

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**April 7, 2003 4:30 P.M.**

**SPECIAL PRESENTATIONS - 4:15 P.M.:**

From Iowa Concrete and Paving Association to City Engineering Department - Airport Project

**PROCLAMATIONS - 4:15 P.M.:**

Fair Housing Month

**INVOCATION:** Father Peter Cade

Greek Orthodox Church of St. George

03-704 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, McPherson, and Vlassis. Absent: Hensley.**

03-705 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

03-706 3. APPROVING CONSENT AGENDA - items 3 through 59: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

03-707 4. The following Beer/Liquor Applications: **Moved by McPherson to adopt. Motion Carried 6-1.**

**NEW APPLICATIONS**

(1) Snaco, 3000 SW 9th Street, C Beer.

(2) Picollo, 3719 Beaver Avenue, C Liquor.

(3) Smokeys Bar-B-Que, 2301 SW 9th Street, C Liquor.

(4) Basil Prosperi, 407 E 5th Street, B Wine.

### **RENEWAL APPLICATIONS**

(5) Campbells Concessions, 3000 E Grand Avenue, B Beer.

(6) Army Post Amoco, 849 Army Post Rd., C Beer.

(7) Kruegers Amoco #2, 630 SW 9th Street, C Beer.

(8) Kum & Go #194, 4001 SW 9th Street, C Beer.

(9) New Oriental Food Store, 515 E Grand Avenue, C Beer.

(10) Java Joes Coffeeshouse, 214 4th Street, C Beer/Wine.

(11) Nut Pob Restaurant, 3322 Indianola Avenue, C Beer/Wine.

(12) All in the Family Lounge, 4413 Fleur Drive, C Liquor.

(13) Alpine Tap Room, 2720 Ingersoll Avenue, C Liquor.

(14) Famous Daves, 4351 Merle Hay Rd., C Liquor.

(15) Greenwood Lounge, 3707 Ingersoll Avenue, C Liquor.

(16) Johns Place, 2401 E Walnut Street, C Liquor.

(17) Mandarin Restaurant, 3520 Beaver Avenue, C Liquor.

~~(18) Scornovaccas Pizza, 1930 SE 14th Street, C Liquor.~~

(19) Vic & Andys Pub, 5114 SW 9th Street, C Liquor.

(20) Younkens Tea Room, 701 Walnut Street, C Liquor.

(21) Johnnys Italian Steakhouse, 6800 Fleur Drive, B Liquor.

(22) Younkens Tea Room, 701 Walnut Street, B Wine.

(23) Hy Vee Food Store #3, 3221 SE 14th Street, E Liquor.

(24) Hy Vee Food Store #5, 1107 E Army Post Rd., E Liquor.

### **OUTDOOR SERVICE APPLICATIONS**

(25) University Library Cafe, 3506 University Avenue, C Beer/Wine. Temporary Outdoor service area in conjunction with Drake Relays, effective April 22 to April 26, 2003. Pending approval from the Building and Fire Department.

(26) Peggys Tavern, 3020 Forest Avenue, C Liquor. Temporary outdoor service area in conjunction with Drake Relays, effective April 23 to April 27, 2003.

## **SPECIAL EVENTS APPLICATIONS**

(27) Drake University, 2830 Forest Avenue, B Beer. Five Day B Beer License for Drake Relays Celebration from April 22 to April 26, 2003. Pending approval from the Building Department.

(28) Drake University, 1319 30th Street, C Liquor. Five Day C Liquor License for Drake Relays Celebration from April 22 to April 26, 2003. Pending approval from the Building Department.

03-708 5. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-709 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: McPherson.**

## **PUBLIC IMPROVEMENTS**

**WITHDRAWN** 03-710 7. Approving professional services agreement with Kirkham Michael Consulting Engineers (Ronald D. Less, President) in conjunction with Clark Street Sanitary Pump Station, not to exceed \$179,610.19, not including fixed fee of \$13,651.02. ([Council Communication No. 03-168](#)).

