  (C)  Douglas Avenue Intersection Improvements - Receiving of bids, (8-10-04), Setting date of hearing (8-23-04), (Construction estimate - $75,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1526  7. Approving and authorizing the execution of a professional services agreement with Herbert Lewis Kruse Blunck Architecture, LTD (HLKB) in conjunction with Skywalk 8Da, $68,600.  **(Council Communication No. 04-364) Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1527  8. Approving and authorizing the execution of Iowa Department of Transportation preconstruction agreement for E 16th Street – Walker Street Noise Wall.  **(Council Communication No. 04-370) Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1528  9. Approving execution and submission of revised application to obtain release of previously approved grant funds from Environmental Protection Agency (EPA) for lining of sanitary sewers.  **(Council Communication No. 04-367) Moved by Vlassis to adopt. Motion Carried 7-0.**

10. Acknowledging completion and accepting completed construction on the following private construction contracts:

04-1529  (A)  Street Improvements in the amount of $46,455 for Monroe Elementary School drop-off lane at 2250 30th Street between Concrete Technologies, Inc. and Des Moines Independent Community School District. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1530  (B)  Street Improvements in the amount of $15,500 for access to Splish Splash Wash, 426 E. Army Post Road between Septagon Construction Co., and Dave Jurgenson. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1531  (C)  Street Improvements in the amount of $32,301.50 for parking modifications along SW 14th Street at 5001 SW 14th Street between Grimes Asphalt & Pav Corp. and Des Moines Independent Community School District. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1532  (D)  Storm Sewer Intake Improvements in the amount of $7,622.65 for intake in west curb of SW 9th Street between Wade Street and Amos Avenue between Chas. W. Goering, Inc., and Des Moines Public Schools. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-1533  (E)  Storm Sewer Improvements in the amount of $2,400 for installation of storm sewer manhole on SW 10th between Army Post Road and Leland Ave.
between Rhiner Brothers Plumbing and Munro Construction Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1534 (F)** Storm Sewer Improvements in the amount of $5,000 for storm sewer intake piping to connect existing storm sewers to east side of Hubbell Avenue between Munro Construction Co. and Harald Lamberts. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1535 (G)** Sanitary Sewer Improvements in the amount of $3,000 for installation of sanitary sewer manhole at Oakmoor Racquetball and Health Center, 4731 Merle Hay Road. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1536 (H)** Street Improvements in the amount of $25,900 for Central Presbyterian Church drop-off lane and sidewalk at 3829 Grand Avenue between Graham Construction Co. and Central Presbyterian Church. **Moved by Vlassis to adopt. Motion Carried 7-0.**

11. Approving Private Construction Contracts for the following:

**04-1537 (A)** Sanitary Sewer Improvements in Three Lakes Estates Plat 6 between Van Hauen & Associates, Inc. and Erickson Development, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1538 (B)** Storm Sewer Improvements in Three Lakes Estates Plat 6 between Van Hauen & Associates and Erickson Development, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1539 (C)** Storm Sewer Improvements at 412 E. Locust Street between Central Iowa Mechanical and East Village Partners, LLC by SoHo Development, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

12. Accepting completed construction and approving final payment for the following:

**04-1540 (A)** Aquatic Center Shade Structures, Johnson Concrete & Petroleum Const. Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1541 (B)** 2004 Sanitary Sewer Televising Program Contract 1, Hydro-Klean, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**04-1542 (C)** Authorization to proceed with construction of Sidewalk Program/Request to Repair Driveway Petition and Waiver forms executed by two property owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**
SPECIAL ASSESSMENTS

04-1543  14. Approving deletion of Special Assessments at 1524 – 19th Street, Schedule No. 2004-06. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1544  15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

04-1545  (A) Schedule No. 2004-09. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1546  (B) Schedule No. 2004-29. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1547  (C) Schedule No. 2004-56. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1548  (D) Schedule No. 2004-78. Moved by Vlassis to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

