

DES MOINES CITY COUNCIL MEETING

March 28, 2005 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Community Development Week

Iowa Women’s History Week

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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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.**

- 3. APPROVING CONSENT AGENDA – items 3 through 79:

LICENSES AND PERMITS

- 4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

- (A) CONNIES LOUNGE 3839 MERLE HAY RD C
Liquor
- (B) KUNG FU TAP & TACO 210 INDIANOLA AVE C
Liquor

RENEWAL APPLICATIONS

- (C) ALPINE TAP ROOM 2720 INGERSOLL AVE C
Liquor

(D)	BASIL PROSPERI Wine	407 E 5TH ST	B
(E)	CAMPBELLS CONCESSIONS Beer	3000 E GRAND AVE	B
(F)	CHICAGO SPEAKEASY Liquor	1520 EUCLID AVE	C
(G)	GENES PLACE Liquor	2117 E UNIVERSITY	C
(H)	GIT N GO STORE #1 Beer	3735 HUBBELL AVE	C
(I)	GIT N GO STORE #5 Beer	2700 INDIANOLA AVE	C
(J)	GRANDVIEW GOLF COURSE Beer	2401 E 29TH STREET	B
(K)	GREAT MIDWESTERN CAFE Liquor	909 ROBERT D. RAY	C
(L)	GREENWOOD LOUNGE Liquor	3707 INGERSOLL AVE	C
(M)	HIGHLAND PARK COUNTRY CLUB Liquor	518 EUCLID AVENUE	C
(N)	KUM & GO #130 Beer	2930 HICKMAN RD	C
(O)	KUM & GO #194 Beer	4001 SW 9TH ST	C
(P)	LCS CORNER Liquor	344 E JACKSON AVE	C
(Q)	NAT FOOD MART #1 Beer	3804 HUBBELL AVE	C
(R)	NEW ORIENTAL FOOD STORE Beer	515 E GRAND AVE	C
(S)	PAPILON Beer/Wine	2718 DOUGLAS AVE	C
(T)	QUIKTRIP #559 Beer	4024 FLEUR DR	C
(U)	SHIE CONCESSION Beer	3000 E GRAND AVE	B
(V)	SMOKEYS BAR-B-QUE Liquor	2301 SW 9TH ST	C
(W)	SUNRISE TAP Liquor	4155 EASTON BLVD	C
(X)	WELLMANS PUB Liquor	2920 INGERSOLL AVE	C

TRANSFER TO NEW LOCATION

(Y)	HOUSE OF BRICKS Liquor	525 E GRAND AVE	C
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Permanent transfer of license from 3839 Merle Hay Rd. to 525 E Grand Avenue. Pending approval of Building, Electrical and Fire Departments.

OUTDOOR SERVICE APPLICATIONS

- (Z) COURT AVENUE BREWING CO 309 COURT AVE C
Liquor
Temporary outdoor service area in conjunction with Drake Relays celebration on April 29 and 30, 2005.
- (AA) MARGARETS 3020 FOREST AVENUE C
Liquor
Temporary in conjunction with Drake Relays effective April 27, 2005 to April 30, 2005. Pending approval of Fire Department.

SPECIAL EVENTS APPLICATIONS

- (BB) DRAKE UNIVERSITY-ALUMNI TENT 2830 FOREST AVE B
Beer
In conjunction with Drake Relays effective April 26-30, 2005. Pending approval of Vice, Electrical, Zoning and Fire Departments.
- (CC) DRAKE UNIVERSITY-HUBBELL 1319 30TH ST C
Liquor
In conjunction with Drake Relays effective April 26-30, 2005. Pending approval of Vice, Electrical, Zoning and Fire Departments.
- (DD) WINSTONS PUB & GRILLE 800 WALNUT ST C
Beer/Wine
Five day license in conjunction with Dig Downtown on April 1, 2005. Pending approval of Building, Electrical, Zoning and Fire Departments.

