

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

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '04-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 5, 2004 4:30 P.M.

PROCLAMATIONS

Paralyzed American Veterans

Fair Housing Month

SPECIAL RECOGNITION

Des Moines Business Publications (Certificate of Appreciation)

Special Soccer Recognition

INVOCATION: Council Member Tom Vlassis

- 04-669 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Overman and Vlassis.**
- 04-670 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

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***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

- 04-671 3. APPROVING CONSENT AGENDA – items 3 through 41: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 04-672 4. Approving the following Alcoholic Beverage License applications: **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	GREAT MIDWESTERN CAFE	909 ROBERT D. RAY DR	C Liquor
(B)	LAOTIAN LEGION SUB & SALAD	1810 2ND AVE	C Beer
(C)	TROPIK	3015 MERLE HAY ROAD	C Liquor

RENEWAL APPLICATIONS

(D)	ALPINE TAP ROOM	2720 INGERSOLL AVE	C Liquor
(E)	BASIL PROSPERI	407 E 5TH ST	B Wine
(F)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(G)	GREENWOOD LOUNGE	3707 INGERSOLL AVENUE	C Liquor
(H)	H & A MINI MART	5901 FLEUR DR	C Beer
(I)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(J)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(K)	JOHNNYS ITALIAN STEAKHOUSE	6800 FLEUR DR	B Liquor
(L)	KUM & GO #120	101 ARMY POST RD	C Beer
(M)	KUM & GO #130	2930 HICKMAN RD	C Beer
(N)	KUM & GO #142	4140 PARK AVE	C Beer
(O)	KUM & GO #194	4001 SW 9TH ST	C Beer
(P)	KUM & GO #195	5000 SW 9TH ST	C Beer
(Q)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY AVE	E Liquor
(R)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(S)	PICOLLO	3719 BEAVER AVENUE	C Liquor
(T)	SCORNOVACCAS PIZZA	1930 SE 14TH ST	C Liquor
(U)	SILVESTRINIS PIZZA	5418 DOUGLAS AVE	C Beer/Wine
(V)	VIENTIANE RESTAURANT	901 E EUCLID AVE	B Beer

OUTDOOR SERVICE APPLICATIONS

(W)	MARGARETS	3020 FOREST AVENUE	C Liquor
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TEMPORARY IN CONJUNCTION WITH DRAKE RELAYS – EFFECTIVE APRIL 21, 2004 TO APRIL 25, 2004. PENDING APPROVAL FROM BUILDING, ELECTRICAL AND FIRE DEPARTMENTS.

(X)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor
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TEMPORARY IN CONJUNCTION WITH DRAKE RELAYS – EFFECTIVE APRIL 20, 2004 TO APRIL 24,

2004. PENDING APPROVAL FROM THE FIRE DEPARTMENT.

- 04-673 4-I Approving Class "C" Liquor License renewal application for Smokey's Bar-B-Que, 2301 SW 9th Street. Pending approval of Building, Electrical, Zoning and Fire Departments. Sponsor: Brooks. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:
- 04-674 (A) Botanical Center and Police Station Underground Fuel Tanks – Receiving of Bids, (4-27-04), and Setting Date of Hearing, (5-3-04), (Construction Estimate - \$97,800). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-675 (B) E. 20th Street Connector Trunk Sewer – Receiving of Bids, (4-27-04), and Setting Date of Hearing, (5-3-04), (Construction Estimate - \$3,874,200). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-676 (C) University Avenue Bridge over the Des Moines River Rehabilitation Project – Receiving of Bids by IDOT (4-20-04), and Setting Date of Hearing, (5-3-04). **Moved by Vlassis to adopt. Motion Carried 7-0.**
6. Approving Professional Services Agreement for the following:
- 04-677 (A) Design Services for Clover Hill Trunk Sanitary Sewer with Howard R. Green Company (Ralph Russell, President, DSM), \$398,500. ([Council Communication No. 04-167](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-678 (B) Design and Construction Phase Services for Skywalk 8C-8D with Herbert Lewis Kruse Blunck Architecture, Ltd. (Kirk Blunck, President, DSM), \$94,100. ([Council Communication No. 04-168](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
7. Items regarding the 5th and Walnut Parking Garage:
- 04-679 (A) Approving contract with Cramer & Associates, Inc., for emergency shoring, \$4,422.35. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-680 (B) Approving contract with Western Waterproofing Co., Inc. for post-tensioning repair, \$14,754. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-681 (C) Approving Professional Services Agreement with Shuck-Britson, Inc. for structural evaluation, not to exceed \$18,000. ([Council Communication No. 04-171](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