04-1548  16. Approve and accept real estate documents for property at 3300 Indianola Avenue for the SE 14th Street and Indianola Avenue Intersection Improvement Project, $7,000 plus closing costs. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1549  17. Approve and accept real estate documents for property at 1440 Stewart Avenue, $0 plus closing costs. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1550  18. Approve and accept real estate documents for property at 1415 College Avenue, $0 plus closing costs. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1551  19. Approve and accept real estate documents for property at 1309 Locust Street and 1324 Grand Avenue for the Western Gateway Project, $321,000 plus closing costs. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1552  20. Approving Assignment of Tax Sale Certificates for the following:(Council Communication No. 04-376)

04-1552  (A) 1800 – 7th Street to Community Housing Development Corporation. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1553  (B) 1543 – 9th Street & 409 Franklin to Just Right Homes, Inc. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1554  (C) 814 – 29th Street & 922 – 24th Street to S & G Real Estate Investments, Inc. Moved by Hensley to adopt. Motion Carried 7-0.
21. Proposal from Erickson Development and Three Lakes Neighborhood Association for landscaping improvements and maintenance in vicinity of the Three Lakes Parkway dam. (Council Communication No. 04-380) Moved by Vlassi to receive and file, and to authorize the City Manager and City Attorney to prepare the appropriate contracts for the construction and maintenance of the proposed improvements. Motion Carried 7-0.

22. Approving Tax Abatement Application for property at 2405 E. Glenwood Drive for improvements made during 2003. (Council Communication No. 04-361) Moved by Vlassis to adopt, and to specifically request that Polk County apply the tax abatement retroactively to the January 1, 2004, valuation date, as if the application had been forwarded by the City to the County prior to March 1, 2004. Motion Carried 7-0.

23. Approving subdivision plat entitled MARY ESTEL ACRES located in the vicinity of SE 33rd Street, west of SE 34th Street, and north of Scott Avenue. (Council Communication No. 04-362) Moved by Vlassis to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

24. Recommendation of Council Member Christine Hensley to appoint Jeffrey K. Clayton to Zoning Board of Adjustment to fill unexpired term of Michael Kiernan (Seat #6) for a five-year term commencing April 3, 2001 to expire April 3, 2006. Moved by Vlassis to adopt. Motion Carried 7-0.

25. Communication from Deloris Groves advising of her resignation from the Skywalk Committee (Seat #1) effective immediately. Moved by Vlassis to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

26. Communication from Connie Boesen advising of her resignation from the Board of Library Trustees (Seat #1) effective immediately. Moved by Vlassis to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

26-I. Recommendation of Council Member Robert Mahaffey to appoint Neal Westergaard to the Neighborhood Revitalization Board (Seat 8) for a three-year term commencing June 30, 2004 to expire June 30, 2007. SPONSOR: Mahaffey Moved by Vlassis to adopt. Motion Carried 7-0.
04-1562 27. Regarding the “S-O” Study Overlay District for the Four Mile Creek floodplain. Moved by Vlassis to receive, file and adopt. Motion Carried 7-0.

04-1563 28. Regarding request from Edward Lint for vacation and conveyance of an undeveloped segment of 24th Place between a point 330’ north of College Avenue and 24th Street subject to the provision of utility easements. Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.

04-1564 29. Regarding request from David Van Rossum for vacation and conveyance of the north/south alley from Thompson Avenue to East Jefferson Avenue between East 24th Street and Lay Street, subject to conditions. Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.

04-1565 30. Regarding request from Fred Brewton for vacation and conveyance of the north/south alley from East Ovid Avenue to East Tiffin Avenue between Amherst Street and Northern Union Street, subject to conditions. Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.

04-1566 31. Regarding request from Walden Point, L.P. for vacation and conveyance of the north/south alley from University Avenue to Indiana Avenue between 4th Street and 5th Avenue, subject to conditions. Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.

