

DES MOINES CITY COUNCIL MEETING

May 19, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

- (a) Excellence in Historic Preservation Awards
- (b) From Polk County Farm Bureau

PROCLAMATIONS - 4:15 P.M.:

First United Methodist Church

INVOCATION: Pastor Sondra Eddings, First Christian Church

03-1118 1. ROLL CALL: **Present: Daniels, Coleman, Cownie, Hensley, Brooks and Vlassis. Absent: McPherson.**

03-1119 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**

***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.**

03-1120 3. APPROVING CONSENT AGENDA - items 3 through 60: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

03-1121 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

- (1) Waveland Cafe, 4708 University Avenue, B Beer.
- (2) Hoyt Sherman Place, 1501 Woodland Avenue, C Liquor.
- (3) University Library Cafe, 3506 University Avenue, C Liquor.

RENEWAL APPLICATIONS

- (4) Pizza Hut #4353, 1435 Army Post Rd., B Beer.
- (5) Steer and Stein, 3000 E Grand Avenue, B Beer.
- (6) Big KMart #4160, 2535 Hubbell Avenue, C Beer.
- (7) Git-N-Go Store #11, 3940 E 29th Street, C Beer.
- (8) Git-N-Go Store #31, 2601 SW 9th Street, C Beer.
- (9) Kwik Shop #539, 1372 E 14th Street, C Beer.
- (10) QuikTrip #516, 1000 E University Avenue, C Beer.
- (11) QuikTrip #535, 1501 E Grand Avenue, C Beer.
- (12) Tobacco Outlet Plus #519, 3144 SE 14th Street, C Beer.
- (13) West Grand 66 #20236, 6222 Grand Avenue, C Beer.
- (14) Estradas Restaurant, 3029 Merle Hay Rd., C Beer/Wine.
- (15) Jalapeno Pete's Cantina, 3000 E Grand Avenue, C Beer/Wine.
- (16) King Ying Low Restaurant, 223 4th Street, C Beer/Wine.
- (17) Carls Place, 1620 Woodland Avenue, C Liquor.
- (18) Civic Center of Greater Des Moines, 221 Walnut Street, C Liquor.
- ~~(19) Hickman Pub, 2335 Hickman Rd., C Liquor.~~
- (20) Mercy Hospital Medical Center, 1111 6th Avenue, C Liquor.

(21) Royal Flush Restaurant, 4440 Hubbell Avenue, C Liquor.

(22) Spaghetti Works, 308 Court Avenue, C Liquor.

(23) Best Western Starlite Village, 929 3rd Street, B Liquor.

(24) Big KMart #4160, 2535 Hubbell Avenue, B Wine.

(25) QuikTrip #516, 1000 E University Avenue, B Wine.

(26) QuikTrip #535, 1501 E Grand Avenue, B Wine.

TRANSFER TO NEW LOCATION

(27) Depot, 3000 E Grand Avenue, B Beer. Temporary transfer of license to the Midway Area for the Golden Circle Games on June 18, 2003.

(28) Depot, 3000 E Grand Avenue, B Beer. Temporary transfer of license to the Plaza Stage Area for the World Pork Expo from June 5, 2003 to June 7, 2003.

03-1122 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

6. Resolution ordering construction of the following:

03-1123 (A) Cownie Soccer Complex Improvements, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - \$300,000. ([Council Communication No. 03-227](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1124 (B) E. 16th Street and E. Walnut Street Footing Drain Sewer, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - \$38,680. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1125 (C) Westchester Park Playground Improvements, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - \$68,490. ([Council Communication No. 03-226](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1126 (D) 2003 Hot Mixed Asphalt (HMA) Pavement Milling & Resurfacing, Receiving of Bids, (6-3-03), and Setting Date of Hearing, (6-9-03). Construction Estimate - \$1,004,300. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1127 7. Approving and authorizing execution of Professional Services Agreement with Shuck-Britson, Inc., (Robert A. Britson, President) in conjunction with rehabilitation of the S.W. 9th Street Viaduct over M.L. King Jr. Parkway and the University Avenue Bridge over the Des Moines River, not to exceed \$262,114. ([Council Communication No. 03-233](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1128 8. Approving and authorizing execution of Iowa Department of Transportation Detour Agreements for the Polk Boulevard Bridge, 19th Street Bridge, M.L. King Jr. Parkway Bridge, E. 6th Pedestrian/E.6th Street/Penn Avenue/E. 12th Bridges, and E. Euclid Avenue Interchange. ([Council Communication No. 03-230](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1129 9. Approving submission of application to obtain release of previously approved grant funds for construction of outlet storm sewers in conjunction with the I-235 Project. ([Council Communication No. 03-239](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

