INVOCATION: Father Peter Cade, St. George Greek Orthodox Church

02-2582 1. ROLL CALL: Present: Brooks, Coleman, Cownie, Hensley, and Vlassis. Absent: Daniels and McPherson.

02-2583 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 5-2.

02-2584 3. APPROVING CONSENT AGENDA - items 3 through 37: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 5-2.

LICENSES AND PERMITS:

Approving

02-2585 4. The following Beer/Liquor Applications. Moved by Vlassis to Adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

NEW APPLICATIONS

(1) RJ's Lounge, 1930 SE 14th Street, C Liquor.

RENEWAL APPLICATIONS

(2) Mr. Egg Roll, 3330 Indianola Avenue, B Beer.

(3) Dahls Foods, 3710 Hubbell Avenue, C Beer.

(4) Fairgrounds 66, 303 SE 30th Street, C Beer.

(5) Git-N-Go Store #6, 5736 Franklin Avenue, C Beer.

(6) QuikTrip #541, 2428 Hubbell Avenue, C Beer.

(7) Crossroads, 625 E Court Avenue, C Liquor.

(8) Garden, 112 SE 4th Street, C Liquor.

(9) Stroll Inn, 3325 Hubbell Avenue, C Liquor.

(10) Dahls Foods, 3710 Hubbell Avenue, B Wine.
02-2586 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2587 6. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

**PUBLIC IMPROVEMENTS**

02-2588 7. Approving partial payments on twelve (12) public improvement projects and administrative changes to the payment procedures. (Call City Clerk's Office for listing). **(Council Communication No. 02-572)**. **Moved by Vlassis to receive and file. Motion Carried 5-2.**

02-2589 8. Resolution Ordering Construction of 2002 Sewer Relining Program, Receiving of Bids, (11-19-02), and Setting Date of Hearing, (12-02-02). (Construction Estimate- $1,578,985) and approving administrative procedures for filing of construction contract documents. **(Council Communication No. 02-573)**. **Moved by Vlassis to adopt. Motion Carried 5-2.**

02-2590 9. Approving Change Order No. 1 with The Underground Co. Ltd., Duane Burkhardt, President, for additional work in conjunction with the 15th/16th Streets Connector contract, $22,550. **(Council Communication No. 02-574)**. **Moved by Vlassis to adopt. Motion Carried 5-2.**

02-2591 10. Approving permission to sublet request from Des Moines Asphalt & Paving Co. for certain items on the Fleur Drive Resurfacing Project. **Moved by Vlassis to adopt. Motion Carried 5-2.**

02-2592 11. Authorize the Engineering Department to execute a Sidewalk Program/Request to Repair Driveway Petition and Waiver Form signed by one property owner and a Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver Form signed by one property owner. **Moved by Vlassis to adopt. Motion Carried 5-2.**

**SPECIAL ASSESSMENTS**

02-2593 12. Levying Deficiency Assessments for Schedule No. 2002-37 to Polk County. **Moved by Vlassis to adopt. Motion Carried 5-2.**

**LAND/PROPERTY TRANSACTIONS**

02-2594 13. Approve a Negotiated Administrative Settlement and to approve and accept a form
of Purchase Agreement and form of Warranty Deed from Crawford Brothers Company for property located at 4911 Fleur Drive for the NE Runway Protection Zone for Runway 5/23, $1,086,619 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Daniels and McPherson.**

02-2595 14. Establish fair market value and authorize acquisition of properties,(Broadway Partners, Inc, 409 East Grand Avenue, J.C. Service Company, SW corner of Grand Avenue and 4th Street) for Eastern Gateway Project, $907,500. (Council Communication No. 02-576). **Moved by Brooks to amend and approve the Fair Market Value for J.C. Service Company, SW corner of Grand and 4th and defer action on Broadway Partners until a later date. Motion Carried 5-2.**

02-2596 15. Approve and accept real estate documents for 3417 SE 8th Street for the SE 8th Storm Sewer Replacement Project, $1,740 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

02-2597 16. Approve and accept real estate documents for 6430 SW 14th Street for the Morris School Bus Drop Off Lane. **Moved by Vlassis to adopt. Motion Carried 5-2.**

02-2598 17. Approval of final subdivision plat entitled HILLSBORO, PLAT 2 located on East Luster Lane in vicinity of East 23rd Street. (Council Communication No. 02-569). **Moved by Vlassis to adopt. Motion Carried 5-2.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

02-2599 18. Recommendation of Mayor Preston Daniels to appoint Council Member Archie Brooks to Seat 4 on the Wastewater Reclamation Authority Management Board for a two year term commencing January 1, 2001 to expire December 31, 2003. **Moved by Vlassis to adopt. Motion Carried 5-2.**

**STREET CLOSURES**

02-2600 19. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Vlassis to adopt. Motion Carried 5-2.**

(1) Pam Kulik, representing Downtown Community Alliance, requesting permission to close 4th Street from Walnut to Court Avenue on Friday, November 29, 2002 from 1:00 PM to 9:00 PM for Miracle on 4th.