04-1567 32. Regarding request from Tamra Means for vacation and conveyance of the north/south alley from Thornton Avenue to Rose Avenue between SW 3rd Street and SW 4th Street subject to conditions. Moved by Vlassis to adopt and refer to the City Manager to implement. Motion Carried 7-0.

SETTING DATE OF HEARINGS

04-1568 33. On request from Denny Murray Cars Inc. to rezone 2501 E. University Avenue from “C-1” (Neighborhood Retail Commercial District) to “C-2” (General Retail Commercial District). (City Plan and Zoning Commission recommends DENIAL), (8-9-04). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1569 34. On request from Beth Rohwedder, 3011 Fox Hollow Circle, to amend the “R-6” Preliminary Development Plan for Park at Southern Hills and the Final Development Plan for Sanctuary at Southern Hills to allow a 14’ X 13’ enclosed porch addition and...
13’-3” X 14’ open deck to north side of town home, (8-9-04). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1570 35. On request from Walden Point, L.P. to rezone property at 1200 4th Street from “R1-60” (One-Family Low-Density Residential District) and “NPC” (Neighborhood Pedestrian Commercial District) to “PUD” (Planned Unit Development District) and to approve “PUD” conceptual plan to allow for 60 dwelling units of affordable assisted living apartments, (8-9-04). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1571 36. On conveyance of north/south alley right-of-way between Granger Avenue and Dunham Avenue and between Indianola Road and South Union Street to Chad Ogle, $1,300, (8-9-04). Moved by Vlassis to adopt. Motion Carried 7-0.


LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

04-1573 38. Approving payment of $17,282 to Richard Klein for payment of workers’ compensation benefits for permanent injury sustained during course and scope of employment. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1574 39. Approving payment of $1,924.84 to Melvin McGinnis and Steven P. Brick, his attorney, and $4,764 to Steven McGinnis and Steven P. Brick, his attorney for settlement of civil lawsuit. (Total $6,688.84). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1575 40. Approving payment of $4,184.27 to Service Master West, and $2,806.19 to Kent Lehs as a result of sewer backup at 7614 SW 11th Street on March 26, 2004. (Total $6,990.46). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1576 41. Approving payment of $5,750 to Safeco Insurance Company as Subrogee of Mary K. Avise for sewer backup at her residence at 1407 Cummins Parkway on May 24, 2004. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1577 42. Approving payment of $486 to Sullivan & Ward, P.C. for assistance in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements. Moved by Vlassis to adopt. Motion Carried 7-0.
04-1578 43. Approving payment of $4,795.75 to Ahlers & Cooney, P.C. for legal services on various issues regarding the Des Moines International Airport. **Moved by Vlassis to adopt.** Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

04-1579 44. Submitting out-of-state travel requests for Mark Wessels, Michael Matthes, Kandi Reindl, and Tansy Hayward and Richard Clark. (Council Communication No. 04-355) **Moved by Vlassis to adopt.** Motion Carried 7-0.

04-1580 45. Submitting various traffic regulation changes as follows: (Council Communication No. 04-365) **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation.** Motion Carried 7-0.

(A) Parking Restrictions to include newly constructed areas of Sweetwater Drive.

(B) Parking Restriction-East Side of SW 38th Place from Park Avenue North to including the cul-de-sac.

APPROVING

04-1581 46. State of Iowa Community Economic Betterment Account (CEBA) Award Contract with Protocol Driven Healthcare, Inc. (Council Communication No. 04-382) **Moved by Vlassis to approve.** Motion Carried 7-0.

04-1582 47. Preliminary approval for a Neighborhood Commercial Revitalization Program Loan of $65,000 for renovations to 412, 414 and 416 East Fifth Street. (Council Communication No. 04-379) **Moved by Vlassis to approve.** Motion Carried 7-0.

04-1583 48. Lease of Skywalk Corridor Display Cases to Downtown Community Alliance, Inc. **Moved by Vlassis to approve.** Motion Carried 6-1. Nays: Brooks.