10. Approving Private Construction Contracts for the following:

03-1130 (A) Eco-Tech Construction, L.L.C. (Jim Mackey, Contract Manager, Grimes), Contractor and Oaks Development Company (John Kline, President, WDSM), Owner, for construction of subgrade improvements in new development, Easter Lake South Plat 2, on East Payton and SE 31st Street. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1131 (B) Sternquist Construction, Inc. (Britt Sternquist, President, Indianola), Contractor and Clarke Company, Ltd. (John J. Clarke, Managing Partner, DSM), Owner, for construction of street improvements for paving in proposed Woods on the River Plat #6 Subdivision in the vicinity of Grand River Drive and Eagle Point Court. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1132 11. Accepting completed construction and approving final payment on the 4th and Grand Garage Relighting, \$20,470.70 is due at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1133 12. Accepting completed construction and approving final payment for 2001 Intermediate Paving Program, M. Peterson Construction Co., \$5,682.19 is now due and remaining balance of \$41,544.47 is due at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

(A) Resolutions accepting work and ordering preparation of Plat and Schedule of Assessments for the following:

03-1134 (1) E. 35th Street, from 337' south of E. Sheridan Avenue to E. Hull Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1135 (2) 36th Street from Douglas Avenue to the dead end 947' south. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1136 (3) 27th Place from Amick Avenue to Euclid Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1137 (4) River Vista Drive from SW 12th Street to the dead end 633' west. **Moved by Hensley to adopt. Motion Carried 6-1.**

(B) Resolutions adopting and levying Final Schedule of Assessments and providing for payment for the following:

03-1138 (1) E. 35th Street from 337' south of E. Sheridan Avenue to E. Hull Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1139 (2) 36th Street from Douglas Avenue to the dead end 947' south. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1140 (3) 27th Place from Amick Avenue to Euclid Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1141 (4) River Vista Drive from SW 12th Street to the dead end 633' west. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1142 13. Approving Change Order No. 5 with Eco-Tech Construction, L.L.C. for additional work in conjunction with the Indianola Avenue Connector, not to exceed \$24,209. ([Council Communication No. 03-231](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1143 14. Communications from various contractors requesting permission to sublet items on two public improvement projects, (Upper Union Park Sewer Separation Phase 1, and WRF Computer Room A/C Replacement). **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

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

03-1144 (A) Schedule No. 2003-05. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1145 (B) Schedule No. 2003-28. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1146 (C) Schedule No. 2003-54. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1147 (D) Schedule No. 2003-78. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1148 (E) Schedule No. 2003-88. **Moved by Hensley to adopt. Motion Carried 6-1.**

16. Deletion of NAC - Emergency Order Assessments on the following:

03-1149 (A) Schedule No. 2003-27 in the amount of \$150 against property at 2203 Capitol Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1150 (B) Schedule No. 2003-02 in the amount of \$451.52 against property at 1523 Arlington Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

03-1151 17. Approve and accept real estate documents for property (2315 Bennett Avenue, 2804 Holcomb Avenue, 2513 Mann Avenue, 2803 Hickman Road, 2800 Bennett Avenue, 2901 Hickman Road) for the Closes Creek Storm Water Improvement Project, \$15,070 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1152 18. Approve and accept real estate documents for property (Lot 33 Vandalia Acres, Polk County) for the Agrimergent Technology Park Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1153 19. Approve and accept real estate documents for property located at 5608 SW 9th Street for the SW 9th Widening at Porter Avenue Project, \$68,350 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1154 20. Approve and accept real estate documents for property located at 815 East 13th Street for the I-235 Maple Street Storm Sewer Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1155 21. Establishing fair market value and authorizing acquisition of property (1500, 1709, 1800, 1801, 1804, and 1805 SE 37th Street) for the Agrimergent Technology Park Project, \$346,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1156 22. Accept dedication of land in the vicinity of 2700 E. Douglas Avenue from Rick and Mary Kading. **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-1157 22-I Communication from David Carlson submitting his resignation from the Zoning Board of Adjustment, and appointment to the Water Works Board of Trustees, Seat 5, for a six year term commencing April 1, 2003. **Moved by Hensley to receive, file, and accept resignation with appreciation for service, and approve Board of Water Works Trustees appointment. Motion Carried 6-1.**