03-711 8. Approving and authorizing execution of Supplemental Agreement No. 1 for Consultant Services Agreement with Terracon, Inc. for former Diller Battery Site not to exceed \$22,025. ([Council Communication No. 03-169](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-712 9. Authorization to proceed on the 2003 PCC Pavement Resurfacing Program. ([Council Communication No. 03-167](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

10. Approving Private Construction Contracts between the following:

03-713 (A) Rhiner's Plumbing Company, Inc. (William Rhiner, President, Clive), Contractor and Vacco Properties, Inc. (Victor Vacco, President, WDSM), Owner for construction of Sanitary Sewer Improvements, north of Evergreen Drive and west of SE 34th Street to service the proposed Lakewood Cove Subdivision Phase 2. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-714 (B) Rhiner's Plumbing Company, Inc. (William Rhiner, President, Clive), Contractor and Vacco Properties, Inc. (Victor Vacco, President, WDSM), Owner for construction of Storm Sewer Improvements, north of Evergreen Drive and west of SE 34th Street to service the proposed Lakewood Cove Subdivision Phase 2. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-715 (C) McAninch Corporation (Douglas McAninch, President, WDSM), Contractor and Parkside East L.P. (James Conlin, Mgr., Parkside Equities, LLC, DSM), Owner for construction of Sanitary Sewer Improvements to service proposed Parkside East Apartments located at 3550 East Douglas. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-716 11. Approving Professional Services Agreement with Snyder & Associates, Inc. (Stephen R. Rowe, President, Ankeny) for Design Services, Right-of-Way Acquisition, and Construction Phase Services in conjunction with the Southeast Ridge Trunk Sanitary Sewer - \$371,000. ([Council Communication No. 03-170](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

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

03-717 (A) Traffic Signals on E. 16th Street at E. Grand Avenue and on Park Avenue at SW 24th Street and in 2800 Block, \$1,260.05 at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-718 (B) 1998 Sanitary Trunk Sewer Relining, \$15,928.98 is due now and \$33,914.26 at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 6-1.**

13. Resolution ordering construction of the following:

03-719 (A) Laurel Hill Cemetery Maintenance Building, Receiving of Bids, (4-29-03), Setting Date of Hearing, (5-5-03). (Construction Estimate - \$585,000, Total Base Bid and \$712,000, Base Bid plus Add-Alternates). ([Council Communication No. 03-161](#)). **Moved by Coleman to adopt. City Manager to report on list of maintenance facilities in the CIP, list of existing building deficiencies and possibility of leasing facilities. Motion Carried 6-1.**

03-720 (B) Gay Lea Wilson Trail Phase III-A (Four Mile Creek Greenway Trail), Receiving of Bids, (4-29-03), Setting Date of Hearing, (5-5-03). (Construction Estimate - \$538,000). ([Council Communication No. 03-162](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-721 (C) SW 9th Street Bridge over Raccoon River and UPRR Rehabilitation - IDOT to receive bids, Setting Date of Hearing, (5-5-03). (Construction Estimate - \$1,703,578). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-722 14. Communication from Munro Construction Company requesting permission to sublet certain items on the Drake Municipal Observatory ADA Entry public improvement project.

**Moved by McPherson to adopt. Motion Carried 6-1.**

## **SPECIAL ASSESSMENTS**

03-723 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of March 2003. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-724 16. Authorizing the City Manager to proceed with Sidewalk Program/Request to Repair Sidewalk Petition, waiver signed by one property owner; Request to Repair Driveway Petition, waivers signed by two property owners, and Curb Replacement Program/Request to Repair Driveway Petition, waiver signed by one property owner. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-725 17. Authorizing deletion of assessment for which payment has been received for 1332 E. 22nd Street, Certificate No. 00-09808-00, \$350.20. **Moved by McPherson to adopt. Motion Carried 6-1.**

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

03-726 (A) Schedule No. 2003-03. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-727 (B) Schedule No. 2003-52. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-728 (C) Schedule No. 2003-76. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **LAND/PROPERTY TRANSACTIONS**