04-1584 49. Phase II of the Americans with Disabilities Act (ADA) Transition Plan for City of Des Moines’ public facilities. (Council Communication No. 04-375) **Moved by Coleman to approve.** Motion Carried 7-0.

04-1585 50. Permanent closure of Vehicular passageway known as Riverside Drive from Court Avenue to SW Water Street. (Council Communication No. 04-363) **Moved by Vlassis to approve.** Motion Carried 6-1. Nays: Brooks.

04-1586 51. Authorizing $3 million payment to Polk County on or before July 31, 2004 for construction and funding of the Iowa Events Center Project including construction of the Third Street realignment project in accordance with the 28E Agreement. (Council Communication No. 04-371) **Moved by Vlassis to adopt.** Motion Carried 5-1.
Preliminary terms of agreement with Neighborhood Investment Corporation (Robert Mickle, President) for the redevelopment of the proposed East Village Square Development in the vicinity of 400 East Fourth Street. (Council Communication No. 04-360) Moved by Brooks to receive, file and approve the preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of a formal development agreement with Neighborhood Investment Corporation consistent with the terms set forth in the accompanying Council Communication. Motion Carried 6-1. Nays: Mahaffey.

Proposed amendments to the “Architectural Guidelines for New Construction in Des Moines’ Historic Districts” and “Fence Guidelines for Des Moines’ Historic Districts.” (Council Communication No. 04-374) Moved by Vlassis to adopt. Motion Carried 7-0.

Subordination Agreement with Iowa State Bank for Tursi’s Latin King Restaurant. (Council Communication No. 04-378) Moved by Vlassis to adopt. Motion Carried 7-0.

Resolution to waive Central Place Urban Renewal Plan minimum employment requirement for Disposition Parcel No. 16a (36 Clark Street). (Council Communication No. 04-372) Moved by Vlassis to approve. Motion Carried 7-0.

Resolution in support of E911 surcharge. (Council Communication No. 04-373) Moved by Coleman to adopt. Motion Carried 7-0.

Communications Interoperability Grant Application to Department of Justice for use in improvement of communication interoperability between police, fire and emergency medical service agencies. (Council Communication No. 04-377) Moved by Vlassis to adopt. Motion Carried 7-0.

Acceptance of a Polk County Housing Trust Fund Grant for the development of four affordable single-family infill houses in the King Irving Neighborhood and authorizing City Manager to sign the Grant Agreement. (Council Communication No. 04-379) Moved by Vlassis to adopt. Motion Carried 7-0.

$10,000 contribution from Storm Water Utility to Metro Waste Authority to assist with collaborative approach to public education encouraging storm water best management practices. (Council Communication No. 04-368) Moved by Vlassis to adopt. Motion Carried 7-0.
60. Bids from the following:

04-1595 (A) O’Halloran International for a truck mounted aerial manlift to be used by the Public Works Department, $106,972. (Twelve bids mailed, eight received). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1596 (B) Medtronic Physio-Control Corp. (sole area wide distributor) for defibrillators compatible with existing equipment to be used by the Fire Department, $26,800. (Council Communication No. 04-356) Moved by Vlassis to adopt. Motion Carried 7-0.

04-1597 (C) O’Halloran International for two 56,000 GVW trucks to be used by the Public Works Department, $183,212. (Nine bids mailed, four received). Moved by Vlassis to adopt. Motion Carried 7-0.

04-1598 61. Civil Service Entrance List for Plumbing Specialist, and Promotional Lists for Medium Equipment Operator, Fats, Oils & Grease (FOG) Program Coordinator, and Senior Police Officer. Moved by Vlassis to adopt. Motion Carried 7-0.

04-1599 62. Authorizing the Finance Director to draw checks for the registers of July 29 and August 5, 2004; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 26 and August 2, 2004 and to draw checks for biweekly payroll on August 6, 2004. Moved by Vlassis to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

04-1600 63. On vacation of the dead-end portion of the north/south alley, north of E. Ovid Avenue between Cornell and Columbia Streets. Moved by Vlassis that this ordinance do now pass, #14,358. Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

04-1601 64. Amending Chapter 94 of the Municipal Code regarding stormwater management assessment subsidy credits. (Council Communication No. 04-366) Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

04-1602 (A) Final consideration of ordinance above, (waiver requested by WRA) requires 6 votes. Moved by Vlassis 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. **#14,359.** Motion Carried 7-0.

