

***** 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

September 27, 2004 4:30 P.M.

PROCLAMATIONS (3:30 P.M.)

Lutheran Hospital – 90th Anniversary Celebration

Domestic Violence Awareness

Italian Heritage Month

RECOGNITIONS

Tunisian Women Business Owners

Des Moines Girls Amateur Softball Association (ASA) winners:

2004 South Des Moines JT's – Iowa ASA 12 under A Girls Fastpitch State Champions

2004 South Des Moines Royals – Iowa ASA 10 Under B State Champions

2004 South Des Moines Jr. JT's – Iowa ASA 10 Under A State Champions

INVOCATION: Rev. Irvin Lewis, Sr.
King of Kings Missionary Baptist Church

- 04-1987 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 04-1988 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley 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.

- 04-1989 3. APPROVING CONSENT AGENDA – items 3 through 59: Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.

LICENSES AND PERMITS

- 04-1990 4. Approving Alcoholic Beverage Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.

NEW APPLICATIONS

- (A) ARIRANG RESTAURANT 5514 DOUGLAS AVE C Beer/Wine
- (B) BUZZ 214 3RD ST C Liquor
- (C) SCHAFFERS 601 E LOCUST ST B Wine
- (D) TROPIK 3015 MERLE HAY ROAD C Liquor

RENEWAL APPLICATIONS

- (E) AG FOOD & GAS MART II 1516 SE 1ST STREET C Beer
- (F) BEST FOOD MART 4028 E 14TH ST C Beer
- (G) BISTRO MONTAGE 2724 INGERSOLL AVE C Liquor
- (H) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
- (I) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
- (J) DRAKE LIQUOR STORE 2106 FOREST AVE E Liquor
- (K) G T RACE CAR BAR 3013 INGERSOLL AVE C Liquor
- (L) GIT N GO STORE #33 865 42ND ST C Beer
- (M) GODFATHERS PIZZA 3022 SE 14TH STREET B Beer
- (N) INGERSOLL DINNER THEATER 3711 INGERSOLL AVE C Liquor
- (O) KENNY DS 3925 E 14TH STREET C Liquor
- (P) LOCO JOES 4100 MERLE HAY RD B Beer
- (Q) MERLE HAY LANES 3800 MERLE HAY RD C Liquor
- (R) ONE STOP FOOD MART 1800 SE 14TH ST C Beer
- (S) ROBINS WOOD OVEN GRILL 6401 SE 14TH ST C Beer/Wine
- (T) SHOP-N-SAVE 2127 M L KING JR PKWY E Liquor
- (U) SMOKEYS TRIANGLE TAP 2506 POST C Liquor
- (V) STUDIO 55 204 3RD ST C Liquor

(W) TRATTORIA	207 4TH ST	B Wine
(X) TRATTORIA	207 4TH ST	C Liquor
(Y) ZIMMS	3124 INGERSOLL AVE	C Liquor

04-1991 4-I. Approving Cigarette License for G T Race Car Bar, 3013 Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

04-1992 5. Approving Agreement with the U.S. Department of the Interior, Geological Survey for operation and maintenance of six (6) river and stream gaging stations in the Des Moines area. ([Council Communication No. 04-466](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1993 6. Authorization to proceed with federal levee improvements consisting of four (4) closures of the levee system along the Des Moines and Raccoon Rivers in the downtown area. ([Council Communication No. 04-467](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1994 7. Approving Change Order No. 8 with Jasper Construction Services, Inc. for additional work on the Highland Park Streetscape Project in an amount not to exceed \$39,091.74. ([Council Communication No. 04-464](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Approving completion and recommending acceptance of the following Private Construction Contracts:

04-1995 (A) Sternquist Construction, Inc. and Brook Run L.C. for Street Improvements proposed Brook Run Village Plat 7 at Brook View Drive and Meadow Wood Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1996 (B) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements proposed Brook Run Village Plat 7 at Brook View Drive and Meadow Wood Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1997 (C) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements proposed Brook Run Village Plat 7 at Brook View Drive and Meadow Wood Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1998 (D) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements proposed Brook Run Village Plat 6 at Village Run Drive and Brook Run Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

04-1999 (E) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements proposed Brook Run Village Plat 6 at Village Run Drive and Brook Run Drive.