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
 - (A) 2005 Sanitary Sewer Repair Program – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$120,000).
 - (B) Brody Park Improvements – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$310,000).

(C) Clover Hill Trunk Sanitary Sewer – Phase 1 – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$490,000).

(D) McKinley Avenue Sidewalk from Fleur Drive to 720 Feet East – Receiving of Bids, (4-12-05), and Setting Date of Hearing, (4-25-05). (Construction Estimate - \$13,900).

8. Approving Professional Services Agreement with Calhoun-Burns and Associates, Inc., (John C. Calhoun, President, WDSM) for City-Wide Bridge and Structure Evaluation, not to exceed \$112,000.

[\(Council Communication No. 05-161\)](#)

9. Approving Professional Services Agreement with Howard R. Green Company for Storm Water Pump Station Trash Rack Replacement at Central Place Business District, not to exceed \$89,040.

[\(Council Communication No. 05-164\)](#)

10. Approving Professional Services Agreement with Walker Parking Consultants for Parking System Structural Evaluation, and 5th & Keo Parking Garage Rehabilitation Design/Construction Phase Services, not to exceed \$281,700.

[\(Council Communication No. 05-167\)](#)

11. Approving Iowa Interstate Railroad Ltd. Street Crossing Signal Safety Improvement Agreement for SW 2nd Street and SW 3rd Street.

[\(Council Communication No. 05-166\)](#)

12. Approving Iowa Department of Transportation Preconstruction Agreement for Cummins Parkway - 63rd Street (south side) and 31st Street – 28th Street (south side) Noise Walls related to I-235.

[\(Council Communication No. 05-168\)](#)

13. Approving Agreement with Principal Life Insurance Company for construction and funding of Ice Skating and Fountain Plaza.

[\(Council Communication No. 05-172\)](#)

14. Approving City participation in Downtown Community Alliance's Wayfinding Sign Project.

[\(Council Communication No. 05-163\)](#)

15. Regarding Principal Park Seating Expansion and Outfield Improvements.

[\(Council Communication No. 05-171\)](#)

16. Approving Change Order No. 2 with North American Specialty Insurance Company, for additional work on Union Park Water Playground, not to exceed \$20,552.44.

[\(Council Communication No. 05-170\)](#)

17. Approving completion and recommending acceptance for SE 14th Street and Indianola Avenue Turn Lane and Signal Modifications – P.G. Construction.
18. Approving Private Construction Contracts for the following:
 - (A) The Underground Company, Ltd. and Clarke Company, Ltd. for Sanitary Sewer Improvements in Woods on The River Plat 9.
 - (B) The Underground Company, Ltd. And Clarke Company, Ltd. for Storm Sewer Improvements in Woods on The River Plat 9.
 - (C) Neumann Brothers, Inc. and Science Center of Iowa for Street Improvements on Market Street from SW 4th to SW 5th Streets.
 - (D) The Hansen Company, Inc. and Meredith Corporation Foundation for Meredith Trail Enhancements.

[\(Council Communication No. 05-160\)](#)

19. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - (A) Corell Contractor, Inc. and Principal Life Insurance Company for Street and Sidewalk Improvements for Pleasant Park Subway Passage Waterproofing Improvements.
 - (B) Speck Enterprises and The Tackle Shack-Outdoor Store, Inc. for Median Modifications Improvements for Traffic Island Shortening at Army Post Road (1400 Block SW).
 - (C) CPMI Construction, LC and 300 East Locust, LP for Street Improvements on East 2nd Street between E. Grand and E. Locust.

