

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 10, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Special Recognition of Participants in the "YouthBuild Des Moines Program"

INVOCATION: Pastor Claude Jones

Douglas Avenue Presbyterian Church

03-241 1. ROLL CALL: **Present: Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Daniels.**

03-242 I. **4:30 PM** Presentation of the concept master plan and feasibility study for the Downtown Riverfront prepared by Principal Financial Group and request for the City to review and approve Phase 1. ([Council Communication No. 03-072](#)). **Moved by Hensley to receive and file and to refer to the City Plan and Zoning Commission, Park and Recreation Board, Urban Design Review Board (or Urban Development Board and Architectural Advisory Committee as appropriate), the Public Arts Commission, Access Advisory Board and Historic District Commission for their review and recommendation. Such boards and commissions are requested to make their reports back to the City Council for consideration at the City Council meeting on March 24, 2003. Motion Carried 6-1.**

03-243 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.**

03-244 3. APPROVING CONSENT AGENDA - items 3 through 57: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

03-245 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

- (1) Lizz, 509 E. 25th Street, C Liquor.
- (2) Mannings, 2102 Indianola Avenue, C Liquor.

RENEWAL APPLICATIONS

- ~~(3) Rainbow Cleaning Machine, 4347 Merle Hay Rd., B Beer.~~
- ~~(4) Shangri La Buffet, 4349 Merle Hay Rd., B Beer.~~
- (5) Candy Kitchen, 2024 Forest Avenue, C Beer.
- (6) Kum & Go #440, 821 E. Euclid Avenue, C Beer.
- (7) Tejis Corner Store, 800 19th Street, C Beer.
- (8) Tobacco Outlet Plus #503, 400 Euclid Avenue, C Beer.
- (9) AK OConnors, 4050 Urbandale Avenue, C Liquor.
- (10) American Pie, 6202 Douglas Avenue, C Liquor.
- (11) El Aquila Real Authentic Mexican Restaurant, 3600 Beaver Avenue, C Liquor.
- (12) Faces, 416 E. Walnut Street, C Liquor.
- (13) Firehouse Lounge, 1930 SE 6th Street, C Liquor.
- (14) Forty Three Restaurant, 1000 Walnut Street, C Liquor.
- (15) Looney Toons, 210 Indianola Avenue, C Liquor.
- (16) Tejis Corner Store, 800 19th Street, B Wine.

(17) Dahls Foods, 1320 E. Euclid Avenue, E Liquor.

(18) Dahls Foods, 3425 Ingersoll Avenue, E Liquor.

(19) Dahls Foods, 1819 Beaver Avenue, E Liquor.

(20) Dahls Foods, 3710 Hubbell Avenue, E Liquor.

(21) Dahls Foods, 4343 Merle Hay Rd., E Liquor.

TRANSFER TO NEW LOCATION

(22) Blues on Grand, 400 4th Street, C Liquor. Temporary transfer from 1501 Grand Avenue to 400 4th Street (Kirkwood Civic Center Hotel) on February 15th and 16th, 2003 for a Blues Fest.

03-246 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Daniels.**

03-247 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Daniels.**

PUBLIC IMPROVEMENTS

03-248 7. Approving completion and recommending acceptance of private construction contract between The Underground Company, Ltd. (Duane Burkhardt, President, Contractor) and Tom Felice, 4000 Indianola Avenue, Owner for construction of Sanitary Sewer Improvements to extend north of the corner of SE 15th Street and E. Leach Avenue to serve Grandshire Estates Plat 1, \$45,933. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-249 8. Approving completion and recommending acceptance of private construction contract between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Managing Partner, Owner) for storm sewer in Easter Bay Colony Plat 3 located at East Marion Street and proposed Easter Bay Court and East Marion Street and proposed Bay View Court, \$90,736. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-250 9. Approving completion and recommending acceptance of private construction contract between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Managing Partner, Owner) for sanitary sewer in Easter Bay Colony Plat 3 located at East Marion Street and proposed Easter Bay Court and East Marion Street and proposed Bay View Court, \$112,900. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-251 10. Approving completion and recommending acceptance of private construction contract between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola, Contractor) and Clarke Company, Ltd. (John J. Clarke, Managing Partner, Owner) for PCC paving in Easter Bay Colony Plat 3 located at East Marion Street and proposed Easter Bay Court and East Marion Street and proposed Bay View Court, \$99,414. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-252 11. Approving Iowa Department of Transportation Agreement for 15th Street Corridor Improvements from Locust Street to Ingersoll Avenue. ([Council Communication No. 03-070](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