03-1158 23. Recommendation of Mayor Preston Daniels to reappoint Christine Hensley and J. Marc Ward to the Civic Center of Greater Des Moines Board of Trustees for a one year term commencing June 30, 2003 to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1159 23-I Recommendation of Council Member Christine Hensley to appoint Michael J. Kiernan to fill unexpired term of David Carlson on the Zoning Board of Adjustment for five year term commencing March 26, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1160 24. Recommendation of Council Member Mike McPherson, to appoint David L. Dahlquist to Seat 5 on the Urban Design Review Board to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1161 24-I Recommendation of Council Member Frank Cownie to reappoint Cynthia Nahas-Wandell to Seat #2 on the Human Rights Commission for a three year term commencing April 1, 2003 to expire April 1, 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

STREET CLOSURES

03-1162 25. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Hensley to adopt. Motion Carried 6-1.**

(1) Mike St. Clair, representing Des Moines Symphony Association, requesting permission to close Grand Avenue Bridge from 1st Street to E. 1st Street on Thursday, July 3, 2003 from 11:00 AM to 11:30 PM and Locust Street Bridge from 1st Street to E. 1st Street on Thursday, July 3, 9:45 PM to 10:30 PM (Raindate of Friday, July 4, 2003) for fireworks after the concert at the State Capitol Complex.

(2) Ann Marie Brick, representing Dam To Dam, requesting permission to close Locust from 3rd to 4th (with the exception of the north lane), from 6:00 PM on Friday, May 30, 2003 to 11:30 AM on Saturday, May 31, 2003; Locust Street (with the exception of the north lane from 3rd to 5th), from 2nd to 5th on Saturday, May 31, 2003 from 5:30 AM to 11:30 AM; and 3rd Street from Locust to Walnut on Saturday, May 31, 2003 from 7:00 AM to 11:30 AM for 2003 Dam To

Dam.

(3) Trudy Hancock, representing Bud Mulcahy's Jeep, requesting permission to close E. 2nd from Grand to Locust on Saturday, June 7, 2003 from 8:00 AM to 7:00 PM for Jeep Jamboree Outdoor Fest.

(4) Amy Lego, representing Downtown Community Alliance, requesting permission to close 4th Street from Walnut to Court on Saturday, June 7, 21, and 28, 2003 from 1:00 PM to 10:00 PM and close 4th Street from Walnut to Vine and Court from 3rd to 5th on Saturday, June 14, 2003 from 5:00 PM to Midnight for Summer In The City.

(5) Shannon Boswell, representing Historic East Village, Inc., requesting permission to close East 5th Street from Locust Street to Walnut Street on Friday, June 6, 2003 from 3:00 PM to 12:00 AM for a street festival.

(6) Lynelle Scheidel, representing 41st Street Block Party Committee, requesting permission to close 41st Street from University Avenue to Forest Avenue on Saturday, June 14, 2003 from 4:00 PM to 12:00 AM for a neighborhood block party.

(7) Millie Porter, representing Christ The King School, requesting permission to close SW 7th Street from Wall Avenue to the end of the drive north of the school building on Tuesday, May 27, 2003 from 11:00 AM to 3:30 PM for relay day activities.

CITY PLAN COMMISSION RECOMMENDATIONS

03-1163 26. Regarding request from John M. Severino, Sr., 347 E. Granger Avenue, for vacation and conveyance of the East/West alley between E. Granger and E. Dunham Avenue from SE 3rd Street to SE 4th Street, subject to retention of utility easements. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

03-1164 27. Regarding vacating dead end segment of E. Hughes Avenue, east of SE 8th Street, and conveying vacated right of way in its entirety to the Des Moines Independent Community School District, subject to the School agreeing to provide access to adjoining properties. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

WITHDRAWN 03-1165 28. On vacation and conveyance of the North/South alley between 8th and 9th Street from Crocker to Center Street to Principal Life Insurance Company, \$97,400, (6-9-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1166 29. On request from United Properties Investment Company, L.C. and Raccoon Valley Investment Company to rezone property at 8000 Fleur Drive from the "A-1" (Agricultural) to "C-2" (General Retail and Highway Oriented Commercial), subject to conditions, (6-9-03).

Moved by Hensley to adopt. Motion Carried 6-1.