Moved by Hensley to adopt. Motion Carried 7-0.

- 04-2000 (F) Sternquist Construction, Inc. and Brook Run L.C. for Street Improvements proposed Brook Run Village Plat 6 at Village Run Drive and Brook Run Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2001 (G) Sternquist Construction, Inc. and Brook Run L.C. for Street Improvements proposed Brook Run Village Plat 5 at Brook View Avenue and East 53rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2002 (H) McAninch Corporation and Brook Run L.C. for Sanitary Sewer Improvements proposed Brook Run Village Plat 5 at Brook View Avenue and East 53rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2003 (I) McAninch Corporation and Brook Run L.C. for Storm Sewer Improvements proposed Brook Run Village Plat 5 at Brook View Avenue and East 53rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2004 9. Approving Private Construction Contract between Lindner Painting, Inc. and Principal Insurance Company for Bridge Improvements on Des Moines Union Railway Bridge for \$1,200,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 04-2005 10. Authorization to proceed with construction of Sidewalk Program/Request to Repair Driveway Petition and Waiver forms executed by six property owners and Paving or Replacement Program/Request to Repair Driveway Petition and Waiver form by property owner. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving deletion of special assessments as follows:
- 04-2006 (A) 701 Grandview Avenue, Schedule 2004-10. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2007 (B) 1308 Fremont, Schedule 2004-10. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2008 (C) 695 – 25th Street, Schedule 2004-09. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-2009 12. Approving real estate documents for property at 5083 McKinley Avenue for the Airport Runway 13R/31L Project, \$212,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2010 13. Approving final subdivision plat for Brook Run Village Plat 11, south of East Douglas Avenue and on either side of Brook Run Drive. ([Council Communication No. 04-475](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2011 14. Approving final subdivision plat for Brook Run Village Plat 12, south of East Douglas Avenue and on either side of Springwood Lane. ([Council Communication No. 04-476](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2012 15. Approving final subdivision plat for Three Lakes Estates Plat 6, north of East Pine Avenue and on either side of Three Lakes Parkway. ([Council Communication No. 04-477](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2013 16. Approving Tax Abatement applications for additional value added by improvements made during 2004. (102 applications). ([Council Communication No. 04-479](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Approving tax abatement applications that were timely filed, for additional value added by improvements during 2001, 2002, and 2003 as follows:
- 04-2014 (A) 1711 & 1719 6th Avenue. ([Council Communication No. 04-475](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor and Treasurer apply the tax abatement retroactively as if the application had been timely processed by the City. Motion Carried 7-0.**
- 04-2015 (B) 1346 Stewart. ([Council Communication No. 04-476](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor and Treasurer apply the abatement retroactively as if the application had been timely processed by the City. Motion Carried 7-0.**
- 04-2016 (C) 5304 SE 28th Street. ([Council Communication No. 04-478](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor and Treasurer apply the abatement retroactively as if the application had been timely processed by the City. Motion Carried 7-0.**
- 04-2017 (D) 2876 Druid Hill Drive. ([Council Communication No. 04-477](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor and Treasurer apply the tax abatement retroactively as if the application had been timely processed by the City. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-2018 18. Communication from Gayle Collins advising of her resignation from the Park Recreation Board (Seat 14) effective immediately. **Moved by Hensley to receive, file and accept the resignation with appreciation for her service. Motion Carried 7-0.**
- 04-2019 19. Communication from Kenneth Hall advising of his resignation from the Access Advisory Board (Seat 2) effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- 04-2020 20. Recommendation of Mayor Frank Cownie to reappoint Patricia Nesbitt to the Municipal Housing Governing Board for a one-year term commencing July 1, 2004 to expire July 1, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2021 21. Recommendation of Council Member Tom Vlassis to reappoint Delores Jean Minahan to the Neighborhood Revitalization Board (Seat 2) for a three-year term commencing June 1, 2004 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2022 21-I Recommendation of Mayor Frank Cownie to appoint Barbara Ettleson to the Library Board of Trustees (Seat 2) to complete a six-year term commencing July 1, 2001 to expire on July 1, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2023 21-II Recommendation of Mayor Frank Cownie to appoint himself and Christopher Greenfield to the Civic Center Board of Trustees for a one-year term commencing June 30, 2004 to expire June 30, 2005. **Moved by Coleman to adopt. MOTION FAILED 1-5-1. Na Brooks, Hensley, Mahaffey, Kiernan, and Vlassis. Pass: Cownie.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 04-2024 22. Regarding request from R&W Investments, LLC, for vacation and conveyance of remaining segment of north/south alley between 6th Avenue and 7th Street, south of University Avenue, and the east/west segment of alley, south of University Avenue from 7th Street to the north/south alley. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 04-2025 23. On proposed First Year Action Plan (2005) of the 2005-2009 HUD Consolidated Plan, (08-04). ([Council Communication No. 04-457](#)) **Moved by Vlassis to adopt. Discussion of this item will be at the October 13 Council workshop. Motion Carried 7-0.**
- 04-2026 (A) Funding recommendations from the Neighborhood Revitalization Board. **Moved**