8. Items regarding the 2002/2003 Sidewalk Program:
- 04-682 (A) Accepting completed construction and approving final payment to Eco-Tech Construction LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- (B) SE 8th Street sidewalk from E. Watrous to E. Miller:
- 04-683 (1) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-684 (2) Adopting and levying final schedule of assessments, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- (C) SE 14th Street sidewalk from E. Thornton Avenue to E. McKinley Avenue:
- 04-685 (1) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-686 (2) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-687 9. Communication from Jensen Construction Co. and United Contractors, Inc., A Joint Venture requesting permission to sublet on M.L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**
10. Approving Contract and Bond for the following:
- 04-688 (A) Hydro-Klean, Inc. (Becky Mercial, President, DSM) for construction of 2004 Sanitary Sewer Televising Program Contract 1, \$11,768. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-689 (B) Johnson Concrete & Petroleum Const. Inc. (Robert L. Johnson, President, DSM) for construction of Aquatic Center Shade Structures, \$20,714. **Moved by Vlassis to adopt. Motion Carried 7-0.**
11. Approving the following Private Construction Contracts:
- 04-690 (A) Sanitary Sewer Improvements to service McKinley Townhomes, 936 McKinley Avenue between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor), and Triton Homes, Inc. (Joel Goodman, Member, Ames, Owner). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-691 (B) Sanitary Sewer Improvements to service proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue between The Underground Company, Ltd. (Duane J. Burkhardt, President, DSM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Partner, DSM, Owner). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-692 (C) Storm Sewer Improvements to service proposed Woods on the River, Plat 7 near Grand River Drive and King Avenue between The Underground Company, Ltd. (Duane J. Burkhardt, President, DSM, Contractor) and Clarke Company, Ltd. (John J. Clarke, Partner, DSM, Owner). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-693 12. Authorization to proceed on various City-Wide Stormwater Utility Projects for four (4) locations. ([Council Communication No. 04-169](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-694 13. Accepting completed construction and approving final payment for the Greater Des Moines Softball Park, Contract 2. **Moved by Mahaffey to adopt. City Manager to provide a report on: 1) scope of the project including the funding, 2) softball facilities in the region, 3) operation and maintenance costs for this facility. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 04-695 14. Approving correction of sidewalk assessment for 1707 Euclid Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-696 15. Approving deletion of special assessments at various locations on Schedules 2002-04 and 1992-06. **Moved by Vlassis to adopt. Motion Carried 7-0.**
16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:
- 04-697 (A) Schedule No. 2004-05. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-698 (B) Schedule No. 2004-27. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-699 (C) Schedule No. 2004-53. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-700 (D) Schedule No. 2004-77. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 04-701 17. Approve and accept real estate documents for property at 2110 East University Avenue, for the Deans Lake Outlet Storm Sewer Project, \$1 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-702 18. Approve and accept real estate documents for property at 2229 Bennett Avenue and 37th Street and Washington Avenue for the Closes Creek Storm Water Improvement Project, \$50 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