03-729 19. Approve and accept real estate documents for 823 Grandview Avenue, 821 Grandview Avenue, 811 Grandview Avenue, 806 Morton Avenue and 814 Morton Avenue for the Upper Union Park Sewer Separation, Phase II Project, \$745 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-730 20. Approve and accept real estate documents for property located at 2611 - 27th Place and 2716 Sheridan Avenue for the Closes Creek Storm Water Improvement Project, \$350 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-731 21. Approving reduction in PUD restoration surety for Meredith Village Townhomes located in the vicinity of 5500 block of Meredith Drive from \$11,236 to \$3,000 due to partial completion of site improvements. ([Council Communication No. 03-164](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

03-732 22. Approving appointment of Carol Bower as Neighborhood Development Corporation's representative on the Neighborhood Revitalization Board, Seat 14. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-733 23. Recommendation of Council Member Tom Vlassis, to appoint Delores J. Minahan to Seat 2 on the Neighborhood Revitalization Board for a three-year term commencing June 30, 2001 to expire June 30, 2004. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-734 24. Recommendation of Christine Hensley to appoint T. Anthony Welch to Seat 6 on the Access Advisory Board to fill unexpired term of James Windsor, four-year term commencing June 15, 2001 to expire June 15, 2005. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-735 25. Recommendation of Council Member Tom Vlassis to reappoint Martha Nelson to Seat 8 on the Sister Cities Commission, five-year term commencing April 28, 2003 to expire April 28, 2008. **Moved by McPherson to adopt. Motion Carried 6-1.**

## **STREET CLOSURES**

03-736 26. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by McPherson to adopt. Motion Carried 6-1.**

(1) Zach Bowden, representing FIJI and TKE, requesting permission to close 34th Street from University to Forest from 9 PM to 2 AM on April 25, 26 and 27, 2003 for house festivities for Drake Relays.

(2) Jerry Price, representing Drake University, requesting permission to close 34th Street from University to Forest on Thursday, April 17, 2003 from 4 PM to 8 PM for Alcohol Awareness Week block party.

(3) Ruth Santiago, representing Thompson Neighbors, requesting permission to close Thompson Avenue from E 14th Street to Glenbrook Drive on Saturday, April 12, 2003 (Raindate of Sunday, April 13, 2003) from 1 PM to 5 PM for Easter Egg Hunt and block party.

(4) Sam Bernabe, representing Iowa Cubs Baseball Club, requesting permission to close SW 1st Street, from River Bridge to Riverside Drive on Friday, April 11, April 25, May 2, May 9, May 16, May 23, and June 6; Saturday, June 21; Friday, July 4; Saturday, July 5; Friday, July 18, August 1 and August 22, 2003 for a fireworks display after the game.

## **SETTING DATE OF HEARINGS**

03-737 27. On proposed rezoning of the property at 9201 US Highway 65/69, owned by AmerUs, from A-1 (Agricultural), to Ltd. "C-2" (General Retail and Highway Oriented

Commercial District), to correct error in publication, (4-21-03). **Moved by McPherson to adopt. Motion Carried 6-1.**

28. On the following General Obligation Bonds, (5-5-03): ([Council Communication No. 03-166](#))

03-738 (A) Not to exceed \$15,805,000 (misc. Essential Corporate Purposes). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

03-739 (B) Not to exceed \$11,870,000 (Essential Corporation Purposes - Urban Renewal Projects). **Moved by Cownie to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Hensley.**

03-740 (C) Not to exceed \$925,000 (General Corporate Purposes - Fire Protection and Library Improvements). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

03-741 (D) Not to exceed \$785,000 (General Corporate Purposes- Parks Improvements). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

03-742 (E) Not to exceed \$665,000 (General Corporate Purposes - Municipal Building Improvements). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

03-743 (F) Not to exceed \$960,000 (General Corporate Purposes - Municipal Building Improvements). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

03-744 29. Approving payment of \$13,110.09 from Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to airport parking garages. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-745 30. Approving payment of \$3,698.10 to Nyemaster Law firm for services relating to collective bargaining. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-746 31. Approving payment of \$279.90 to Ahlers Law Firm for services related to the acquisition of environmentally contaminated properties for the Martin Luther King Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