Vlassis to receive and file and refer to City Manager. Motion Carried 7-0.

- 04-2027 24. On sale of City property south of Ingersoll, north of Grand and west of projected Ma Luther King Jr. Parkway, to Metzger Smith Properties, L.L.C., \$20,000, (10-11-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2028 25. On sale of City property at Witmer Parkway and Beaver Avenue, to R. M. Mad Construction, \$16,240, to construct a single-family home, (10-11-04). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2029 26. On Supplement No. 16 to the Governmental Lease-Purchase Master Agreement, not to exceed \$80,000, to acquire 3 SUV's for the Police Department NBSD Program, (10-11-04). ([Council Communication No. 04-458](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
27. On issuance of bonds for the following, (10-11-04):
- 04-2030 (A) \$20,650,000 Sewer Revenue Refunding Bonds, to refinance Series 2002C and 1995A. ([Council Communication No. 04-472](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2031 (B) Loan and Disbursement Agreement and issue of \$5,965,000 Sewer Revenue Cap Loan Notes, to fund the Upper Union Park Sewer Separation Project and the C Sanitary Station Pump Replacement. ([Council Communication No. 04-473](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2032 (C) \$5,160,000 Sewer Revenue Bonds, to fund the Southeast Ridge Trunk Sani Sewer. ([Council Communication No. 04-471](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2033 28. On request from St. Andrew's Group LLC, for amendment to the Carman Estate P Concept Plan, for property in the 2400 block of E. Payton, to define site concept for condominium residential units within six two-story structures subject to revisions to plan, (10-11-04). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-2034 29. Approving employment of Frank Harty and law firm of Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. to consult and perform services in connection with collective bargaining and related matters at a rate of \$125 per hour, plus out of pocket expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2035 30. Approving payment of \$6,819.73 to Ahlers & Cooney, P.C. in conjunction with the Series 2004F Stormwater Management Utility Revenue Bonds. **Moved by Hensley to adopt. Motion Carried 7-0.**

Motion Carried 7-0.

