

***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '05-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 11, 2005 4:30 PM

INVOCATION: Rev. Sue Schneider
St. Johns Lutheran Church

05-817 1. **ROLL CALL: Present: Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassi
Absent: Cownie.**

05-818 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by
Hensley to adopt. Motion Carried 6-1.**

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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.**

05-819 3. **APPROVING CONSENT AGENDA – items 3 through 51: Moved by Hensley to
adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS

- 05-820 4. Approving Alcoholic Beverage license applications for the following: **Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	FUEL RIGHT #4	3400 SE 14TH ST	C Beer
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(D)	SPIKERS COURT	3200 DELAWARE AVE	B Beer

RENEWAL APPLICATIONS

(E)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(F)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(G)	BOURBON ST	500 ARMY POST RD	C Liquor
(H)	DES MOINES ART CENTER	4700 GRAND AVENUE	C Liquor
(I)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	H & A MINI MART	5901 FLEUR DR	C Beer
(L)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(M)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(N)	KUM & GO #114	2919 E 14TH ST	C Beer
(O)	KUM & GO #120	101 ARMY POST RD	C Beer
(P)	KUM & GO #142	4140 PARK AVE	C Beer
(Q)	KUM & GO #743	3733 EASTON BLVD	C Beer
(R)	LA TAPATIA	1440 DES MOINES ST	E Liquor
(S)	LOCO JOES NICKEL ARCADE	6550 SE BLOOMFIELD	B Beer
(T)	QUIKTRIP #515	1421 INGERSOLL AVE	C Beer
(U)	SILVESTRINIS PIZZA	5418 DOUGLAS AVE	C Beer/Wine
(V)	SNACO	3000 SW 9TH ST	C Beer
(W)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor
(X)	TIM FLANAGANS RESTAURANT	2120 INGERSOLL AVE	C Liquor
(Y)	VIC & ANDYS PUB	5114 SW 9TH STREET	C Liquor
(Z)	YOUNKERS TEA ROOM	701 WALNUT ST	C Liquor
(AA)	YOUNKERS TEA ROOM	701 WALNUT ST	B Wine

OUTDOOR SERVICE APPLICATIONS

(BB)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor
	Temporary in conjunction with Drake Relays effective April 26, 2005 to May 1, 2005. Pending approval from the Fire Department.		

- 05-821 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-822 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

- 05-823 7. Approving Professional Services Agreement with Shuck-Britson, Inc. for structural evaluation and design phase services in conjunction with SW 8th Street Viaduct over M King Jr. Parkway Rehabilitation, not to exceed \$178,262. ([Council Communication No. 05-184](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-824 8. Approving Professional Services Agreement with Stanley Consultants for Prince Riverwalk Civic Gardens, not to exceed \$63,500. ([Council Communication No. 05-2](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-825 9. Approving execution of Iowa Interstate Railroad, Ltd. Agreement for Railroad Signal Improvements along Vine Street. ([Council Communication No. 05-183](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-826 10. Approving execution of Iowa Department of Transportation Property Lease Agreement for rental of bridge inspection vehicle, not to exceed \$35,000. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-827 11. Approving execution of Iowa Department of Transportation Addendum to Preconstruction Agreement for E. University Avenue Interchange Reconstruction for installation of concrete pavers along E. University Avenue. ([Council Communication No. 05-1](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-828 12. Approving Supplemental Agreement No. 4 with Veenstra & Kimm, Inc. for construction phase services in conjunction with I-235 Birds Run Outlet Storm Sewer, not to exceed \$332,673. ([Council Communication No. 05-187](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-829 13. Approving contract and bond for T. Peters, L.L.C. (Tony J. Peters, Owner, Urbandale) for Blank Park Zoo Sidewalk Replacement, estimated cost of \$13,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

WITHDRAWN

- 05-830 14. ~~Approving contract and bond for Johnson Concrete & Petroleum Const. Inc. (Robert Johnson, President, DSM) for construction of Gray's Lake Park Shade Structure, estimated cost of \$16,000.~~