03-1167 30. On Council-initiated request to rezone property at 1904 Forest Avenue from "C-2" (General Retail and Highway Oriented Commercial) to "NPC"(Neighborhood Pedestrian Commercial), subject to conditions. **Moved by Vlassis to place this item on the June 9, 2003 agenda to set the hearing date for June 23, 2003. Motion Carried 6-1.**

03-1168 31. On proposed vacation and conveyance of a portion of east/west alley extending from E. 4th between E. Grand Avenue and E. Locust Street adjoining Betts Hardware site to SOHO Development, L.L.C., not to exceed \$31,200. (6-9-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1169 (A) Preliminary Terms of Agreement with SOHO Development, L.L.C. (Tony DeAngelo, CEO, DSM) for construction of residential condominium units, retail, restaurant and office space. ([Council Communication No. 03-222](#)). **Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations with Soho Development, L.L.C. consistent with the terms set forth in the accompanying Council Communication. Motion Carried 6-1.**

03-1170 32. On construction of the Southeast Ridge Trunk Sanitary Sewer and to acquire agricultural land for the project, (6-23-03). ([Council Communication No. 03-232](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1171 33. On final connection fee ordinance for Northeast Four Mile Trunk Sanitary Sewer System Benefited District, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-1172 34. Approving payment of \$2,977.37 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services related to Supplemental Nos. 8 and 10 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1173 35. Approving payment of \$67.50 to Sullivan & Ward, P.C. for assistance 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.**

CITY MANAGER COMMUNICATIONS

03-1174 36. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-234](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

- (1) Two-Way Traffic Operation--Locust Street between 2nd Avenue and E. 7th Street.
- (2) Parking Restriction--North Side of E. Washington Avenue from East of E. 33rd Street.
- (3) Corner Clearance--West Side of E. 21st Street, south of Maple Street.
- (4) Corner Clearance--South Side of Ingersoll Avenue, East and West of 29th Street.
- (5) Corner Clearance--North Side of East Shawnee Avenue, West of Cornell Street.
- (6) Corner Clearance--East Side of 4th Street, South of Aurora Avenue.
- (7) Corner Clearance--West Side of 21st Street, South of Franklin Avenue.
- (8) Corner Clearance--East Side of E. 9th street, South of Buchanan Street.
- (9) Removal of Loading Zone on the East Side of 9th Street, North of Walnut Street.
- (10) Corner Clearance--North Side of Ingersoll Avenue, East and West of 19th Street.

03-1175 37. Submitting out-of-state travel for Susan Low and Eric Anderson. ([Council Communication No. 03-229](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1176 38. Regarding Eastern Gateway District Area "1" Design Guidelines. ([Council Communication No. 03-237](#)). **Moved by Hensley to approve the Eastern Gateway District Area "1" Design Guidelines. Motion Carried 6-1.**

03-1177 (A) Communication from Urban Design Review Board. **Moved by Hensley to receive and file. Motion Carried 6-1.**

APPROVING

03-1178 39. Submission of AmeriCorps Grant Application to Iowa Department of Volunteer Services for management and coordination of ten members. ([Council Communication No. 03-224](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1179 40. Reallocation of unspent program year 2002 Community Development Block Grant (CDBG) Funds. ([Council Communication No. 03-219](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1180 41. Community Economic Betterment Account (CEBA) Loan Agreement with the State of Iowa for American Tire Distributors, Inc., 3925 Delaware Avenue and final approval for financial assistance from the City, \$100,000. **Moved by Hensley to approve. Motion Carried 6-1.**

03-1181 42. Water Street Brownstone LLC's Application to Iowa Department of Economic Development for Enterprise Zone Benefits for a project in the Gateway Enterprise Zone at 1st and Vine. ([Council Communication No. 03-236](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

03-1182 43. Amendment to Development Agreement with Teachout Properties, L.L.C. for renovations to Teachout Building, 500 E. Locust. ([Council Communication No. 03-228](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

44. NUMBER NOT USED

03-1183 45. One year extension of the Master Lease-Purchase Agreement with Banc of America Leasing and Capital. ([Council Communication No. 03-240](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1184 46. Loan of \$200,000 to Diamond Animal Health, Inc. in the Agrimergent Technology Park for expansion and creation of ten jobs and repayment of the loan within three years at 3% interest to the City. ([Council Communication No. 03-218](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