- 04-2036 31. Approving payment of \$10,502.05 to law firm of Ahlers & Cooney, P.C. in conjunction with negotiation and approval of the Lease-Purchase Agreement with Employers Mutual Casualty Company. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2037 32. Approving payment of \$210.65 to Ahlers & Cooney, P.C. for services in conjunction with certain environmental matters with the development of the Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2038 33. Approving payment of \$4,911.35 to the law firm of Myers & Jenkins for representation of the City in the UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2039 34. Approving payment of \$243 to Sullivan and Ward, P.C. in conjunction with matters pertaining to NPDES permit and environmental issues in lease and use agreements at Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2040 35. Approving payment of \$80,886.15 to Frank Edwards for payment of work compensation benefits for injury sustained during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2041 36. Approving payment of \$7,650 allocated as follows: \$2,500 to Keetha Temple, \$2,500 to Darnell Browder, and \$2,650 to Rockne Cole, attorney, pursuant to agreement for settlement of federal civil rights claims. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-2042 37. Regarding a survey of noontime crossing guards and staffing recommendations. ([Council Communication No. 04-468](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
Nays: Brooks.
- 04-2043 38. Submitting traffic regulation changes as follows: ([Council Communication No. 04-468](#)) **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Petition for Parking Restriction Reversal-Thornton Court, west of SE 20th Street.
- (B) Intersection Study-34th Street and Clark Street.
- 04-2044 39. Submitting out-of-state travel for Kelly Drane. ([Council Communication No. 04-468](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 04-2045 40. Initial LIHEAP Contract with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from October 2004 to September 30, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2046 41. \$250,000 Grant request from the City and West Des Moines State Bank, to the Federal Home Loan Bank of Des Moines Affordable Housing Program, to fund emergency repairs for low-income owner-occupants. ([Council Communication No. 04-463](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2047 42. Assignment of Tax Sale Certificate for 830 25th Street to S & G Real Estate Investments, Inc. ([Council Communication No. 04-480](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 04-2048 43. City economic development loan in the amount of \$100,000 to Lightedge Solutions, (formerly known as Lighthouse Communications, Inc.) to assist with expansion of corporate office and workforce. ([Council Communication No. 04-482](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2049 44. FY 2004 Official Financial Report for City Streets. ([Council Communication No. 04-484](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2050 45. Quarterly Treasurer's Report as of June 30, 2004. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2051 46. Wire Transfer Agreement with Bankers Trust Company, N.A. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2052 47. Public Art for the Riverwalk Project. ([Council Communication No. 04-491](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2053 48. Receipt of proposed Airport regulation change regarding Parking Ticket Fee charges for patrons unable to produce their issued ticket upon exiting, effective November 25, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2054 49. 2005 City Council Meeting Schedule. **Moved by Coleman to defer to the October 2004 Council meeting. Motion Carried 7-0.**
- 04-2055 50. Use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82 and 83 for the General Election to be held Tuesday, November 2, 2004. **Moved by Hensley to approve. City Clerk will notify the City Properties Administrator, and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.**

- 04-2056 51. Contract with Mercy School of Emergency Medical Services for Fire Recruit Paramedic education and training services for 2004 Recruit Academy. ([Council Communication No. 04-459](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2057 52. Addendum to Seat Management Contract with Public Technology, Inc. and EER Systems, Inc. to reflect name change of EER Systems, Inc. to L-3 Communications Government Services, Inc. **Moved by Hensley to approve. Motion Carried 7-0.**
- 04-2058 53. Contract with U.S. Cellular providing wireless telecommunication services and equipment through State of Iowa Contract CT1993 for public safety cell phone users. **Moved by Coleman to adopt. City Manager to provide analysis of features of the existing cell phone contracts with others in the industry. Motion Carried 7-0.**
- 04-2059 54. Purchase and installation of Crimeview software and training for Police Department crime statistics, maps and reports. ([Council Communication No. 04-460](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
55. Bids from the following:
- 04-2060 (A) Heiman Fire Equipment for annual contract with two additional one-year renewal options to furnish fire coats and bunker pants to the Fire Department, \$85,000. (Eight bids mailed, three received). ([Council Communication No. 04-465](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2061 (B) Truck Country for one 39,000 GVW single axle truck for use by the Public Works Department, \$88,476. (Eight bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2062 56. Civil Service Entrance Lists for Computer Work Station Operator, Fleet Services Service Person, False Alarm Coordinator, Fleet Services Mechanic, and Refuse Collector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 04-2063 57. Finance Director to draw checks for check registers of September 30 and October 7, 2004 and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of September 27 and October 4; and to draw checks for biweekly payroll due October 1, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-2064 58. On request from Rottlund Homes of Iowa, Inc. to rezone 818 and 840 Polk Boulevard from R1-80 (One Family Residential) to Limited PUD (Planned Unit Development), for single-family dwellings. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- 04-2065 (A) 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 and that the ordinance do now pass, [#14,312](#). Motion Carried 7-0.**