- (D) The Underground Company, Ltd. and Electro-Management, Inc. for Storm Sewer Improvements - South Union & Livingston Streets to 1411 & 1419 SW 1st Street.
- 20. Communication from Contractors requesting permission to sublet certain items on public improvement projects.
- 21. Receive, file and authorize execution of petition and waiver forms for sidewalk program/request to repair driveway executed by two property owners and curb replacement program/request to repair driveway executed by one property owner.
- 22. Approving acquisition of right-of-way for Foster Drive Sanitary and Storm Sewer Repair, 600 Block.
- 23. Acceptance of a temporary easement from Drake University for the Clark Street – 27th to 29th Streets Storm Sewer Improvements Project.
- (A) Approving Change Order No. 1 with Van Hauen & Associates for a \$24,910 contract reduction on Clark Street - 27th to 29th Streets Storm Sewer Improvements Project.
([Council Communication No. 05-169](#))

SPECIAL ASSESSMENTS

- 24. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Community Development) and (Public Works) for the following:
 - (A) Schedule No. 2005-03.
 - (B) Schedule No. 2005-51.
 - (C) Schedule No. 2005-76.
- 25. Approving deletion of NAC-Emergency Assessments at various locations as follows:
 - (A) 1546 E. Madison Avenue and 1312 E. 37th Street.
 - (B) 3724 Chicago Avenue, 1828 Hickman Road, and 2320 Dean Avenue.

LAND/PROPERTY TRANSACTIONS

26. Real estate documents for property at 1690 East Sheridan Avenue for the East 16th Street and East Sheridan Avenue Storm Water Improvements Project, \$1,050 plus closing costs.
27. Real estate documents for the Closes Creek Storm Water Improvements, 27th Street to 30th Street Project, \$2 plus closing costs.
28. Authorization to acquire abandoned railroad right-of-way from Union Pacific Railroad Company located between SW 2nd Street and Indianola Avenue and between Granger Avenue and Dunham Avenue, not to exceed \$60,000.
29. Authorization to proceed with early acquisition of property from vacated SW 12th Street, west to SW 30th Street for the future Southwest Connector Project.
30. Authorizing payment of Condemnation Award for acquisition of 3414 SE 8th Street for SE 8th Street Storm Sewer Replacement Project, \$900 plus Sheriff's fees and jury expenses.
31. Approving final Subdivision Plat entitled CARMAN ESTATES PLAT 5, located north of East Payton Avenue in vicinity of SE 24th Street.

[\(Council Communication No. 05-153\)](#)

32. Approving final Subdivision Plat entitled CULVER RIDGE ESTATES PLAT 1, located north of East Payton Avenue in vicinity of SE 25th Street.

[\(Council Communication No. 05-154\)](#)

33. Approving final Subdivision Plat entitled THE RESERVE TOWNHOMES PLAT 1, located in the 900 block of Polk Boulevard, and north of I-235.

[\(Council Communication No. 05-155\)](#)

34. Approving Tax Abatement applications for additional value added for improvements made during 2004. (22 applications).

[\(Council Communication No. 05-152\)](#)

35. Approving Tax Abatement application for additional value added to 2504 East Park Avenue for improvements made during calendar year 2003.

[\(Council Communication No. 05-151\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

36. Recommendations from Council Member Archie Brooks for the following appointments:
- (A) Michael Young to the Access Advisory Board, Seat 15 for a four-year term commencing June 15, 2003 to expire June 15, 2007.
 - (B) Keith Mehl to the Citizen Odor Board, Seat 20 for a three-year term commencing April 5, 2004 to expire April 5, 2007.
 - (C) Michelle Bailey to the Human Rights Commission, Seat 7 for a three-year term commencing April 1, 2005 to expire April 1, 2008.
 - (D) Michael Bolten to the Park and Recreation Board, Seat 13 to fill an unexpired term for a four-year term commencing June 30, 2003 to expire on June 30, 2007.
 - (E) Carol George to the Park and Recreation Board, Seat 14 to fill an unexpired term through June 30, 2005 and to be reappointed for a four-year term commencing June 30, 2005 to expire on June 30, 2009.
 - (F) Paul Ramsey to the Public Housing Board, Seat 7 for a three-year term commencing June 30, 2004 to expire June 30, 2007.
 - (G) Don Chestnut to the Sister Cities Commission, Seat 15 for a five-year term commencing April 28, 2004 to expire April 28, 2009.
37. Recommendations from Council Member Archie Brooks for the following reappointments:
- (A) Scott Sargent to the Citizen Odor Board, Seat 14 for a three-year term commencing April 5, 2004 to expire April 5, 2007.
 - (B) Rose Smith to the Housing Appeals Board, Seat 7 for a three-year term commencing March 16, 2004 to expire March 16, 2007.
 - (C) Patricia Civitate to the Sister Cities Commission, Seat 14 for a five-year term commencing April 28, 2005 to expire April 28, 2010.
38. Recommendations from Council Member Bob Mahaffey for the following reappointments:
- (A) Richard Bason to the Housing Appeals Board, Seat 5 for a three-year term commencing March 16, 2005 to expire March 16, 2008.