04-1603  65. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board. **Moved by Hensley** that this ordinance be considered and given first vote for passage. **Motion Carried 7-0.**

04-1604  66. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Brooks** that this ordinance be considered and given first vote for passage. **Motion Carried 7-0.**

(A) Corner Clearance – east side of E. 18th Street, north of Easton Boulevard.

(B) Corner Clearance – west side of Ure Street, north of E. University Avenue.

(C) Corner Clearance – south side of Kirkwood Avenue, west of South Union Street.

(D) Additional Metered Parking Spaces – south side of Walnut Street, east of 15th Street.

04-1605  67. (E) Final consideration of ordinance above. **Moved by Brooks** that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass. **#14,360.** Motion Carried 7-0.

COMMUNICATIONS/REPORTS

04-1606  67. From Tyler Uetz, 2005 Forest Avenue, regarding an update from Citizens for Community Improvement on acquisition of Principal Residential Mortgage. **Moved by Vlassis** to receive and file comments. **Motion Carried 6-1.** Absent: Coleman.

04-1607  68. From John Christensen, 3400 Iola Avenue, to speak regarding speeding between the 3100 and 3500 block of Iola Avenue. **Moved by Hensley** to receive, file and refer to the Traffic Safety Committee and Police Department for review and recommendation. **Motion Carried 7-0.**

04-1608  (A) Request from Council Member Vlassis to refer speeding in the area of A Street from Douglas to Hickman to the Police Department and the intersection of 50th and Ovid to the Traffic Safety Committee for review and recommendation of a three-way stop sign. **Moved by Hensley** to adopt. **Motion Carried 7-0.**
From Kathleen McQuillen, American Friends Service Committee, 4211 Grand Avenue, to speak regarding the USA Patriot Act. Moved by Vlassis to support resolution. Motion Carried 4-3. Nays: Coleman, Hensley and Mahaffey.

** Council considered Hearing items 71 thru 76 next **

APPROVING

Consideration of gaming proposal. Moved by Coleman to adopt with the following provisions. 1) A letter of appreciation to be sent to all developers by the Mayor on behalf of the Mayor and Council. 2) The City Attorney is to address the concerns of Council Member Hensley before the final agreement. 3) Move and accept the joint proposal. 4) City Manager and Mayor to present proposal for prioritizing funding and include neighborhoods and citizen leaders in the process. Motion Carried 6-1. Pass: Hensley.

**Council considered Extra Items next**

HEARINGS (Open at 6:14 PM) (Items 71 thru 76)

On Zoning Ordinance text amendments to establish a new “GGP” (Gambling Game Prohibition Overlay District), applicable to a specified portion of the City bounded generally by Euclid Avenue and E. Euclid Avenue on the north, Park Avenue and E. Park Avenue on the South, E. 14th Street and SE 14th Street on the east, and M.L. King Jr. Parkway, 18th Street and Fleur Drive on the west. Moved by Hensley to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.

(A) First consideration of ordinance above. Moved by Hensley that the ordinance be considered and given first vote for passage. Motion Carried 7-0.

(B) Final consideration of ordinance above, (waiver requested by Council Member Hensley) 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. #14,361. Motion Carried 7-0.

On the following “PSO” (Pedestrian Oriented Sign Overlay District) items:

(A) Amendments to the Zoning Ordinance text to establish a new “PSO” (Pedestrian Oriented Sign Overlay District), to regulate the permitted type, size and location for signs on property. Moved by Brooks to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 6-1. Absent: Hensley.
First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage.** Motion Carried 6-1. Absent: Hensley.