12. Resolution Ordering Construction of the following:

03-253 (A) Branch Library Parking Lot Repair, Receiving of Bids, (2-25-03), and setting date of hearing, (3-10-03). (Construction Estimate - \$48,927). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-254 (B) Drake Municipal Observatory ADA Entry, Receiving of Bids, (2-25-03), and setting date of hearing, (3-10-03). (Construction Estimate - \$75,500). **Moved by Hensley to adopt. Motion Carried 6-1.**

13. Accepting completed construction and approving final payment of the following:

03-255 (A) East Grand Avenue Parking Lot, \$5,997.43 is now due and \$5,790.15 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-256 (B) Wells Fargo Replacement Parking Lot, \$1,033.98 is now due and \$6,315.72 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-257 (C) 2002 Traffic Signal Modifications, \$10,307.50 is now due and \$3,242.50 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-258 (D) SW 12th Street Sanitary Sewer Repairs, \$6,079.38 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-259 (E) College Avenue Storm Sewer Improvements - 7th Street to 12th Street, \$1,290.10 is now due and \$16,991.23 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-260 (F) Grays Lake Resource Center - Phase 2, \$29,083.55 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

03-261 14. Resolution levying assessments for cost of sidewalk repair, replace or reconstruction by Public Works, Schedule No. 2002-34. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-262 15. Approving deletion of NAC- Emergency Order Special Assessment against 1726 Des Moines Street, Schedule No. 2002-26, Certificate No. 00-08415-00, an administrative hearing was held and the charges were waived, \$145. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-263 16. Authorizing Engineering Department Staff to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for the month of January 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-264 17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of January 2003 for certification to the Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

18. Approving items regarding Brooks School site:

03-265 (A) Replacement Quit Claim Deed conveying portions of the East/West alley between Lyon and Des Moines Street extending west from E. 22nd Street to Des Moines Independent Community School District. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest and abstains from voting.**

03-266 (B) Partial Release of Reservations for a portion of E. 21st Street between Des Moines and Lyon Streets to Des Moines Independent Community School District to permit the site to be redeveloped for residential use. ([Council Communication No. 03-069](#)). **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest and abstains from voting.**

19. NUMBER NOT USED

03-267 20. Authorizing the City Manager to proceed with acquisition of property at 4901 Fleur Drive by gift, sale or eminent domain for the Runway 5/23 Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-268 21. Authorize payment of Judicial Bond for the holding of the Excess Appeal Award for acquisition of 106 SW 16th Street for the Martin Luther King, Jr. Parkway Project, \$1,014 annual premium. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Daniels.**

03-269 22. Approve and accept real estate documents for property located at 2614 E. 35th Street for the Gay Lea Wilson Recreational Trail Project, closing costs only. **Moved by Hensley to**

adopt. Motion Carried 6-1.

03-270 23. Approve and accept real estate documents for property located at 5400 and 5409 SW 9th for the SW 9th Widening at Porter Avenue Project, \$10,365 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-271 24. Approve and accept real estate documents for property located at 5601 SW 9th Street, for the SW 9th Widening at Porter Avenue Project, \$26,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-272 25. Approve and accept real estate documents for property located at 2820 Holcomb, for the Closes Creek Storm Water Improvement Project, \$150 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-273 26. Establish fair market value and authorizing acquisition of property at 107 5th Avenue (\$177,000) and 120 4th Street (\$470,000) for the Court Avenue District Redevelopment Project by gift, negotiation, or condemnation, \$647,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-274 27. Establish fair market value and authorizing acquisition of property located at the Northeast corner of East 4th Street and East Grand Avenue for Gateway East Project by gift, negotiation, or condemnation, \$565,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 6-1.**