15. Approving Private Construction Contracts for the following:
- 05-831 (A) Grimes Asphalt & Paving Corp. and The Salvation Army An Illinois Corporation alley improvements in Salvation Army Facility at 1330 6th Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**
 - 05-832 (B) Vanderpool Construction, Inc. and Fleur Properties, L.C. for sanitary sewer improvements in Airport Crossroads Subdivision. **Moved by Hensley to adopt. Motion Carried 6-1.**
 - 05-833 (C) Vanderpool Construction, Inc. and Fleur Properties, L.C. for storm sewer improvements in Airport Crossroads Subdivision. **Moved by Hensley to adopt. Motion Carried 6-1.**
 - 05-834 (D) Sternquist Construction Inc. and Clarke Company, Ltd. for street improvements in Woods On The River Plat 9. **Moved by Hensley to adopt. Motion Carried 6-1.**
 - 05-835 (E) Elder Corporation and The Rose of Des Moines L.P. for storm sewer improvements in Rose of Des Moines. **Moved by Hensley to adopt. Motion Carried 6-1.**
 - 05-836 16. Approving Change Order No. 23 with The Waldinger Corporation for additional work on Central Business District Traffic Signal Upgrade, not to exceed \$50,772.69. ([Council Communication No. 05-203](#)) **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Kiernan. Absent: Cownie.**
 - 05-837 17. Communication from Rognes Corp. requesting permission to sublet certain items on Street & Forest Avenue Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 6-1.**
 - 05-838 18. Approving completion and recommending acceptance for University Avenue Bridge on the Des Moines River Rehabilitation-Cramer & Associates, Inc. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

- 05-839 19. Establishing Fair Market Value and authorizing acquisition of property by voluntary purchase at 3321 SW 46th Street for the future Southwest Connector Project, \$31,100 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-840 20. Approving Tax Abatement Application for additional value added by improvements made during 2004 for 2101 Meadow Court, Unit 1104. ([Council Communication No. 05-203](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendations from Council Member Vlassis for the following:

(A) New appointments.

- 05-841 (1) Tim Hielkema to the Neighborhood Revitalization Board, Seat 7 for a three year term commencing 6-30-04 to expire 6-30-07. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-842 (2) Sandra Gray-Dooly to the Access Advisory Board, Seat 4 for a four year term commencing 6-15-04 to expire 06-15-08. **Moved by Hensley to adopt. Motion Carried 6-1.**

(B) Reappointments

- 05-843 (1) Garry Caldbeck to the Licensing and Appeals Board, Seat 11 for a three year term commencing 4-01-05 to expire 4-01-08. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-844 (2) Todd Garner to the Urban Design Review Board, Seat 4 for a three year term commencing 6-30-05 to expire 6-30-08. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-845 (3) Dr. Bruce Heilman to the Plan and Zoning Commission, Seat 8 for a five year term commencing 7-01-05 to expire 7-01-10. **Moved by Hensley to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

- 05-846 22. On vacation and conveyance of north/south alley between SE 15th Street and SE 15th Street from Maury Street to Shaw Street to Dale H. Jones, \$2,310 and to Charles Koenig, \$2,090, (4-25-05). ([Council Communication No. 05-189](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-847 23. On Lease of property at 1202 and 1300 Scott Avenue to State of Iowa, Department of Administrative Services, \$80,998.50 annually for a 5 year period, (4-25-05). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-848 24. On request from Walden Point, L.P. to rezone 1223 5th Avenue from "R1-80" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and amend the Plan Concept Plan for Walden Point at 1200 4th Street, (4-25-05). ([Council Communication No. 05-194](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-849 25. On application from Hubbell Properties II, L.C., (Series H), seeking voluntary annexation by the City of Des Moines for land southeast of NE Hubbell Road and east of NE Street, (06-06-05). **Moved by Hensley to adopt. Motion Carried 6-1.**
26. Items regarding General Obligation Bond Proposals, (4-25-05):
- 05-850 (A) Electing Classifications and Procedures for proposed Bond Projects. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-851 (B) On \$18,755,000 (for Essential Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-852 (C) On \$12,760,000 (for Essential Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-853 (D) On \$3,085,000 (for Essential Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-854 (E) On \$1,000,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-855 (F) On \$1,000,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-856 (G) On \$950,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-857 (H) On \$790,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-858 (I) On \$1,000,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-859 (J) On \$970,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-860 (K) On \$800,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-861 (L) On \$950,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-862 (M) On \$700,000 (for General Corporate Purposes). ([Council Communication No. 201](#)) **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-863 27. Approving payment of \$833.83 to Ahlers & Cooney for services related to Supplement 16 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-864 28. Approving payments of \$1,515 to Myers & Jenkins for UAL Corporation Bankruptcy ATA Holding Corp. Bankruptcy and \$554.85 to Barnes & Thornburg, LLP to represent City in ATA Holding Corporation Bankruptcy. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-865 29. Approving payment of \$5,811.30 to Hall & Associates for legal services in conjunction with the Iowa Department of Natural Resources in the issuance of a National Pollution Discharge Elimination System permit. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-866 30. Approving payment of \$1,007.50 to Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title opinion work. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-867 31. Approving payment of \$688.50 to Sullivan & Ward, P.C. Law Firm to assist in matters pertaining to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-868 32. Approving payment of \$8,084.10 to Gary Rebel for workers compensation claim for injury suffered in course and scope of employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