03-1185 47. PY2004 Notices of Funding Availability (NOFA) for the Fifth Year Action Plan (2004) of the current Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 03-238](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1186 48. Environmental Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2003 Capital Fund Program. **Moved by Hensley to approve. Motion Carried 6-1.**

03-1187 49. Contract between Des Moines Police Department and Langley Productions for the COPS TV Show for an eight week period starting May 27, 2003. ([Council Communication No. 03-220](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1188 50. Unified Planning Work Program and budget submitted by Metropolitan Planning Organization (MPO) for fiscal year 2003-2004, beginning July 1, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1189 51. Waiving right of direct award of funds \$50,614, for the Federal Juvenile Accountability Incentive Block Grant Program and redirect funds to the Polk County Decategorization Project for implementation of Juvenile Justice Accountability Programs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1190 52. Civil Service Entrance Lists for Jail Security Officer, Transcriber Typist, Animal Control Officer, Human Relations Specialist, and Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 6-1.**

03-1191 53. Lease Agreement with E-Z-Go to be assigned to Lease Finance Group, Inc. (Dan Dryer, President, MN) to secure golf cars for Grandview and Waveland Golf Courses. ([Council Communication No. 03-225](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

03-1192 54. Bid from O'Halloran International (Jim O'Halloran, President, Des Moines) for two truck tractors to be used by the Wastewater Reclamation Facility, \$119,072. (Seven bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1193 55. Authorizing Finance Director to issue checks on the registers of May 23, May 30, and June 6, 2003; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 19 and June 2, 2003; and for biweekly payroll due on May 30, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

03-1194 56. 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 Hensley to defer to the June 9, 2003 Council meeting. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

03-1195 57. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#14,237](#) 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.

03-1196 58. 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. **Moved by Hensley that this ordinance do now pass, [#14,238](#). Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

59. NUMBER NOT USED.

03-1197 60. On vacation of a portion of the Kingman Boulevard street right-of-way. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

****Council considered Extra Item 2 next****

COMMUNICATIONS/REPORTS

03-1198 61. From Jennifer James, 1056 - 26th Street, to speak regarding the annual Drake Historic Home Tour. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1.**

03-1199 62. From South Side Revitalization Partnership regarding infrastructure on the southeast side of Des Moines. **Moved by Brooks to receive, file and refer to the City Manager for review and recommendation. Motion Carried 6-1.**

03-1200 63. From Jonathan L. Phillips, 3116 - 38th Street, to speak regarding various employment issues. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 6-1.**

03-1201 64. From Brad Beadle, 3826 - 4th Street, to speak regarding clarification of various Municipal Code sections pertaining to outdoor storage containers. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 6-1.**

03-1202 65. From citizens requesting to speak regarding the closing of the Archie Brooks Community Center. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Vlassis and McPherson.**

03-1203 66. Communication from Neighborhood Revitalization Board, regarding proposed staff reduction in Community Development. **Moved by Hensley to receive and file. Motion Carried**

6-1.

HEARINGS (Opened at 5:50 P.M.) (Items 67 thru 71)

03-1204 67. On appeal from Donald E. Collins, 2121 - 3rd Street, Perry, IA regarding recommended denial of taxicab license. **Moved by Hensley to grant license for a six month probationary period. Motion Carried 6-1.**

03-1205 68. On Council-initiated request to rezone property proposed for voluntary annexation between 80th Avenue and 85th Avenue, north of Beardsley Street, Warren County, from "A-1" (Agricultural) to "R1-70" (One-Family Low-Density Residential). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-1206 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1207 (B) Final consideration of ordinance above (waiver requested by applicant), 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, [#14,239](#). Motion Carried 6-1.**

03-1208 69. On assessment of \$300 penalties to eight (8) cigarette permittees for selling to minors, first offense. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1209 70. On 2002/2003 Sidewalk Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Construction, LLC, \$61,414. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1210 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1211 71. On WRF Skylights Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as C. Kay Construction, \$85,209.56. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1212 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 6-1.**

* * END HEARINGS at 5:59 P.M. * *

APPROVING

72. Resolution directing sale of the following General Obligation Bonds, (bonds will be sold at 10:00 AM on May 19th): ([Council Communication No. 03-223](#)).

03-1213 (A) \$19,140,000, Series 2003C. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

03-1214 (B) \$11,860,000, Series 2003D. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

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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.