28. Approving the following Tax Abatement Items: ([Council Communication No. 03-062](#))

03-275 (A) Tax Abatement Applications for value added by improvements made during calendar year 2002, 2001 or 2000 - (392 applications). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-276 (B) Two late filed Tax Abatement Applications, 2121 - 36th Street, and 2543 East Marion for work done prior to the year 2000. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-277 29. Establish Fair Market Value and authorize acquisition of property at 1501 Ingersoll Avenue for 15th Street Corridor by gift, negotiation or condemnation, \$13,400. **Moved by Hensley to adopt; tie the request for acquisition of the alley to this item. Motion Carried 6-1.**

03-278 30. Approving Tax Abatement Application for additional value added to 1830 Allison Avenue by improvements made during calendar year 2001, and request the County Assessor apply application retroactively as if it had been timely processed by the City. ([Council Communication No. 03-063](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-279 31. Recommendation of Council Member Frank Cownie to reappoint Timothy J. Urban to Seat 4 on the City Plan Commission for a five year term commencing July 2, 2002 to expire July 2, 2007. **Moved by Hensley to adopt. Motion Carried 6-1.**

32. Recommendations for the Traffic Safety Committee as follows:

03-280 (A) Council Member Frank Cownie to reappoint George Robinson to Seat 2 for a three year term commencing December 31, 2002 to expire December 31, 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-281 (B) Council Member Christine Hensley to appoint Mary Anne McBride to Seat 6 for a three year term commencing December 31, 2002 to expire December 31, 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**

33. Recommendations for the Urban Design Review Board as follows:

03-282 (A) Council Member Frank Cownie to appoint Jeffrey Morgan to Seat 2 for a term to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-283 (B) Council Member Christine Hensley to appoint Brian Clark to Seat 6 for a term to expire June 30, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-284 (C) Council Member Tom Vlassis to appoint Emily C. Lawson to Seat 8 for a term to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-285 34. Recommendation of Council Member Frank Cownie to appoint Jeffrey Morgan to Seat 4 on the Skywalk Committee to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-286 35. Communication from Kimberly Hansen advising of her resignation from Strategic Planning Commission (Seat 2) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 6-1.**

03-287 (A) Recommendation of Council Member Christine Hensley to appoint Kimberly Hansen to the Neighborhood Revitalization Board, (Seat 9) for a three year term commencing June 30, 2002 to expire June 30, 2005. **Moved by Hensley to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

03-288 36. On conveyance of property at 2614 and 2808 E. 35th Street (Lots 935 and 938) to George and Kimberly Flippo for property interests required by the City for the Gay Lea Wilson Recreational Trail, (2-24-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-289 37. On proposed amendment to the Annual Budget for current fiscal year ending June 30, 2003, (2-24-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-290 (A) On proposed Annual Budget for fiscal year ending June 30, 2004, (2-24-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-291 38. Approving payment of \$1,492.60 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce Wilson and Val Wilson, Jr. as Administrators of estate of Jerome LeRoy Mozee vs. City, Joseph Morgan and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 6-1.**

03-292 39. Approving payment of \$9,009.68 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-293 40. Approving payment of \$915.76 to Jane McAllister of Ahlers Law Firm for environmental law counsel services to the City in conjunction with acquisition regarding environmentally contaminated properties for Martin Luther King, Jr. Parkway Project (DICO). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-294 41. Approving payment of \$1,675.62 to Spiegel and McDiarmid Law Firm for consultation relating to the Riverpoint West Redevelopment, Brownfields Showcase and related projects. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

03-295 42. Regarding redevelopment project in the Eastern Gateway proposed by SOHO Development, LLC. ([Council Communication No. 03-065](#)). **Moved by Hensley to receive and file communication and to authorize the City Manager to negotiate the preliminary terms of agreement with SOHO Development, LLC. Motion Carried 6-1.**