19. Approving reduction of the following Subdivision Bonds as security for sidewalk improvements:
- 04-703 (A) No. IAC 25954 in amount of \$74,976 to be reduced to \$37,488 as security for satisfactory completion of the remaining improvements for EASTER LAKE POINTE PLAT 2. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-704 (B) No. IAC 29969 in amount of \$75,048 to be reduced to \$18,762 as security for satisfactory completion of the remaining improvement for EASTER LAKE SOUTH PLAT 1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-705 (C) No. IAC 29968 in amount of \$33,708 to be reduced to \$8,427 as security for satisfactory completion of the remaining improvements for PARK PLACE ESTATES PLAT 1. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 04-706 20. Recommendation of Mayor Frank Cownie to appoint Anthony Montgomery to Seat 1 on the Housing Appeals Board for a three year term commencing March 16, 2003 to expire March 16, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-707 21. Recommendation of Mayor Frank Cownie to reappoint Neva Wells to Seat 7 on the Civil Service Commission for a four year term commencing April 1, 2004 to expire April 1, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-708 22. Recommendation of Mayor Frank Cownie to appoint Gregory Wattier to Seat 15 on the Licensing and Appeals Board for a three year term commencing April 1, 2002 to expire April 1, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 22-I. Recommendations of Christine Hensley for the following:
- 04-709 (A) Appointment of John H. Walker (Seat 12) on the Sister Cities Commission to fill an unexpired term commencing April 1, 2001 to expire April 1, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-710 (B) Reappointment of Brian Clark (Seat 6) on the Urban Design Review Board for a three year term commencing June 15, 2003 to expire June 15, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-711 (C) Reappointment of Micheleen A. Maher (Seat 14) on the Access Advisory Board for a four year term commencing June 15, 2003 to expire June 15, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 04-712 23. Approving payment of \$615.93 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in case Maria Garces v. Gerald Roger Lovejoy. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-713 24. Approving payment of \$421.87 to Hall & Associates for legal services in dealing with Iowa Department of Natural Resources in issuance of a National Pollution Discharge Elimination System permit for Wastewater Reclamation Authority Treatment Plant. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-714 25. Approving payments of \$610.01 from law firm of Myers & Jenkins and \$239.50 from law firm of Tishler & Wald, Ltd. for outside counsel to represent the City in the UAL Corporation bankruptcy, (Total - \$849.51). **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 04-715 26. Regarding proposed economic development loan to Lighthouse Communications, Inc. (Jim Masterson, CEO, 666 Walnut, Suite 1900, DSM). ([Council Communication No. 04-159](#)) **Moved by Mahaffey to discuss this item at the April 13 Council Workshop. City Manager to report on performance of previous forgivable loans. Motion Carried 7-0.**
- 04-716 27. Recommending that the quorum requirement for a meeting of the ten (10) member Historic Preservation Commission be reduced from six (6) members currently required to five (5) members to permit the Historic Preservation Commission to more easily achieve a quorum. ([Council Communication No. 04-165](#)) **Moved by Hensley to discuss this item at the May 11 Council Workshop. Motion Carried 7-0.**
- 04-717 28. Submitting various traffic regulation changes as follows: **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Parking Meter Changes-North Side of Walnut Street between 12th Street and 13th Street.
- (B) Corner Clearance-West Side of Fourth Street, South of Park Street. ([Council Communication No. 04-166](#))