03-747 32. Approving payment of \$114 to the Nyemaster Law Firm for representation of Gerald Lovejoy in the case Maria Garces v. Gerald Roger Lovejoy, et al. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-748 33. Approving payments of \$2,882.16 to law firm of Myers & Jenkins and \$2,871.60 to law firm of Tishler & Wald, Ltd. for outside counsel retained for Trans World Airlines, Inc. bankruptcy and the UAL Corporation bankruptcy, (\$5,753.76). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **CITY MANAGER COMMUNICATIONS**

03-749 34. Submitting out-of-state travel for Angela Dierenfeld, Eric Anderson, Jan Ownes Bruene, and Terry Vorbrich. ([Council Communication No. 03-149](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-750 35. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-172](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

(1) Allow Parking on the South Side of MTA Lane near MTA Offices for additional visitor parking.

(2) Prohibition of Left Turns-Iowa Highway 5 at Interchanges of Fleur Drive and Iowa Highway 28.

## **APPROVING**

03-751 36. Agreement with Employee and Family Resources for Employee Assistance Program to provide assessment and referral counseling for City employees and family members, \$24,000. ([Council Communication No. 03-148](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-752 37. Authorization to negotiate contract with Alter Trading Corp., Appliance Recycling of Iowa (Rob Goldstein, President, 1801 E. Euclid, DSM) for receipt, demanufacturing and disposal of appliances. ([Council Communication No. 03-159](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-753 38. Western States Contracting Alliance (WSCA) contract purchase of industrial supplies and equipment from Grainger Industrial Supply for use by the Wastewater Reclamation Facility not to exceed \$50,000 throughout the 2002-2003 fiscal year. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-754 39. Authorizing and providing for issuance and securing payment of \$9,440,000 Stormwater Management Utility Revenue Bonds, Series 2003B, and providing a method of payment. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-755 40. Authorizing and providing for issuance of \$20,970,000 General Obligation Refunding Bonds, Series 2003A, and levying a tax to pay. **Moved by McPherson to adopt.**



**Motion Carried 6-1.**

03-756 (A) Authorizing redemption of outstanding General Obligation Bonds, Series 1993B and 1994B, directing notices of redemption be given, and appointing First American Bank as registrar and paying agent. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-757 41. Joint grant application through Polk County Sheriff's Office for Des Moines Police to become part of the Polk County Sheriff's Drug Task Force, paying for two officer's salary and benefits, \$140,000. ([Council Communication No. 03-151](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-758 42. Project Safe Neighborhood Grant Award Application from Office of Drug Control Policy to Des Moines Police Department to provide funds for overtime and computer equipment to address and promote safety and prevention of gun violence to community groups and school age children. ([Council Communication No. 03-152](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-759 43. Intergovernmental 28E Agreement for Mutual Assistance for Polk County Fire/Rescue Services to continue participation in assisting neighboring governmental agencies during a medical or fire emergency. ([Council Communication No. 03-155](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-760 44. First Amendment to Single Beverage Provider Agreement with Pepsi-Cola General Bottlers, Inc. d/b/a PepsiAmericas. ([Council Communication No. 03-160](#)). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

03-761 45. Renewal of Liquor Concession Agreement with Embassy Suites on the River to provide sale and dispensing of alcoholic beverages at the Simon Estes Riverfront Amphitheater through December 31, 2005. ([Council Communication No. 03-163](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

46. Items regarding Music Under the Stars Concerts:

03-762 (A) Termination of Intergovernmental 28E Agreement with State of Iowa for summer concerts on the State Capitol grounds. ([Council Communication No. 03-173](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