(B) Linda Westergaard to the Zoning Board of Adjustment, Seat 5 for a five-year term commencing April 4, 2005 to expire April 4, 2010.

39. Communication from Bill LaHay advising of his resignation from the Urban Design Review Board, (Seat 11) effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

40. Regarding request from City Manager for vacation and conveyance of the east/west alley between Ingersoll Avenue and Grand Avenue from 17th Street to 18th Street, subject to conditions.
41. Regarding request from Randal Meiners, (Developer) to amend the Des Moines 2020 Community Character Land Use Plan for property at 900 Williams Street from Low Density Residential to Low/Medium Density Residential.

SETTING DATE OF HEARINGS

42. On Permanent and Temporary Easements across City-owned property, in the vicinity of the southeast corner of 2nd Avenue and School Street, to the Board of Water Works Trustees, \$2 plus closing costs, (4-11-05).
43. On approval of a Gas Easement and Above Ground Regulator Station to Mid American Energy across City owned property northeast of SW 9th and County Line Road intersection, \$1, (4-11-05).
44. On approval of an easement for Mid American Energy for an Underground Electric Line Easement across City owned property at 101 SW 4th Street, \$1, (4-11-05).
45. On approval of an easement for Mid American Energy for electric lines and electric vault across City owned property at 1000 Grand Avenue, \$1, (4-11-05).
46. On approval of an easement needed by Mid American Energy for an Electric Line Easement across property owned by Employers Mutual Casualty Company located at 8th Street Parking Garage Project, \$1, (4-11-05).

47. On request from Seabass, LLC, to rezone property at 1832 Delaware from Limited “C-1” (Neighborhood Retail Commercial) and “C-O” (Commercial Residential) to “M-1” (Light Industrial) to allow development of a charter bus storage and maintenance facility, (4-11-05).
48. On City Council request to rezone property in vicinity of 900 – 18th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “R-3” (Multiple Family Residential), “RHD” (Residential Historic), “R-3” (Multiple Family Residential), & “R1-60” (One-Family Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial), (4-11-05).
49. On applications from Richard Downs and H. Dwayne Crozier, seeking voluntary annexation by the City of Des Moines of approximately 130 acres located in vicinity of 4520 Easton Boulevard and 4880 NE 23rd Avenue, (5-23-05).
50. On disposition of an irregular shaped dead-end portion of Clark Street running west from 23rd Street and a 110’ segment of north/south alley, north of Clark Street to Amazing Grace Ministries and Outreach Church, \$675, (4-11-05).

[\(Council Communication No. 05-174\)](#)

51. On request from Twin Eagles Development LC (Owner) represented by David Walters and Brad Stanbrough (Partners) for review and approval of preliminary subdivision plat “Copper Crossing” located in the 2500 block of NE Oak Hill Drive, (4-11-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

52. Approving payment of \$153 to Ahlers & Cooney, P.C. for resolution of certain environmental matters in conjunction with the development of the Kiwanis Nature Island at Riverview Park.
53. Approving employment of Hall & Associates to perform services regarding the issuance of Total Maximum Daily Limits (TMDLs) and their impact on MS-4 National Pollution Discharge Elimination System (NPDES) permit for the Wastewater Reclamation Authority.