03-1215 1. Approving Certifications of Consistency with the City's 2003 HUD 2000-2004 Consolidated Plan and Empowerment Zone/Enterprise Community (EZ/EC) Strategic Plan for Des Moines Area Community College (DMACC) and Home Opportunities Made Easy, Inc. (HOME, Inc). SPONSOR: Vlassis. ([Council Communication No. 03-242](#)). **Moved by Cownie to adopt. Motion Carried 6-1.**

03-1216 (a) Approving Certifications of Consistency with the City's 2003 HUD 2000-2004 Consolidated Plan and Empowerment Zone/Enterprise Community (EZ/EC) Strategic Plan for Community Housing Development Corporation (CHDC). SPONSOR: Vlassis. **Moved by Cownie to adopt. Motion Carried 6-1.**

03-1217 2. Approving actions related to Western Gateway Schematic Plan. SPONSOR: Hensley and Brooks. ([Council Communication No. 02-241](#)). **Moved by Hensley to approve the Western Gateway Schematic Plan on file in the Office of the City Clerk and approve the recommendations as outlined in Council Communication No. 03-241. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

MAY 19, 2003

03-1218 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.

HEARINGS

03-1219 1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 2808 Cottage Grove, TITLEHOLDERS: Jack Stuart and Mary Stuart , LEGAL INTEREST HOLDER: U.S. Bank Association. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1220 2. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 1646 Dean Avenue, TITLEHOLDER: Shelby Danielson, LEGAL INTEREST HOLDERS: Christine Frank and John Davis d/b/a Tax 225. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1221 3. On resolution to demolish and remove the dangerous structure or to determine appropriate equitable action to be taken at 1327 E. 13th Street, TITLEHOLDERS: Janet Kay Alvarez and Elias Alvarez, MORTGAGE HOLDER: New Century Mortgage Corporation and LEGAL INTEREST HOLDER: Mooring Tax Asset Group II, LLC. **Moved by Coleman to adopt. Community Development will re-inspect this property, and if necessary, make a recommendation to Council to remove this property from the demolition list. Motion Carried 6-1.**

WITHDRAWN 03-1222 4. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 2014 E. 14th Street, TITLEHOLDERS: Douglas L. Smith and Deborah F. Smith, LEGAL INTEREST HOLDER: Midland Credit Union.

AUTHORIZING

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

03-1223 (A) 1101 Filmore Street (vacant) TITLEHOLDER: Mike Sears; and LEGAL INTEREST HOLDER: ML/US Bank, Attn: Chris Newhouse. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1224 (B) 1443 Martin Luther King Jr. Parkway (vacant) TITLEHOLDER: Kenneth P. Brown

and Sheila K. Brown and CONTRACT BUYERS: Edward Moss and Susan Moss. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1225 (C) 1829 Mondamin (vacant) TITLEHOLDER: Carol Johnson d/b/a Carol Johnson J.C. Tap, Inc. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1226 (D) 1513 E. Park Avenue (vacant) HEIRS OF ROXIE LONG: Thomas Long, Missy Long, and Cindy Long; and LEGAL INTEREST HOLDERS: The Pacesetter Corporation, Attn: Prentice Hall Corporation System, Registered Agent, John Halsband, Ironwood Funding #4, Attn: Mitch Romonia, Joaquin Davila, Great American Record Search, LLC, Attn: Glenda Kuchel, Registered Agent, John Davis d/b/a Great American Record Search, LLC, and Tax 254, Attn: Christine Frank. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1227 (E) 3125 Scott Avenue (vacant) TITLEHOLDER: Virginia Rinard. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1228 (F) 1237 10th Street (vacant) LEGAL INTEREST HOLDER: Barry Williams, Administrator of Ruby Lee Shelton Estate. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1229 (G) 1368 E. 13th Street (vacant) TITLEHOLDER: Richard Lumley Estate and LEGAL INTEREST HOLDER: Fez, Inc. **Moved by Coleman to adopt. Motion Carried 6-1.**

WITHDRAWN 03-1230 (H) 1461 E. 21st Street (garage) TITLEHOLDER: Matilda R. Trigg.

6. The Engineering Department to cause the removal the following structure and completion of demolition:

03-1231 (A) 221 E. 15th Street (vacant) TITLEHOLDER: Wonevia Penney. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1232 7. Release of lien placed on 1810 Mondamin for the demolition of the structure. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1233 **MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:11 P.M. Motion Carried 6-1.**

Des Moines - City of Skywalks