03-763 (B) Contribution of \$13,524.30 to Music Under the Stars, Inc. to provide 9 summer concerts. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-764 47. Application for United States Fire Administration Firefighter Grant to fund purchase of a ClearCommand amplifier and chemical and biological air purifying respirator adapter for each firefighter's self-contained breathing apparatus face piece. ([Council Communication No. 03-158](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-765 48. Receipt of Proposed Airport Regulation No. 03-40 regarding rates and charges at the Des Moines International Airport. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-766 49. Contract No. DOE-03-07J with Iowa Department of Human Rights/Division of Community Action Agencies for provision of weatherization assistance to low-income residents from April 1, 2003 to March 31, 2004, \$313,463. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-767 50. Contract No. HEAP-03-07J with Iowa Department of Human Rights/Division of Community Action Agencies for provision of weatherization assistance to low-income residents from April 1, 2003 to March 31, 2004, \$364,976. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-768 51. Schedule for development of 2004 Housing and Urban Development (HUD) Consolidated Plan for allocation of Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME) and Emergency Shelter Grant (ESG) funding. ([Council Communication No. 03-171](#)). **Moved by Cownie to adopt. Motion Carried 6-1.**

03-769 52. Agreement with MTA for \$5,500 economic development grant to provide bus service between the Airport South Business Park and downtown Des Moines and provide parking spaces on SW 42nd Street, south of Gannett Drive. **Moved by Coleman to adopt. City Manager to provide report on ridership when it becomes available. Motion Carried 5-2. Absent: Hensley and McPherson.**

53. Bids for the following:

03-770 (A) Stertil-Koni (Rawn Roman, Regional Manager, Stevensville, MD) for a vehicle lifting system to be used by the Equipment Maintenance Center, \$26,253. (Seven bids mailed, three received). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-771 (B) Designating primary and secondary suppliers for annual contract with two additional one year renewal option to furnish construction materials for street maintenance by the Public Works Department. (Six bids mailed, five bids received). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-772 (C) Trail King Industries (Bill Soll, District Sales Manager, Mitchell, SD) for an end dump trailer to be used by the Wastewater Reclamation Facility, \$27,492. (Eight bids mailed, one received). ([Council Communication No. 03-157](#)). **Moved by McPherson to adopt. Motion**

**Carried 6-1.**

03-773 (D) Municipal Pipe Tool (Steven Gearhart, President, Hudson, IA) for one vacuum trailer to be used by the Wastewater Reclamation Facility, \$70,000. (Eleven bids mailed, four bids received). ([Council Communication No. 03-156](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-774 (E) Designating primary and secondary suppliers for annual contract with two additional one year renewal options to furnish asphalt cement concrete mixtures to be used by the Public Works Department. (Three bids mailed, two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-775 (F) Sara Lee Bakery Group (Chip Stimple, District Manager, Ankeny); Sysco of Iowa (Steve Caliguri, Regional District Manager, Ankeny); Hawkeye Food Service Distribution (Jeff Braverman, President, Iowa City) for an annual contract with two additional one year renewal options to furnish food concession items for resale at the Blank Park Zoo and the Botanical Center Garden Cafe. (Six bids mailed, three received). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-776 54. Legislative Update for the 80th Iowa General Assembly. **Moved by McPherson to receive and file the report. Motion Carried 6-1.**

03-777 55. Civil Service Entrance Lists for Senior Public Safety Dispatcher, and Print Shop/Courier Operations Assistant. **Moved by McPherson to receive and file. Motion Carried 6-1.**

03-778 56. Authorizing Finance Director to draw checks on the registers of April 11 and 18, 2003; for the bills of the Des Moines Municipal Housing Agency for the weeks of April 7 and April 14, 2003; and for biweekly payroll due on April 18, 2003. **Moved by McPherson to adopt. Motion Carried 6-1.**

**ORDINANCES - FINAL CONSIDERATION**

03-779 57. On rezoning of property in the vicinity of 1553 E. Walnut Street from "R1-60" (One-Family Low Density Residential) to "R2-A" (General Residential). **Moved by McPherson that this ordinance do now pass, [#14,222](#). Motion Carried 6-1.**

03-780 58. On rezoning of property at 6222 SW 12th Street from "R1-60" (One Family Low Density Residential District) to Ltd. "R-2" (One and Two Family Residential), (requires 6 votes for passage). **Moved by Vlassis to defer to April 21, 2003. Motion Carried 6-1.**

**ORDINANCES - SECOND CONSIDERATION**

03-781 59. Amending Chapter 26 of the Municipal Code regarding Neighborhood Inspection Rental Code and Residential Public Nuisance Code. ([Council Communication No. 03-174](#)). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