[\(Council Communication No. 05-146\)](#)

54. Approving payment of \$2,722.40 to Myers & Jenkins for services related to UAL Corporation Bankruptcy and ATA Holding Corp. Bankruptcy and payment of

\$1,379.30 to Barnes & Thornburg, LLP for services related to ATA Holdings Corp. Bankruptcy.

55. Approving payment of \$87.50 to law firm of Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title work.
56. Approving payment of \$13,381.31 to Kendall Glasener for property damage and repair of a sewer line.
57. Approving payment of settlements by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

58. Communication from City Manager regarding preliminary terms of an economic development grant to Two Rivers Marketing Group (Tom Dunphy, President, 502 East Locust).

[\(Council Communication No. 05-143\)](#)

- (A) Authorization to submit an amendment to the tax abatement plan extending tax abatement to an area bounded by the Des Moines River, SE 14th Street and East Court Avenue.
59. Submitting traffic regulation changes as follows:
 - (A) Traffic Signal Control Revisions.
 - (B) Stop Signs at 26th Street and Holcomb Avenue.
 - (C) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles--5400 Block of SE 6th Street.
 - (D) Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14th Street and 15th Street.
 - (E) Loading Zone Modifications—Vicinity of Civic Center Court Apartments and the Iowa Historical Building.

- (F) Corner Clearance—North Side of Clark Street, East and West of 24th Street and 25th Street.
- (G) Railroad Crossing Revisions.
- (H) Stop Signs and Corner Clearance Parking Restrictions on 24th Street.
- (I) Removal of Parking Meters—Third Street between Court Avenue and Walnut Street.

[\(Council Communication No. 05-165\)](#)

- 60. Submitting out-of-state travel requests for T. M. Franklin Cownie, Christine Hensley, Christopher Coleman, Eric Anderson, Al Aguilar, Brenda Ingle, Heide Green, Bruce Bergman, Scott Ralston, and Diane Rauh.

[\(Council Communication No. 05-123\)](#)

APPROVING

- 61. Reprogramming of prior years Community Development Block Grant (CDBG) funding and PY 2005 funding shortfall.

[\(Council Communication No. 05-127\)](#)

- 62. Amendment to the Economic Development Loan with Protocol Driven Healthcare, Inc. (PDHI).

[\(Council Communication No. 05-144\)](#)

- 63. CEBA Loan Application to the State of Iowa and Preliminary Terms of Economic Development Loan to Software Made Easy, Inc. dba Project InVision for assistance in opening a Des Moines office.

[\(Council Communication No. 05-148\)](#)

- 64. Issuance of Certificate of Completion for Vine Street Lofts at 2nd & Vine Streets.

[\(Council Communication No. 05-138\)](#)

- 65. Professional Services Agreement with Wisconsin Partnership for Housing Development, for an evaluation of the City's Neighborhood Revitalization Program.

[\(Council Communication No. 05-147\)](#)

- (A) Communication from the Neighborhood Revitalization Board.
66. RFP for Banking and Custodial Services.
- [\(Council Communication No. 05-141\)](#)
67. Development of a RFP to obtain proposals for benefit consulting services.
- [\(Council Communication No. 05-156\)](#)
68. Intergovernmental 28E Agreement with Polk County and Greater Des Moines Community Foundation for development of Soldiers Field for South Des Moines Little League Baseball Park.
- [\(Council Communication No. 05-150\)](#)
69. Receipt of arbitration decisions regarding the Municipal Employees Association (MEA), and the Des Moines Police Bargaining Unit Association (DMPBUA).
- [\(Council Communication No. 05-173\)](#)
70. Application to the United States Department of Homeland Security Assistance to Firefighters Grant Program, \$308,449 for purchase and installation of the air filtration systems and carbon monoxide detectors for city fire stations.
- [\(Council Communication No. 05-124\)](#)
71. Budget revision request for the Iowa Governor's Office of Drug Control Policy, Project Safe Neighborhoods.
- [\(Council Communication No. 05-137\)](#)
72. Governor's Traffic Safety Bureau-OWI Enforcement Grant Award to provide overtime and equipment for officers from April 1, 2005 to September 30, 2005, \$70,500.
- [\(Council Communication No. 05-126\)](#)
73. Justice Assistance Grant Memorandum of Understanding for grant period from October 1, 2004 – September 30, 2008, \$211,816.
- [\(Council Communication No. 05-125\)](#)