(2) Kelly Foss, representing Downtown Community Alliance, requesting permission to close Walnut from 4th to 8th Street on Saturday, December 7, 2002 from 7:00 AM to 8:00 PM for Fire in the Sky.

**SETTING DATE OF HEARINGS**
20. On First Amendment to Concession Agreement for Food and Beverage Operations at Des Moines International Airport with the following:

02-2601 (A) GladCo Enterprises to provide for an additional one-year extension option, (11-18-02). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2602 (B) The Paradies Shops to provide for three (3) one-year extension options, (11-18-02). (Council Communication No. 02-568). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2603 21. On vacation and ordering the removal of utilities from the portion of 11th Street and any remaining alley rights-of-way and reserved easements within the three block area between 10th and 13th Streets, and between Locust Street and Grand Avenue for the Public Library and Higher Education Learning Center, (11-18-02). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2604 22. On conveyance of portion of Lyon Street between E. 13th Street and E. 14th Street to State of Iowa for use in reconstruction of Interstate 235 and termination of existing leases of portions of property to East Des Moines Clinic and Des Moines General Hospital, (11-18-02). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2605 23. On request from Conlin Equities, LLC, (Owner), represented by Jim Conlin, (Officer), to amend River Oaks Centre PUD Concept Plan for property at 2701 SW 63rd Street, (11-18-02). Moved by Vlassis to adopt. Motion Carried 5-2.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-2606 24. Approving payment of $17,144.40 to Danny Olander for workers' compensation benefits for permanent injury sustained during course and scope of his employment. Moved by Vlassis to adopt. Motion Carried 5-2.

02-2607 25. Approving payment of $5,270.55 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. Moved by Vlassis to adopt. Motion Carried 5-2.

02-2608 26. Approving payment of $484.50 to Frank Harty of Nyemaster, Goode, McLaughlin, Voights, West, Hansell & O'Brien, P.C. for services relating to collective bargaining. Moved by Vlassis to adopt. Motion Carried 5-2.

02-2609 27. Approving payment of $296.67 to William Jenkins of law firm of Myers & Jenkins and $175 to Jack Phillips of law firm of Phillips Goldman & Spence, P.A. as representation of the City of Des Moines in Trans World Airlines, Inc. bankruptcy, ($471.67) Moved by Vlassis to adopt. Motion Carried 5-2.
CITY MANAGER COMMUNICATIONS

02-2610 28. Submitting various traffic regulations as follows. (Council Communication No. 02-575). Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 4-1-2. Nays: Brooks. Absent: Daniels and McPherson.

(1) Corner Clearance--South Side of Mahaska Avenue, East of East 29th Street.
(2) Removal of Handicapped Parking Space--South Side of College Avenue, West of 8th Street.
(3) Allied Insurance Building (New Construction)--Parking Restriction Designations.

02-2611 29. Submitting out-of-state travel request for Larry Hare. (Council Communication No. 02-571). Moved by Coleman to adopt. City Manager to notify Council if we intend to exceed travel budget amount at any given time. Motion Carried 5-2.

APPROVING

02-2612 30. From Downtown Community Alliance requesting to hang large banners from the Skywalk on Walnut, between 7th and 8th Streets, and to hang speakers on trees along Walnut, Fourth and Court Avenue as part of the December 7 "Fire in the Sky" celebration. Moved by Vlassis to receive, file and grant the requests as submitted. Motion Carried 5-2.

02-2613 31. Letter of Agreement and Hold Harmless Agreement for the City's Holiday Food Project with the Catholic Pastoral Center at 6th and Grand. (Council Communication No. 02-563). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2614 32. Renewal of E-911 telephone system equipment Maintenance Agreement with QWest Communications, $18,519.61. (Council Communication No. 02-558). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2615 33. Agreement with the Downtown Community Alliance, Inc. to administer the Storefront Art Project authorizing Finance Department to deposit the sum of $50,000 with Downtown Community Alliance. Moved by Vlassis to adopt. Motion Carried 5-2.