03-296 43. Submitting out-of-state travel for Kurt Bender, Rahn Bjornson, and Leonard Murray. ([Council Communication No. 03-064](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

03-297 44. Use of Southview Manor, 2417 SW 9th Street as a poll site for special election to be

held Tuesday, February 11, 2003. **Moved by Hensley to adopt. The City Clerk will notify the Municipal Housing Department to arrange access to the building. Motion Carried 6-1.**

03-298 45. Weed and Seed Categorical Assistance Progress Report for the period of July 1, 2002 to December 31, 2002 for submission to the U.S. Department of Justice. ([Council Communication No. 03-068](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-299 46. Weed and Seed project agreement with the Human Services Planning Alliance (HSPA) for the Neighborhood Small Grants Program. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-300 47. One-year renewal of existing contract with McGladrey & Pullen, LLP, as the City's independent financial auditor for auditing services for fiscal year ending June 30, 2003, not to exceed \$73,972. ([Council Communication No. 03-067](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-301 48. Conversion of the current adopted FY2003 Budget to the new format mandated by the State of Iowa, in compliance with GASB34, (reporting format changes only). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-302 49. Appraisal Services Agreement with Carlson, McClure and Associates, Inc. for the Agrimergent Technology Park Project, \$28,900. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-303 50. Annual Printrak Maintenance Agreement for repair and service of the Police Department's AFIS Workstation and the Livescan Fingerprint Processing System beginning May 1, 2003 and expiring April 30, 2004, \$31,072. ([Council Communication No. 03-061](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-304 51. One year extension of current contract prices for emulsified asphalt materials submitted by Bituminous Materials & Supply (Michael J. Kelly, President). ([Council Communication No. 03-066](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

52. Bids for the following:

03-305 (A) Office Depot Business Services Division (Jerry Hoffman, District Manager, WDM) for annual contract with two renewal options for office supplies for City Departments. (Eight bids mailed, six received). **(Deferred from January 27th). Moved by Hensley to continue to the February 13th Council Meeting. Motion Carried 6-1.**

03-306 (B) ASAP Software Express, (Buffalo Grove, IL) per State of Iowa Contract number CT2545 for Microsoft software products to be used by the Information Technology Department, \$32,103.89. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-307 53. Civil Service Entrance Lists for Housing Services Maintenance Mechanic B, Building and Grounds Superintendent, Fleet Services Analyst, and Sewer Operations Analyst. **Moved by Hensley to receive and file. Motion Carried 6-1.**

03-308 54. Authorizing Finance Director to draw checks on the registers of February 14 and February 21, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 10 and February 17, 2003; and to draw checks for biweekly payroll due on February 21, 2003. **Moved by McPherson to adopt. City Engineer to report on the issues raised regarding the Upper Union Park Sewer Separation Phase 1 Project. Motion Carried 6-1.**

03-309 55. Legislative Update for the 80th Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 6-1.**

Council considered Items 70 thru 77 next

ORDINANCES - FINAL CONSIDERATION

03-310 56. Amending Chapter 26 of the Municipal Code regarding real estate installment contract sales inspections. **Moved by Hensley that this ordinance do now pass, [#14,205](#). Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

03-311 57. Amending Chapter 82 of the Municipal Code to change seat criteria on the Neighborhood Revitalization Board and provide for recommendation of eligible candidates for open positions on the Board. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

WITHDRAWN 03-312 58. Approving fees for pawnbroker and secondhand goods dealer licenses to be included in the Schedule of Fees. ([Council Communication No. 03-075](#)).

WITHDRAWN 03-313 (A) First consideration of ordinance amending chapter 30 of the Municipal Code regarding pawnbrokers and secondhand goods dealer licenses.