74. Bids from the following:

- (A) Artistic Waste Services as primary supplier and Waste Management of Iowa as secondary supplier for an annual contract with two additional one-year renewal options to furnish trash removal services for the SCRUB program. (Three bids mailed, three received).

[\(Council Communication No. 05-142\)](#)

- (B) Mid-States Ford for two cargo vans to be used by the Building Services Division, \$31,902. (Eleven bids mailed, three received).
- (C) Charles Gabus Ford for a light and power fire service vehicle to be used by the Fire Department, \$93,185.96. (Fifteen bids mailed, Five received).
- (D) Utility Equipment Company, Cretex Concrete Products and Midwestern Culvert for an annual contract with two additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance to be used by the Public Works Department. (Seven bids mailed, three received).

75. Receipt of the Legislative Update for the 80th Iowa General Assembly.

76. Civil Service Entrance Lists for Street Maintenance Worker, Jail Security Officer, Housing Services Accounting Analyst, Public Works Assistant, and Assistant Planner.

77. Authorizing Finance Director to draw checks on the registers of March 31, and April 7, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 28, 2005 and April 4, 2005; and to draw checks for biweekly payroll due April 1, 2005.

ORDINANCES - FINAL CONSIDERATION

78. On amendments to Zoning Ordinance and Site Plan Regulations **(recommendation to continue all items to the May 9th Council meeting):**

(Council Communication No. 05-159)

- (A) To establish new “C-3B” Central Business District Mixed Use District.
- (B) To establish design guidelines for review of site plans for development within new “C-3B” District, and requiring Plan and Zoning Commission approval of site plans for vehicle display lots in all districts.
- (C) Resolution providing that development in the “C-3B” and “D-R” Districts shall be subject to the landscape standards now applicable to development in the “C-3”, “C-3R” and “C-3A” Districts.
- (D) To rezone Riverpoint West area to “C-3B” District.
- (E) To rezone property in vicinity of 122 and 200 SW 16th Street to impose additional regulations under “S-O” District.

ORDINANCES - SECOND CONSIDERATION

79. On vacation and sale of the north/south alley between 41st and 42nd Street, from Rollins Avenue to 250’ north, to The Shops at Roosevelt, LLC, \$14,000.

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

ORDINANCES - FIRST CONSIDERATION

80. Ordinances amending Chapter 74 of the Municipal Code establishing Park and Recreation fees for 2005:

- (A) Final consideration of ordinance regarding fees for golf courses, Sylvan Theater, swimming pools and Birdland Marina.

(Council Communication No. 05-149)

- (B) First consideration of ordinance regarding golf cart rental on City golf courses.

(1) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.

81. Amending Chapter 74 of the Municipal Code regarding Blank Park Zoo.

(A) Final consideration of ordinance above, (waiver requested by Park & Recreation), requires 6 votes.

82. Enacting new Sections 60-1 through 60-377 of the Municipal Code regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.

83. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board to establish Fair Market Value on Airport property acquisitions of \$10,000 or less.

[\(Council Communication No. 05-128\)](#)

84. Amending Chapter 118 of the Municipal Code regarding sanitary sewer fees.

[\(Council Communication No. 05-140\)](#)

HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 85 THRU 98)

85. On appeal from Ruth Allbee, 830 Williams Street, of the Administrative Hearing Officer's decision regarding her dog.

86. On resolution to establish Franchise Fees.

(A) Gas Franchise Fee.

(B) Electric Franchise Fee.