02-2616 (A) Appointing Tracy Levine as a member of the advisory panel for the Storefront Art Project. Moved by Vlassis to adopt. Motion Carried 5-2.

34. Bids for the following:

02-2617 (A) M & M Golf Cars, (Chris Miller, President) for utility vehicles to be used by the Wastewater Reclamation Facility, $38,686. (Eight bids mailed, three bids received). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2618 (B) Dewey Ford, (Mark Vukovich, President, Ankeny) for 19 patrol cars, $393,338; Karl Chevrolet, (Carl Moyer, President, Ankeny) for 3 emergency utility vehicles, $63,333 and 1
radio shop vehicle, $20,567; Mid-States Ford, (Marv Perry, President, Waukee) for 5 mid-size four door sedans, $73,682.50; Quality Ford, (Franklin Greene, President, WDM) for 1 animal control vehicle, $22,241.25; Charles Gabus Ford, (Charles Gabus, President) for 1 cargo van, $15,721 and 1 small pick-up truck, $15,679.69 to be used by the Police Department at a total cost of $604,562.44. (Eleven bids mailed, nine bids received). Moved by Coleman to defer consideration to November 18, 2002. Motion Carried 5-2.

02-2619 34. (C) Mid-land Equipment Company, (Gary Haag, President, Ankeny) for four motor graders to be used by the Street Maintenance Division, $334,500. (Seven bids mailed, four received). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2620 (D) Rexco Equipment, (Steve Smith, President) for a backhoe to be used by the Park and Recreation Department, $43,200. (Thirteen bids mailed, five received). (Council Communication No. 02-567). Moved by Vlassis to adopt. Motion Carried 5-2.

02-2621 35. Authorizing Finance Director to draw checks on check registers of November 8 and November 15, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of November 4 and November 11, 2002; and to draw checks for biweekly payroll due employees of the City on November 15, 2002. Moved by Vlassis to adopt. Motion Carried 5-2.

ORDINANCES - FINAL CONSIDERATION

ORDINANCES - SECOND CONSIDERATION
02-2623 37. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed. Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-2.

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

ORDINANCES - FIRST CONSIDERATION
02-2624 38. 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
02-2624A (A) Request from Council Member Tom Vlassis to install stoplights at the intersection of 38th and Douglas. **Moved by Vlassis to refer to the City Manager for review and recommendation. Motion Carried 5-2. Absent: Daniels and McPherson.**

**COMMUNICATIONS/REPORTS**

02-2625 39. From Steven W. Ancell, 809 Virginia, requesting to speak and submitting communications and petitions from residents in vicinity of SW Ninth and Virginia regarding construction of a McDonald's Restaurant at that location. **Moved by Brooks to receive, file and grant the request to speak; and refer to the City Manager to work with McDonald's for their assistance in getting a stoplight installed. Motion Carried 5-2. Absent: Daniels and McPherson.**

**WITHDRAWN** 02-2626 40. From Virgil Moore, 1815 Park Avenue, regarding purchase of City owned property North and West of Hartford Avenue and S.E. 19th Street. **(Deferred to November 18 at the request of Mr. Moore).**

02-2627 41. Report from City staff regarding R & R Lounge, 1018 E. 12th Street, in response to citizen communications and petitions. **Moved by Coleman to receive and file; defer to November 18 for a full report. Motion Carried 5-2.**

**HEARINGS (Opened at 5:55 P.M.) (Items 42 thru 48)**

02-2628 42. On the proposed 2003 HUD Consolidated Plan Programming Funding Allocations. **(Council Communication No. 02-562).** **Moved by Brooks to adopt, as amended to make a commitment of, up to $25,000 in turn-back funding or over-funding received, to the Neighborhood Investment Corporation. Motion Carried 5-2.**

02-2629 43. On vacation and conveyance of a portion of SW 4th Street and any remaining street and alley within the new Science Center of Iowa site between Vine Street and SW Martin Luther King Jr. Parkway and between SW 3rd and SW 5th Streets, to Science Center of Iowa. **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Daniels and McPherson.**

02-2630 (A) Recommendation from City Plan and Zoning Commission. **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Daniels and McPherson.**
02-2631 (B) First consideration of ordinance above. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 4-1-2. Nays: Brooks. Absent: Daniels and McPherson.