03-314 59. Approving a permit fee for removal of underground storage tanks to be included in the Schedule of Fees. ([Council Communication No. 03-074](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-315 (A) First consideration of ordinance amending Chapter 46 of the Municipal Code regarding fire protection systems and equipment, connection to fire department communication center for fire alarm monitoring and removal of underground storage tanks. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-316 60. Approving Building Code fees for filings, appeals, inspections, exams and licenses to be included in the Schedule of Fees. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-317 (A) First consideration of ordinance amending Chapter 26 of the Municipal Code regarding Building and Building Regulations. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-318 (B) Final consideration of ordinance above, (waiver requested by Community Development Department), 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, [#14,206](#). Motion Carried 6-1.**

03-319 61. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Council Member Brooks votes no on item (1) Corner Clearance-East side of 32nd Street, North of University.**

(1) Corner Clearance--East Side of 32nd Street, North of University Avenue.

(2) Two-Sided Parking Restriction--Both Sides of Washington Avenue between 9th Street and 10th Street.

(3) One-Sided Parking Restriction--East Side of 26th Street between Kingman Boulevard and University Avenue.

(4) Temporary Traffic Control Devices-Crocker Street at 6th Avenue and 7th Street.

03-320 62. Reaffirming the City of Des Moines' exercise of jurisdiction over the subdivision of land within the City boundaries and within the unincorporated areas within Polk and Warren Counties within a two mile radius of the City boundaries. **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-321 (A) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Cownie 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, [#14,207](#).

03-322 63. Amending Chapter 38 of the Municipal Code regarding payment of Police and Fire False alarms. ([Council Communication No. 03-073](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-323 (A) Final consideration of ordinance above, (waiver requested by the Police Department), requires 6 votes. **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 do now pass, [#14,208](#). Motion Carried 6-1.**

COUNCIL REQUESTS

03-324 64. From Mayor Daniels for Council letter of support of \$8,000 donation from the Convention and Visitors Bureau, to help fund publishing the book Grotesques in Des Moines, Iowa and Abroad. **Moved by Vlassis to receive, file and issue a letter of support. Motion Carried 5-1. Council Member Coleman declares a conflict of interest and abstains from voting.**

03-325 65. From Council Member Hensley to discuss use of excess property along I-235 in the City of Des Moines for special zoning purposes. **Moved by Hensley to refer to the Planning and Zoning Commission for review and recommendation. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

03-326 66. From Rodney Allbee, 4875 NW Lovington Drive, regarding limousine drop off and pick up at the airport. **Moved by Hensley to grant the request to speak; refer this matter to the Airport Board for review and recommendation. Motion Carried 6-1.**

03-327 67. From Bradley Hamilton, 422 E. Locust Street, regarding East Gateway Study and acquisition of the Asian Market on E. Grand Avenue. **Mr. Hamilton spoke during item #27.**

WITHDRAWN 03-328 68. From Charles Hintz, 4608 Crestmoor Drive, regarding Remote Control Locomotive operation by Union Pacific Railroad.

INFORMAL HEARINGS (Opened at 6:03 P.M.) (Item 69)

03-329 69. To receive citizen input and comments regarding the Capital Improvement Program (CIP) and Operating Budgets. **Moved by Hensley to receive, file and refer comments to the City Manager. Motion Carried 6-1.**

Council considered Item 59 thru 66 and 78 thru Board of Health next

HEARINGS (Opened at 5:48 P.M.) (Items 70 thru 77)

03-330 70. On request from Neighborhood Development Corporation to rezone property at 601 Forest Avenue from "C-1" (Neighborhood Retail Commercial District) to Ltd. "NPC" (Neighborhood Pedestrian Commercial District) subject to conditions. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-331 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-332 (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, [#14,209](#). Motion Carried 6-1.**

71. Items regarding request from Imagine Homes Inc. to rezone property at 6300 SW 12th Street from "R1-60" (One Family Low Density Residential District) to "R-2" (One and Two Family Residential District):

03-333 (A) Recommendation from City Plan Commission and approving amendment to the Des Moines 2020 Community Character Land Use Plan, (requires 6 votes for approval). **Moved by Hensley to continue to the 2-24-03 Council Meeting; refer to Plan and Zoning Commission meeting of 2-20-03 for review and recommendation. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-334 (B) Hearing to rezone. **Moved by Hensley to continue to the 2-24-03 Council Meeting; refer to Plan and Zoning Commission meeting of 2-20-03 for review and recommendation. Motion Carried 5-2. Absent: Daniels and Vlassis.**

WITHDRAWN 03-335 (C) First consideration of ordinance above.