87. On the 2004 HUD Consolidated Annual Performance and Evaluation Report, (CAPER).

88. To close hearing on sale of City property in the vicinity of Indianola Avenue at Granger Avenue, South Union and E. Dunham, to Communication Technologies, Inc., (property will not be conveyed at this time).

89. To close hearing on sale of City-owned landlocked property south of Ingersoll Avenue, north of Grand Avenue and west of Martin Luther King, Jr. Parkway to Timothy J. Flanagan Corporation, (property will not be conveyed at this time).

90. On vacation and sale of a segment of 24th Place between College Avenue and 24th Street, to Edward J. Lint, \$400.

[\(Council Communication No. 05-175\)](#)

- (A) First consideration of ordinance above.

91. On request from Lower Beaver Conoco, to rezone property at 4540 Lower Beaver Road from “R-4” (Multiple Family Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), to allow conversion of use to a garage for general motor vehicle repair after discontinuing gasoline sales, with accessory motor vehicle repair as a non-conforming use:

[\(Council Communication No. 05-157\)](#)

- (A) Recommendation from Plan and Zoning Commission to DENY the request.

- (B) ALTERNATE ACTION:
 - (1) Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan, (6 affirmative votes required).
 - (2) Resolution to close the hearing and approve rezoning.
 - (3) First consideration of ordinance above, (requires 6 votes).
 - (4) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

92. On request from The Pawn Store Inc. to rezone 3025 Douglas Avenue from a Limited “C-2” (General Retail and Highway Oriented Commercial) to Limited “C-1” (Neighborhood Retail Commercial) to allow assemblage along with 3005 Douglas for expansion of existing commercial structure, subject to conditions.

[\(Council Communication No. 05-158\)](#)

- (A) First consideration of ordinance above.

- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
93. On request from John Shors to amend the “R-6” Development Plan for the Park at Southern Hills, for property at 2950 SW 30th, to revise permitted development from 8 units of townhomes on private cul-de-sac to development of a single-family dwelling.
94. On 2005 Sanitary Sewer Lining Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Visu-Sewer Clean & Seal, Inc., (Keith M. Alexander, President, Pewaukee, WI), \$1,582,227.50.
- (A) Approving contract and bond and permission to sublet.
95. On 5th & Walnut Parking Garage: Resolution approving plans and specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Western Waterproofing Company of Michigan LLC, (Robert T. Mazur, President, Minneapolis, MN), \$642,000.
- (A) Approving contract and bond.

APPROVING

96. Receipt of Beaverdale Neighborhood Revitalization Strategy regarding the City’s involvement in implementation.
- [\(Council Communication No. 05-145\)](#)
97. Awarding Junk Vehicle Towing Contract to Des Moines Automotive Parts Company, 4100 Vandalia Road.
- [\(Council Communication No. 05-139\)](#)
98. Reconsideration of bids on the Riverpoint West Detention Basin Project:
- (A) Rescinding the rejection of all bids.
- (B) Approving contract and bond and permission to sublet for Saxton, Inc., (Russell Saxton, President, Leon, IA), \$800,486.05.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 1430 Martin Luther King Jr. Parkway, Titleholder: Michael Dooley a/k/a Michael L. Dooley.
 - (B) 7102 SW 14th Street, Titleholder: Ronald E. Axser.
 - (C) 1320 21st Street, Titleholder: Mooring Tax Asset Group XXXIV, LLC.

2. The Engineering Department to cause the removal of the following structures:
 - (A) 2320 Dean Avenue, Titleholder: Z Fin 20.
 - (B) 1405 Idaho Street, Titleholder: Melody M. Ries a/k/a Melody M. Ries-Housh and Charles Housh.
 - (C) 2158 E. Walnut Street, Titleholder: 2158 E. Walnut Street, Inc.
 - (D) 1328 4th Street, Titleholders: Ray E. Hansen and Judith A. Hansen.
 - (E) 800 24th Street, Titleholder: The Estate of Marvin H. Thompson.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003