- 05-869 33. Communication from City Manager regarding approval of 2006 Action Plan Schedule and the 2005-2009 HUD Consolidated Plan. ([Council Communication No. 05-195](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-870 34. Submitting traffic regulation changes as follows: ([Council Communication No. 05-195](#)) **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**
- (A) Speed and One-Way Streets Code Update.
 - (B) Prohibited/Limited Parking Code Update.
 - (C) Parking Meter and Time Zones Code Update.
 - (D) Miscellaneous Chapter 114 Sections Code Update.

- (E) Parking Time Restriction for Handicapped Parking Meter—500 Block of Lo Street.
- (F) Modification of Parking Restrictions—Vicinity of Iowa Events Center.
- (G) Convert Meter EG-511 from a Handicapped Parking Meter to a Standard Use Park Meter.
- (H) Parking Restriction—South Side of Garfield Avenue between E. 34th Street to E. Street.
- (I) Corner Clearance—North Side of Elizabeth Avenue, east of E. 22nd Street.
- (J) Stop Signs and Parking Restrictions—47th Street at Euclid Avenue.
- (K) Parking Restriction Modifications due to the Addition of a Left-Turn Lane near Iowa Events Center—Crocker Street and 5th Avenue.

05-871 35. Submitting out-of-state travel requests for Michael Armstrong, Terrance Vorbrich, Owens Bruene, Jennifer Sayers, William Stowe, and Phillip Vorlander. ([Council Communication No. 05-200](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

- 05-872 36. Affordable Housing and Homeless Partnership (AAHHP) Homeless Transportation P Churches United Shelter & Primary Health Care Transportation projects for home transportation services. ([Council Communication No. 05-191](#)) **Moved by Hensley adopt. Motion Carried 6-1.**
- 05-873 37. Closeout documents for Fiscal Year 2001 Shelter Plus Care (S+C) Program Gr \$619,200. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-874 38. Assignment of License Agreement for building encroachment (Keck City Center at Grand Avenue). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-875 39. Professional Services Contract with ETC Institute, (Elaine Tatham, President, Olathe, for development and implementation of Citizen Satisfaction Survey. ([Council Communication No. 05-208](#)) **Moved by Hensley to approve. Motion Carried 6-1.**
- 05-876 40. Authorizing and providing for the issuance of \$28,430,000 General Obligation Refund Bonds, Series 2005A. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-877 (A) Authorizing redemption of General Obligation Refunding Bonds, Series 1996F General Obligation Bonds, Series 1998D. **Moved by Hensley to adopt. Motion Carried 6-1.**

41. Resolution to correct ordinance number on resolutions to establish Franchise Fees.
- 05-878 (A) Gas Franchise fee. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-879 (B) Electric Franchise fee. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-880 42. 28E Agreement with Des Moines Independent Community School District for South Parkland Acquisition to develop a community school park campus. ([Council Communication No. 05-180](#)) **Moved by Hensley to approve. Motion Carried 6-1.**
- 05-881 (A) Acceptance of real estate documents for the proposed Southeast Park and Library site. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-882 43. Execution of 28E Agreement with City of Norwalk and Warren County for road improvements. ([Council Communication No. 05-205](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
44. Bids from the following:
- 05-883 (A) Various vendors for fire fighting supplies to be used by the Fire Department, \$92,357.58. (Twelve bids mailed, seven received.) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-884 (B) Bituminous Materials & Supply for annual contract with two additional one-year renewal options to furnish emulsified asphalt materials to be used by the Street Maintenance Division of Public Works. (Two bids mailed, one received.) ([Council Communication No. 05-179](#)) **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Hensley. Absent: Cownie.**
- 05-885 (C) Vogel Paint & Wax Company for annual contract with two additional one-year renewal options to furnish traffic paint to be used by the Traffic & Transportation Division. (Ten bids mailed, three received.) ([Council Communication No. 05-201](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-886 (D) Carpenter Uniform Company for personal protective equipment to be used by the Police Department, \$78,256.50. (Eight bids mailed, three received.) ([Council Communication No. 05-198](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-887 45. Receipt of the Legislative Update for the 81st Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 6-1.**
- 05-888 46. Civil Service Entrance Lists for Park Maintenance Mechanic, Real Estate Coordinator, Promotional Lists for Street Sweeper Operator, Public Works Section Chief, Senior Engineering Technician, Senior Police Officer, and Plumbing Inspector. **Moved by Hensley to receive and file. Motion Carried 6-1.**