- 04-2066 59. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes and parking restriction modifications due to new construction on 2nd Avenue between C Avenue and Vine Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Item 60 next****

ORDINANCES - FIRST CONSIDERATION

- 04-2067 60. 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 East 43rd Court, south of Douglas.
 - (B) Corner Clearance-West Side of 21st Street, north of Meek Avenue and west Side of 21st Street, south of Mondamin Avenue.
 - (C) Removal of Commercial Loading Zone-West Side of 8th Street North of Walnut Street.
 - (D) Loading Zones Established-30th Street between University Avenue and Forest Avenue.

****Council considered Item 73 next****

- 04-2068 61. Amending Chapters 1 and 114 of the Municipal Code regarding general penalty, operator license, reckless and careless driving and roadwork zone regulations. ([Council Communication No. 04-489](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 04-2069 (A) Final consideration of ordinance above, (waiver requested by Police Department requires 6 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to meeting at which it is to be finally passed be suspended, that the ordinance placed upon its final passage and that the ordinance do now pass, #14,3 Motion Carried 7-0.**

COUNCIL REQUESTS

- 04-2070 62. From Council Member Tom Vlassis regarding Resolution of Commitment to the American Dream. **Moved by Vlassis to receive, file and adopt. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 04-2071 63. Regarding Telephone Language Interpreter Service for City offices. ([Council Communication No. 04-488](#)) **Moved by Vlassis to receive and file. Motion Carried 7-0.**

****Council considered Item 74 thru Balance of Agenda next****

INFORMAL HEARINGS (OPEN AT 5:30 P.M.) (ITEM 64)

- 04-2072 64. On Construction of 2004/05 Sidewalk Program. **Moved by Hensley to delete SW 15th Street and approve McKinley Avenue. Motion Carried 7-0.**

DELETE (A) ~~SW 15th (west side) from Geil to Havens.~~

(B) McKinley Avenue (north side) from Fleur to 920' east.

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 65 THRU 72)

- 04-2073 65. On appeal from Mike Wilson and Jeff Wilson, 3127 Hickman Road, of the Administrative Hearing Officer's decision regarding their dogs. **Moved by Vlassis to uphold the decision. Motion Carried 7-0.**

- 04-2074 66. Affirming decision of the Historic Preservation Commission denying a Certificate of Appropriateness for alterations to 818-15th Street, ([Council Communication No. 04-441](#)) or; **Moved by Hensley to adopt, and affirm the decision of the Historic Preservation Commission. Motion Carried 5-2. Nays: Brooks and Coleman.**

WITHDRAWN

- 04-2075 (A) ~~ALTERNATE RESOLUTION: Reversing the decision.~~

04-2076 67. On Voluntary Annexation of territory at 3930 SE 72nd Avenue, (approximately 217 ac) **and to continue to 10-11-04 Council Meeting at 5:30 P.M. Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN

04-2077 (A) ~~Approving Agreement for extension of sewer service to the SE Annexation Area.~~

04-2078 68. On request from Forget Properties LLC to rezone property at 4411 SE 14th Street and 4 SE 15th Ct. from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-1” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) to allow 48 units of multi-family residential, car wash, 8 single-family residential lots and an 8,000 square foot retail commercial building, subject to conditions. **Moved by Brooks to DENY. Motion Carried 7-0.**

WITHDRAWN

04-2079 (A) ~~First consideration of ordinance above.~~

WITHDRAWN

04-2080 (B) ~~Final consideration of ordinance above, waiver requested by applicant, (require 7-0 votes).~~