Final consideration of ordinance above, (waiver requested by Community Development Director) requires 6 votes. **Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,362.** Motion Carried 6-1. Absent: Hensley.

City-initiated request to rezone property generally bounded by Des Moines Street on the north, E. Court Avenue on the south, E. 7th Street on the east and 2nd Street on the west, to impose the “PSO”, in addition to the existing underlying zoning district regulations. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.** Motion Carried 6-1. Absent: Hensley.

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

Final consideration of ordinance above, (waiver requested by Community Development Director) requires 6 votes. **Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,363.** Motion Carried 6-1. Absent: Hensley.

On vacation and conveyance of the east/west and north/south alleys between Arthur Avenue and E. Holcomb Avenue, west of Saylor Road, to Frank T. and Deborah L. Pierce, $125. **Moved by Mahaffey to adopt.** Motion Carried 7-0.

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

Final consideration of ordinance above, (waiver requested by applicant) requires 6 votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,364.** Motion Carried 7-0.

On vacation of north/south alley right-of-way between Granger Avenue and Dunham and between Indianola Road and South Union. **Moved by Brooks to adopt.** Motion Carried 7-0.
04-1624 (A) First consideration of ordinance above. Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

04-1625 (B) Final consideration of ordinance above, (waiver requested by applicant) requires 6 votes. Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass #14,365. Motion Carried 7-0.

04-1626 75. On conveyance of property at 907 SW 62nd Street to Robert J. and Bonnie M. Netteland, $5,576. Moved by Hensley to adopt. Motion Carried 7-0.

04-1627 76. On Drainage Improvements Behind 201 E. Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Castle Concrete Services, Inc. (Anthony Castellano, President, Johnston), $20,422.50. Moved by Brooks to adopt. Motion Carried 7-0.

04-1628 (A) Approving contract and bond. Moved by Brooks to adopt. Motion Carried 7-0.

END HEARINGS AT 6:20 PM

**Council considered item 70 next**

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.

04-1629 1. Amending Chapter 74 and Chapter 102 regarding gardens and plants on city-owned right-of-way and property. SPONSOR: Brooks. Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.

04-1630 (A) Final consideration of ordinance above, (waiver requested by City Manager) requires 6 votes. Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.
pass, #14,366. Motion Carried 6-1. Absent: Coleman.

04-1631 2. Approve and accept real estate documents for property at 1200 Keosauqua Way for 12th Street Reconstruction at Keosauqua Way Project, $4,640 plus closing costs. SPONSOR: Vlassis. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

BOARD OF HEALTH

04-1632 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as the Board of Health. Motion Carried 6-1. Absent: Coleman.

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:

04-1633 (A) 2338 SW 9th Street (attached garage), Titleholders: Scott E. and Stephanie A. Thomas; Mortgage Holder: Associates Home Equity Services. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

04-1634 (B) 2414 SW 9th Street, Titleholders: Scott E. and Stephanie A. Thomas; Mortgage Holder: NCS Mortgage Services, LLC. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

04-1635 (C) 1175 10th Street, Titleholder: Melvin Brooks. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

04-1636 (D) 800 24th Street, Titleholder: The Estate of Marvin H. Thomas. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

WITHDRAWN

04-1637 (E) 2108 32nd Street (garage), Titleholder: Rosa Hutchinson; Mortgage Holders: Financial Plus Credit Union and Wells Fargo Bank Iowa National Association.

04-1638 (F) 1002 40th Street, Titleholders: Jack A. and Mary Jo Stuart; Mortgage Holder: U.S. Bank National Association. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

04-1639 (G) 1350 Hutton Street, Titleholder: Terry W. McKeny. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.

04-1640 (H) 2934 E. Euclid Avenue, Titleholder: Steven P. Warner; Mortgage Holder: McAfee Mortgage & Investment Company, a Texas Corporation. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.
MOTION TO ADJOURN Moved by Vlassis to adjourn at 7:44 P.M. Motion Carried 6-1. Absent: Coleman.

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