- 05-889 47. Authorizing Finance Director to draw checks on the registers of April 14 and April 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency the weeks of April 11 and April 18, 2005; and to draw checks for biweekly payroll April 15, 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

- 05-890 48. On vacation of the north/south alley between 41st and 42nd Street, from Rollins Avenue 250' north. **Moved by Hensley that this ordinance do now pass, [#14,427](#). Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

- 05-891 49. Amending Chapter 118 of the Municipal Code regarding sanitary sewer fees. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**
- 05-892 50. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of Des Moines International Airport Board to establish Fair Market Value on Airport property acquisitions of \$10,000 or less. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- 05-893 51. Enacting new Sections 60-1 through 60-377 of the Municipal Code regarding neighborhood inspection rental code, real estate installment contract sales inspection residential public nuisance code. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-894 52. Amending chapter 118 of the Municipal Code regarding traffic regulation changes follows: **Moved by Kiernan that this ordinance be considered and given first vote passage. Motion Carried 6-1.**
- (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 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 Iowa Historical Building.
- (F) Corner Clearance—North Side of Clark Street, East and West of 24th Street and 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.
- 05-895 (J) Final consideration of ordinance above. **Moved by Kiernan that the rule requiring that ordinances must be considered and voted on for passage at two Council Meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance now pass, #14,428.** Sections 114-3257 and 114-4013 (item (D) above) have been removed and will have second consideration at the April 25, 2005 Council Meeting. **Motion Carried 6-1.**

Council considered Items 66 thru Board of Health next

HEARINGS (OPEN AT 5:24 P.M.) (ITEMS 53 THRU 65)

- 05-896 53. On appeal from Mario McPherson, 3703 – 3rd Street regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Vlassis to reverse the decision. Motion Carried 6-1.**
- 05-897 54. On vacation and sale 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 Amazon Grace Ministries and Outreach Church, \$675. ([Council Communication No. 05-14](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 05-898 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-899 (B) Final consideration of ordinance above, (waiver requested by applicant) requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered and voted on for passage at two Council Meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,428. Motion Carried 6-1.**

- 05-900 (C) Approve and accept real estate documents for property south of and adjacent to 18th – 23rd Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**
55. On items regarding property in the vicinity of 900 18th Street:
- 05-901 (A) Recommendation from Plan and Zoning Commission to approve amendment to Des Moines’ 2020 Community Character Land Use Plan by amending future land use designation from Park/Open Space and Pedestrian Oriented Commercial Corridor to Mixed-Use and Density with the condition that the Open/Space designation remain for area west of 19th and south of Cottage Grove, not to include the triangle to the east of 19th Street. **Moved by Hensley to adopt and approve the proposed amendment as recommended by the Plan and Zoning Commission. Motion Carried 6-1.**
- 05-902 (B) Hearing to rezone property in the vicinity of 900 – 18th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “R-3” (Multi-Family Residential), “RHD” (Residential Historic) and “NPC” (Neighborhood Pedestrian Commercial) and to rezone “RHD” (Residential Historic), “R-3” (Multi-Family Residential) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial.) **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- 05-903 (C) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-904 56. On request from Seabass, LLC to rezone property at 1832 Delaware from Limited “C-2” (Neighborhood Retail Commercial) and “C-O” (Commercial Residential) to “M-1” (Light Industrial) to allow development of a charter bus storage and maintenance facility. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- 05-905 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-906 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 2/3 votes. **Moved by Mahaffey that the rule requiring that ordinances 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 be placed upon its final passage and that the ordinance do now pass. [#14,430](#).**
- 05-907 57. On permanent and temporary easements across City-owned property in the vicinity of Southeast corner of 2nd Avenue and School Street to the Board of Water Works Trustees of the City of Des Moines, \$2 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-908 58. On Gas easement and Above Ground Regulator Station needed by Mid American Energy across City-owned property northeast of SW 9th Street and County Line Rd. intersecting SW 9th Street, \$1. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-909 59. On easement needed by Mid American Energy for an Underground Electric Line Easement across City-owned property at 101 SW 4th Street, \$1. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-910 60. On easement needed by Mid American Energy for electric lines and electric vault across City-owned property at 1000 Grand Avenue, \$1. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-911 61. On 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. **Moved by Kiernan to adopt. Motion Carried 6-1.**
- 05-912 62. On proposed Connection Fee Ordinance for Clover Hill Area Trunk Sewer System Benefited District. ([Council Communication No. 05-181](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 05-913 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-914 63. On 2004-05 Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp, (J.M. Yonker, President, Grimes, IA), \$924,910.90. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 05-915 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 05-916 64. On Park Avenue Widening-SW 42nd Street to SW 56th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President), \$2,621,152.22. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-917 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-918 (B) Approving assignment of contract to Nuckolls Concrete Services, Inc. (Kurt Rasmussen, President, DSM). **Moved by Hensley to adopt, subject to receipt of appropriate Assignment of Contract, Acceptance of Assignment of Contract, and Consent of Surety to Assignment of Contract documents, acceptable to Engineering and Legal Departments. Motion Carried 6-1.**
- 05-919 (C) Approving request from Nuckolls Concrete Services, Inc. for permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1.**