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

**ORDINANCES - FIRST CONSIDERATION**

03-782 60. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Council Member Brooks voted "No" on items 8 through 12. Motion Carried 6-1.**

- (1) One-Sided Parking Restriction--Easter Lake Cove Plat 1.
- (2) One-Sided Parking Restriction--Hillsboro Plat I.
- (3) One-Sided Parking Restriction--Stanton Acres Plat II.
- (4) One-Sided Parking Restriction--Woods On The River Plat V.
- (5) One-Sided Parking Restriction--Meadowlands Plat I.
- (6) One-Sided Parking Restriction--Airport Business Park Plat I and II.
- (7) One-Sided Parking Restriction--Airport Commerce Park Plat I.
- (8) Corner Clearance--South Side of Clarkson Avenue, West of Martin Luther King Jr. Parkway.
- (9) Corner Clearance--West Side of 36th Street, South of Douglas Avenue.
- (10) Corner Clearance--North Side of Evans Street, East of SW 13th Street.
- (11) Corner Clearance--South Side of Indiana Avenue, West of 6th Avenue.
- (12) Corner Clearance--West Side of 40th Street, North of Franklin Avenue.
- (13) Allow Parking--South Side of Garfield Avenue, Adjacent to Martin Luther King Jr. Park.
- (14) Allow Two-Hour Parking--North Side of High Street, West of 15th Street.

03-783 61. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes for Ingersoll Avenue to implement left-turn lanes at 28th, 31st, 35th, and 42nd Streets and an

inbound bus lane between 42nd Street and Martin Luther King Jr. Parkway. **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Hensley and McPherson.**

## **COUNCIL REQUESTS**

**WITHDRAWN** 03-784 62. From Mayor Daniels regarding waiver of fees for water development and various permits for Metro Market.

03-785 63. From Council Member Hensley regarding designation of a portion of Fleur Drive as an Urban Renewal Area and Tax Increment District. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Hensley and McPherson.**

64. Approving recommendation of City Council Employee Evaluation Sub-Committee regarding:

03-786 (A) City Manager. **Moved by Vlassis to approve the recommendation as contained in the Committee's letter, effective January 1, 2003. The "cash out" of vacation time will be placed in Mr. Anderson's deferred compensation account. Motion Carried 5-1-1. Nays: Cownie. Absent: Hensley.**

03-787 (B) City Attorney. **Moved by Vlassis to approve the recommendation as contained in the Committee's letter, effective January 1, 2003. In addition, Mr. Bergman will be permitted to "cash out" six weeks of vacation time, to be placed in his deferred compensation account. Motion Carried 5-1-1. Nays: Cownie. Absent: Hensley.**

## **COMMUNICATIONS/REPORTS**

03-788 65. Request from Creative Visions, 1343 13th Street for \$20,000 to assist in renovation and remodeling of their building to create a community resource center (The Skills Development Center). **Moved by Vlassis to receive, file and refer to City Manager for review and recommendation. Motion Carried 6-1.**

03-789 66. From Ms. Jerry Turner, 3807 Glen Ellen Drive, to speak regarding Animal Licenses. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 4-2-1. Nays: Cownie and Brooks. Absent: Hensley.**

**\*\*Council considered Item 75 next\*\***

**HEARINGS (Opened at 5:47 P.M.) (Items 67 thru 74)**

03-790 67. On issuance of not to exceed \$7,000,000 Subordinate Airport Commercial Paper Revenue Notes, Series C. **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Hensley.**

03-791 (A) Resolution for additional action. **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Hensley.**

03-792 (B) Amending Roll Call 00-3504, to authorize and provide for issuance and securing payment of subordinate Airport Commercial Paper Revenue Notes, Series C. ([Council Communication No. 03-165](#)). **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Hensley.**

03-793 68. On voluntary annexation of property owned by Calvary Church and LeMar Koethe in unincorporated Warren County, north of Beardsley Street between 80th Avenue and 85th Avenue, and allowing phase-in of city taxes. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-794 69. On sale of City-owned property at 56th Street and I-235 to the Iowa Department of Transportation for the I-235 expansion, \$2,600. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Hensley.**