WITHDRAWN 02-2632 (C) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

02-2633 44. On request from Sandi Zavalla, to rezone property at 914 Davis Avenue, from "C-1" (Neighborhood Retail Commercial District) to "R1-60" (One-Family Low-Density Residential). Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2634 (A) First consideration of ordinance above. Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

WITHDRAWN 02-2635 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

02-2636 45. On Supplement No. 10 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital, LLC, $335,946 for acquisition of four refuse trucks for Public Works Solid Waste Division. Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2637 (A) Authorization for additional actions. Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2638 (B) Authorizing execution and delivery of agreement. (Council Communication No. 02-565). Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2639 46. On Supplement No. 9 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital, LLC, $805,345 for acquisition of one rotary snow plow and two plow trucks for the Airport. (Council Communication No. 02-564). Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2640 (A) Authorization for additional actions. Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2641 (B) Authorizing execution and delivery of agreement. Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.

02-2642 47. On conveyance of property in the vicinity of 3014 E. 35th Street to Iowa Mobile Home Communities as part of the consideration for property required for the Gay Lea Wilson
Recreation Trail. **Moved by Cownie to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

02-2643 48. On the Vactor Building (310 SE 4th) Roof Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Koester Construction Co., Inc., (Paul Koester, President, Des Moines), $30,800. **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

02-2644 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

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

**Council considered Item 51 thru end of agenda next**

**APPROVING**

02-2645 49. Approve proposed Greenwood Historic Neighborhood Plan as an amendment to the Des Moines 2020 Community Character Plan. *(Council Communication No. 02-570)*. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2646 50. Contracts with MAXIMUS Consulting Group (MAXIMUS) and Modern Solutions, Inc. (MSI) for financial/accounting and Payroll/Human Resources Software Upgrade and Support, $445,905. *(Council Communication No. 02-566)*. **Moved by Vlassis to defer consideration to November 18, 2002. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2647 51. Forming a Steering Committee of two City Council Members and two members from the City Plan and Zoning Commission to meet with utility companies to discuss location of utility cables in the City. **Moved by Vlassis to discuss and refer this matter to the Zoning Code Update Steering Committee for review and recommendation. Motion Carried 5-2. Absent: Daniels and 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.

02-2648 1. Request from Council Members Brooks, Hensley and Cownie, to discuss buffet
drinking ordinance. Moved by Brooks to refer to Legal Department for preparation of legislation for the January 27, 2003 agenda. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2649 2. Approving Class "C" Liquor License for Centro Restaurant, 1011 Locust Street-First Floor. SPONSOR: Hensley. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2650 3. Petition from area residents requesting two additional stop signs be placed at the intersection of 58th and Kingman Avenue. SPONSOR: Hensley. Moved by Cowrie to receive, file and refer to City Manager and Traffic Safety Committee, for review and recommendation. Motion Carried 5-2. Absent: Daniels and McPherson.

AGENDA
BOARD OF HEALTH
November 4, 2002

02-2651 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 McPherson.

AUTHORIZING

1. Court authority to abate the public nuisances at the following locations:

02-2652 (A) 2811 Des Moines Street (vacant) Titleholder: Samann, L.C., Attn: Nicholas H. Roby, Registered Agent. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2653 (B) 1010 Maury Avenue (vacant) Legal Interest Holders: Matt Walsh, and Foster and Associates, Attn: Kenneth L. Johnson; and Heirs of Henry Robinson, Jr.: Henry S. Robinson, III, April A. Robinson, Pamela Selin as Guardian of the Minor Children Robbie Robinson, and Jaymie Robinson. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2654 (C) 913 Pennsylvania Avenue (vacant) Titleholder: Dennis C. Hart. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2655 (D) 1168 8th Street (vacant) Titleholder: Mail Services, L.C., Attn: Rod Kubat. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2656 (E) 3001 SW 12th Street (occupied) Titleholder: Anthony T. Renda, II; Legal Interest

Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson. 

(F) NUMBER NOT USED.

WITHDRAWN 02-2657 (G) 671 37th Street (vacant) Titleholders: Paul L. and Geraldine P. Jennett.

2. Engineering Department to remove the following structures:

02-2658 (A) 1502 11th Street, Titleholder of record, Steven L. Boese. Moved by Vlassis to grant a 60 day extension to allow new owners to produce evidence of structural stability, financial capacity and reconstruction plans, working with Community Development to assure proper permits are pulled and procedures followed. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2659 (B) 651 27th Street, Titleholder, Ella Mae Holder. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

3. NUMBER NOT USED.

APPROVING

02-2660 4. Release of demolition cost reserve escrowed under claim number AFO 063 000 regarding property known as 1807 Mondamin Avenue owned by Evelyn Wagner. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

02-2661 MOTION TO ADJOURN. Moved by Cownie to adjourn at 6:25 P.M. Motion Carried 5-2. Absent: Daniels and McPherson.