- 05-920 (D) Approving Nuckolls Concrete Services, Inc. as completion subcontractor for all Peterson Construction Co. subcontract work. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-921 (E) Approving Nuckolls Concrete Services, Inc. as completion contractor for M. Peterson Construction Co. on all private construction contracts. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-922 65. On Western Gateway Improvements: Resolution approving plans, specifications, forms, contract documents, Engineer's estimate and to receive and file bids. **Moved by Hensley to continue to the April 25, 2005 Council meeting at 5:30 P.M. Motion Carried 6-1.**

**** END HEARINGS AT 5:45 PM ****

APPROVING

- 05-923 66. Resolution regarding establishing Quiet Zones. **Moved by Coleman to adopt. Motion Carried 6-1.**
- 05-924 67. Amending the Schedule of Fees to waive fees for temporary signage for qualified neighborhood sponsored events. ([Council Communication No. 05-196](#)) **Moved by Hensley to adopt. Community Development Department will provide a monthly report at the first workshop each month. Council will re-evaluate this process in 2 years. Motion Carried 6-1.**
- 05-925 68. Resolution regarding Solid Waste Collection at Multiple Family Units. ([Council Communication No. 05-209](#)) **Moved by Hensley to adopt and refer to the Land Use Department to implement necessary ordinance revisions. Motion Carried 6-1.**
- 05-926 69. Settlement Agreement and Memorandum of Understanding with Warren County regarding annexation and provision of public services by Des Moines to portions of northern Warren County. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-927 (A) Setting Date of Hearing on Annexation Moratorium Agreement and Intergovernmental 28E Agreement with Indianola and Warren County establishing a boundary area between Des Moines and Indianola into which both cities agree not to annex for a period of ten years, (5-23-05). **Moved by Hensley to adopt. Motion Carried 6-1.**

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.

WITHDRAWN

- 05-928 1. ~~Request from Council Member Vlassis to discuss formation of a Municipal Fiber Optic Utility.~~
- 05-929 2. Adopting new Skywalk System Plan Map, which identifies additional planned skywalk corridor and skywalk bridge. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 05-930 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered and voted on for passage at two Council Meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance now pass, [#14,431](#). Motion Carried 6-1.**

BOARD OF HEALTH

- 05-931 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 6-1.**

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
- 05-932 (A) 1942 Arlington Avenue, Titleholder: J & M Investments; Mortgage Holder: First Bank. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 05-933 (B) 2230 Lyon Street, Titleholders. Rosie M. Wensel and Lee Wensel. **Moved by Kiernan to adopt. Motion Carried 5-2. Absent: Cownie and Vlassis.**
- 05-934 (C) 1526 E. 12th Street, Titleholder: CitiFinancial Mortgage Company, Inc f Associates Financial Services Company, Inc. **Moved by Kiernan to adopt. Motion Carried 5-2. Absent: Cownie and Vlassis.**
- 05-935 (D) 1603 E. 28th Street, Titleholder: 2221 Carpenter, LLC. **Moved by Kiernan to adopt. Motion Carried 5-2. Absent: Cownie and Vlassis.**

- 05-936 2. The Engineering Department to cause the removal of 1161 Bundy Street, Titleholder: Tinlin. **Moved by Hensley to adopt. Motion Carried 6-1.**

COMMUNICATION

- 05-937 3. Communication regarding demolition cost reserve being held by Allied Insurance for fire-damaged house located at 1308 E. Thornton Avenue. **Moved by Kiernan to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated structure. Motion Carried 6-1.**

- 05-938 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:45 P.M. Motion Carried 6-1.**

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