WITHDRAWN 03-336 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

03-337 72. On Police Dispatch Center Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President), \$210,900. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-338 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-339 73. On request from Science Center of Iowa, to rezone property generally between SW 3rd and SW 5th, north of SW Martin Luther King Jr. Parkway, and south of Market Street, from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development), and approval of the PUD Conceptual Plan, subject to modifications. **Moved by Hensley to adopt and approve the rezoning and conceptual plan as amended, subject to final passage of the rezoning ordinance. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

03-340 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

WITHDRAWN 03-341 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

03-342 74. On vacation and conveyance of N/S alley adjoining 802 Gray Street to Bonnie Sullivan for \$25. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-343 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-344 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,210](#). Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-345 75. On appeal from Beate Torbor, 1000 School Street, #57, regarding recommended denial of a Taxicab License. **Moved by Hensley to deny license. Mr. Torber did not appear at the Hearing. Motion Carried 6-1.**

03-346 76. On appeal from Kenneth Marotti, 825 S. 11th Street, Adel, regarding recommended denial of a Limousine License. **Moved by Coleman to grant the license for a six-month**

probationary period. If a violation occurs in the six-month probation period the limousine license will be suspended. Motion Carried 6-1.

03-347 77. On conveyance of property in the vicinity of 2808 E. 35th Street (Lot 934), to Jodine Kingery, as part of the negotiated agreement for property interests required for the Gay Lea Wilson Recreational Trail. **Moved by McPherson to adopt. Motion Carried 6-1.**

* * END HEARINGS at 6:02 P.M. * *

Council considered Item 69 next

CITY MANAGER RECOMMENDATIONS

03-348 78. Consideration of City Manager's recommendation to appoint Assistant Police Chief, William McCarthy, as Police Chief. **Moved by Cownie to adopt the recommendation of the City Manager and appoint Assistant Police Chief, William McCarthy, as the Chief of Police for the City of Des Moines, Iowa. Motion Carried 6-1.**

APPROVING

03-349 79. Lease Agreement with Nextel Partners for rental space at Plymouth Place, 42nd and Ingersoll, for Police and Fire Radio Communication equipment. ([Council Communication No. 03-071](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

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A G E N D A

BOARD OF HEALTH

February 10, 2003

03-350 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and Brooks.**

COMMUNICATION

03-351 1. Regarding demolition cost reserve escrowed for 413 E. 21st Street. **Moved by Vlassis 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 the structure. Motion Carried 5-2. Absent: Daniels and Brooks.**

HEARINGS

03-352 2. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 3350 Evergreen Avenue (vacant) Titleholder: Anthony W. Bradley; Legal Interest Holder: Countrywide Home Loans, Inc., d/b/a America's Wholesale Lender, Attn: Prentice Hall Corporation Systems, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

AUTHORIZING

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

03-353 (A) 1215 Euclid Avenue (vacant) Titleholders: James D. and Anna M. Sommers. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

03-354 (B) 1339 Forest Avenue (vacant), Titleholders: Christine Frank and 5914 Tonka, LLC, Attn: John Davis, Registered Agent; Heirs of Marie L. Gripp: Virginia Frank, Eloise Dickinsen and Josephine McLeskey; and Legal Interest Holders: Martha A. and James Schaer, Albert W. Wald. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

03-355 (C) 406 Kirkwood Avenue (vacant), Titleholder: Ruth L. Flippo a/k/a Ruth L. Stiles; and Contract Buyers: Michael D. and Terrienne L. Scully. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

03-356 (D) 1327 14th Street (occupied) Titleholders: Inie Clement and Augustine Akpan; Contract Buyers: William and Stephanie Bright; and Legal Interest Holders: West Des Moines State Bank, Attn: Michelle Belden, Vice President and Z Fin 31, Attn: John Zajicek. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

03-357 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:33 P.M. Motion Carried 5-2. Absent: Daniels and Brooks.**