70. On items regarding proposed rezoning of property at 3723 Indianola Avenue, from "R1-60" (One Family Low Density Residential) to "R-3" (Multiple Family Residential) subject to conditions:

03-795 (A) Recommendation from City Plan Commission regarding approval of amendment to the Des Moines 2020 Community Character Land Use Plan, to revise the future land use designation from Low-Density Residential to Medium Density-Residential. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-796 (B) Hearing on rezoning. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-797 (C) First consideration of rezoning ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-798 (D) 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, #14,223. Motion Carried 6-1.**

03-799 71. Closing hearing on Highland Park Streetscape, IDOT has rescheduled the bids to May 20, 2003, and the public hearing to June 9, 2003. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-800 72. On Leetown Creekway-Easton Boulevard Detention Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as McAninch Corporation (Douglas McAninch, President, WDSM), \$5,240,119.77. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-801 (A) Approving contract and bond and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-802 (B) Approving Professional Services Agreement with Snyder & Associates, Inc. (Stephen Rowe, President, Ankeny) for Construction Stage Services - \$80,625. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-803 73. On Merle Hay Road and Douglas Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric, Inc. (Britt Baker, CEO, DSM), \$141,800. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-804 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-805 74. On 2002/2003 Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President, DSM), \$537,002.50. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-806 (A) Approving contract and bond and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1.**

\* \* END HEARINGS at 6:03 P.M. \* \*

## **APPROVING**

03-807 75. Authorization to negotiate Intergovernmental 28E Operational Agreement with Blank Park Zoo Foundation, Inc. for operation of the Blank Park Zoo. ([Council Communication No. 03-154](#)). **Moved by Vlassis to adopt; refer to City Manager to report at the May 5, 2003 Council meeting regarding various funding options. Motion Carried 5-1-1. Nays: Brooks. Absent: Hensley.**

\*\*Council considered Hearing Items 67 thru 74 next\*\*

## EXTRA ITEMS

**These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.**

03-808 1. Petition from staff and patients of Primary Health Care, Inc. requesting installation of a stoplight with a crosswalk at the corner of SE 14th and Lacona. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer to the City Manager, Traffic and Transportation and Department of Transportation for a recommendation. Motion Carried 6-1.**

03-809 2. Resolution to authorize Mayor to sign and send a letter of support to Senator Charles Grassley regarding the proposed Brownfields Investment Stimulus Act of 2003. SPONSOR: Hensley. **Moved by Vlassis to approve. Motion Carried 6-1.**

03-810 3. Setting Date of Hearing on proposed rezoning of "Hubbell Tract" to be sold to Iowa Primate Learning Sanctuary, (4-21-03). SPONSOR: Brooks. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## A G E N D A

### BOARD OF HEALTH

April 7, 2003

03-811 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

## HEARINGS

03-812 1. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 1181 9th Street (vacant) TITLEHOLDER: Mail Services, L.C. **Moved by Vlassis to adopt, as amended. Motion Carried 6-1.**

03-813 A. Communication from attorney for Mail Services, L.C. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

## AUTHORIZING

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



03-814 (A) 1716 Franklin Avenue (vacant) TITLEHOLDER: Sharon E. Kelley, Executor of Bert Y. Kelley Estate. **Moved by Vlassis to adopt. Motion Carried 6-1.**

**WITHDRAWN** 03-815 (B) 1332 Idaho Street (vacant) TITLEHOLDER: Heather K. Garcia a/k/a Heather Borg; and LEGAL INTEREST HOLDERS: GMAC Mortgage Corporation, Attn: C T Corporation System, Registered Agent.