04-2081 69. On vacation and conveyance of east/west segment of alley between Clark Street and College Avenue from 9th Street west to north/south alley to Ralph B. Henderson, \$100,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2082 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

04-2083 (B) Final consideration of ordinance above, waiver requested by applicant, (require 7-0 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, #14,300. Motion Carried 7-0.**

04-2084 70. On vacation and conveyance of portion of right-of-way in vicinity of Evergreen Avenue from S.E. 24th Street and E. Watrous Avenue to Robert Carter, Margaret Richey and Duane Richey, \$1. **Moved by Brooks to adopt. Motion Carried 7-0.**

04-2085 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

04-2086 (B) 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. Motion Carried 7-0.**

now pass, [#14,376](#). Motion Carried 7-0.

- 04-2087 71. On vacation and conveyance of north/south and east/west alleys in vicinity of East V Street, East Market Street, SE 7th Street and SE 8th Street to Hawkeye Land Comp \$21,300. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 04-2088 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance considered and given first vote for passage. Motion Carried 7-0.**
- 04-2089 72. On vacation and conveyance of Third Street from University Avenue to Laurel Avenue Mercy Medical Center, \$180,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-2090 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance considered and given first vote for passage. Motion Carried 7-0.**
- 04-2091 (B) Final consideration of ordinance above. **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 now pass, [#14,377](#). Motion Carried 7-0.**

END HEARINGS AT 6:30 P.M.

Council considered Items 61 thru 63 next

CITY MANAGER RECOMMENDATION

- 04-2092 73. Regarding preliminary terms for a ten-year lease to Wellmark, for use of 1,000 spaces in City parking garages. ([Council Communication No. 04-490](#)) **Moved by Hensley to approve the preliminary terms and to authorize the City Manager to finalize the terms and prepare a license to Wellmark for use of 1,000 spaces in City parking garages for consideration by the City Council at a future meeting. Motion Carried 7-0.**

Council considered Items 64 thru 72 next

APPROVING

- 04-2093 74. Refund of Neighborhood Inspection rental code fees to landlords in the amount of \$205,109.67. ([Council Communication No. 04-461](#)) **Moved by Brooks to adopt. Motion Carried 4-0. Council Members Coleman, Kiernan and Mahaffey declared**

conflict of interest and abstain from voting.

- 04-2094 (A) Amendment to the Schedule of Fees for the Neighborhood Inspection Rental Code ([Council Communication No. 04-462](#)) **Moved by Brooks to adopt. Motion Carried 4-0. Council Members Coleman, Kiernan and Mahaffey declare a conflict of interest and abstain from voting.**
- 04-2095 75. Selection of Advanced Data Processing, Inc. (Miami, Florida) to provide ambulance service billing for three-year period beginning October 1, 2004 with the option of two year renewals. ([Council Communication No. 04-481](#)) **Moved by Mahaffey to select Team Two Inc. as the service provider. Motion Carried 4-3. Nays: Brooks, Hennessy and Vlassis.**

BOARD OF HEALTH

- 04-2096 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:
- 04-2097 (A) 1529 17th Street, Titleholder: Ida Morris; Mortgage Holders: The Provident Bank and Aames Home Loan. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2098 (B) 1001 37th Street (garage), Titleholder: Linda Thornton; Mortgage Holder: American Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

- ~~04-2099 2. The Engineering Department to cause the removal of the structure at 1421 Garfield, Titleholder: Earl L. Edwards.~~
- 04-2100 3. Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E070-198 regarding the property located at 1218 Virginia Avenue insured by Cynthia Welsher and Rodney Welsher. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-2101 4. Release of demolition cost reserve held by State Farm Insurance Companies under claim number 15-E072-346 regarding the property located at 4030 33rd Street insured by Nancy Owens. **Moved by Vlassis to adopt. Motion Carried 7-0.**

04-2102 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:24 P.M. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org

All-America City
1949 1976 1981 2003