03-816 (C) 1641 Lyon Street (garage) TITLEHOLDERS: Martha L. Hindaman; and LEGAL INTEREST HOLDER: Federal National Mortgage Association, Attn: Robin Gillespie, Legal Counsel. **Moved by Vlassis to adopt. Motion Carried 6-1.**

**WITHDRAWN** 03-817 (D) 1513 E Park Avenue (vacant) TITLEHOLDER: Ironwood Funding #4, Attn: Mitch Romonia; and LEGAL INTEREST HOLDERS: The Pacesetter Corporation, Attn: Prentice Hall Corporation System, Registered Agent, John Halsband, Joaquin Davila, Great American Record Search, LLC, Attn: Glenda Kuchel, Registered Agent, and John Davis d/b/a Great American Record Search, LLC.

03-818 (E) 1417 Stewart Street (vacant) TITLEHOLDER: Timothy J. Pierson; and LEGAL INTEREST HOLDER: Norwest Bank Iowa NA n/k/a Wells Fargo Home Mortgage, Inc., Attn: Corporation Service Company, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-819 (F) 5638 University Avenue (garage) TITLEHOLDER: Jeffrey C. Lilly. **Moved by Vlassis to adopt. Motion Carried 6-1.**

**WITHDRAWN** 03-820 (G) 2338 York Street (garage) TITLEHOLDERS: David L. and Kathie Smith; and LEGAL INTEREST HOLDERS: Bank of America, NA, Attn: C T Corporation System, Registered Agent.

03-821 (H) 2817 2nd Avenue (garage) TITLEHOLDERS: Steve and Christina Ekanger; and LEGAL INTEREST HOLDER: MAS/US Bank, Attn: Chris Newhouse. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-822 (I) 1800 7th Street (vacant) TITLEHOLDER: Xay Fong; and LEGAL INTEREST HOLDER: Tax 1112, Attn: Dennis Blume. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-823 (J) 3632 E 7th Street (garage) TITLEHOLDER: Steven K. McKean. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-824 (K) 2423 E 11th Street (vacant) TITLEHOLDERS: Dan L. Howe, and Robbie L. Howe; CONTRACT BUYER: Dawn M. Vandersluis; and LEGAL INTEREST HOLDER: Community State Bank, Attn: Julia Rasmussen, Loan Operations Officer. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-825 (L) 2204 E 21st Street (vacant) HEIRS OF RENE SENECAUT: Danny Senecaut; and LEGAL INTEREST HOLDER: Mooring Tax Asset Group XXI, LLC, Attn: James P. Meeks. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-826 (M) 1152 22nd Street (vacant) TITLEHOLDER: Primo Acquisitions I, LLC, Attn: John Davis, Registered Agent, CONTRACT BUYER: Jason Villines. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-827 (N) 722 24th Street (vacant) TITLEHOLDERS: Susan D. Benson a/k/a Susan D. Page and Joel D. Benson; and LEGAL INTEREST HOLDER: Neighborhood Finance Corporation, Attn: Quentin R. Boyken, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1.**

**WITHDRAWN** 03-828 (O) 811 E 24th Court (vacant) TITLEHOLDER: Samann L.C., Attn: Nicholas H. Roby, Registered Agent.

3. The Engineering Department to remove the following structures:

03-829 (A) 913 Pennsylvania, TITLEHOLDERS: Dennis Hart. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-830 (B) 2609 Prospect Road, TITLEHOLDERS: Michael Edwards and Lois Edwards. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-831 (C) 1300 Rittenhouse, TITLEHOLDER: Jean Jones. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-832 (D) 2811 E. 37th Street, TITLEHOLDER: The Wolford Corporation. **Moved by Vlassis to adopt. Motion Carried 6-1.**

#### COMMUNICATION

4. Regarding demolition cost reserve escrowed for the following:

03-833 (A) State Farm Insurance Companies, under claim number 15-E062-442 for the structure located on the property at 2347 E. Grand. **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 6-1.**

03-834 (B) Illinois-Iowa Claim Services, under policy number PHPK021646 for the structure located on the property at 3315 6th Avenue. **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 6-1.**

03-835 5. Regarding release of demolition cost reserve held by State Farm Insurance Companies, under claim number 15-E063-232 regarding the garage structure on the property known as 705

Wisconsin Avenue owned by Mart U. Downing and Stacy L. Downing. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-836 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:05 PM. Motion Carried 6-1.**

*Des Moines - City of Skywalks*