- 04-718 29. Submitting out-of-state travel for Kristen Tuttle and Bill Miller. ([Council Communication No. 04-156](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Overman.**

APPROVING

- 04-719 30. Reallocation of \$50,000 of unexpended Weed & Seed funding for the Weed and Seed Creative Drama Program to be conducted by the Des Moines Playhouse. ([Council Communication No. 04-158](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**
- 04-720 31. Urban Renewal Development Agreement with East Village Partners, L.L.C. and proposed Conceptual Development Plan for redevelopment of 412 and 418 E. Locust Street. ([Council Communication No. 04-163](#)) **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- 04-721 32. U.S. Fish & Wildlife Service seed donation for use in Urban Prairie Project. ([Council Communication No. 04-170](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-722 33. First Amendment to the Chapter 28E Agreement “Grounds Maintenance Alliance” with Board of Water Works Trustees, where City will assume grounds maintenance services provided by Water Works, effective April 1, 2004. ([Council Communication No. 04-162](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.**
- 04-723 34. Recommendation of Landmark Review Board to issue Certificate of Appropriateness for proposed archway and improvements to southeast entrance of Woodland Cemetery. ([Council Communication No. 04-164](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-724 35. City Manager to appoint staff members to serve on the Neighborhood Development Corporation (NDC) Board of Directors as needed. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-725 36. Receipt of the Legislative Update of the 80th Iowa General Assembly. **Moved by Vlassis to receive and file the report. Motion Carried 7-0.**
37. Bids from the following:
- 04-726 (A) Charles Gabus Ford for three trucks, \$61,692.62 and Wright Chevrolet for one truck, \$79,013 to be used by Public Works Department and Street Maintenance Division. (Twelve bids mailed, six bids received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-727 (B) Northland Products Company for an annual contract with two additional one-year renewal options for lubricants. (Eight bids mailed, five bids received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 04-728 38. Authorizing Finance Director to issue checks on the registers of April 8 and April 15, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 5 and April 12, 2004; and to draw checks for biweekly payroll due employees on April 16, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 04-729 39. Amending Chapter 102 of the Municipal Code regarding Street Use Events and Parades, as amended. **Moved by Vlassis to that this ordinance do now pass, [#14,329](#). Motion Carried 7-0.**
- 04-730 (A) Amending the schedule of fees. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 04-731 40. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- (A) One-Sided Parking Restriction – Lakewood Cove Plats I and II.
- (B) Commercial Loading Zone – South Side of Grand Avenue-west of 13th Street.
- 04-732 (C) Final consideration of ordinance above. **Moved by Coleman 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, [#14,330](#). Motion Carried 7-0.**
41. Items regarding rezoning of the following areas from “M-1” (Light Industrial) to “D-R” (Downtown Riverfront):
- 04-733 (A) Area generally bounded by Raccoon and Allen Streets on the north, Scott Avenue on the south, SE 4th Street on the East and SE 2nd and SE 3rd Streets on the west. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Brooks. Absent: Vlassis.**
- 04-734 (B) Area generally bounded by Interstate 235 on the north, Des Moines Street on the south, E. 4th Street on the east, and Robert D Ray Drive on the west. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Brooks. Absent: Vlassis.**

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

ORDINANCES - FIRST CONSIDERATION

- 04-735 42. Amending Chapter 22 of the Municipal Code regarding adoption of regulations by the Des Moines International Airport Board. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-736 (A) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance 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, [#14,331](#). Motion Carried 7-0.**
- 04-737 43. 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 votes “No” on item (D). Motion Carried 7-0.**
- (A) Parking Restriction Modifications due to the reconstruction of Park Street.
- (B) Designation of Aurora Avenue as a Three-Lane Roadway from Beaver Avenue to Merle Hay Road.
- (C) Parking Restriction Modification – 41st Street between University Avenue and Forest Avenue.
- (D) Removal of Rush-Hour Restriction-6th Avenue between Locust Street and Walnut Street.
- (E) Extension of Parking Restriction-South Side of East Fleming Avenue, East of East 14th Street.

COMMUNICATIONS/REPORTS

- 04-738 44. From Ted Weber, 9667 South 20th Street, Oak Creek, Wisconsin regarding the use of State contracts. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 7-0.**

****Council considered Board Of Health Items next****

HEARINGS (Opened at 5:28 P.M.) (Items 45 thru 51)

- 04-739 45. On appeal from Raymond Surber, 415 N. Division Street, Stuart, IA, regarding recommended denial of a Taxicab License. **Moved by Coleman to grant license. Motion Carried 7-0.**
- 04-740 46. On Parking License Agreement with Federal Home Loan Bank of Des Moines (FHLB) for spaces in the Ninth and Locust Parking Garage. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-741 47. On request from RM Madden Construction, Inc., to rezone property at 26 E. Hartford Avenue from Ltd “C-1” (Neighborhood Retail Commercial) to “R-3” (Multiple-Family Residential), to allow residential mortgage financing of single-family and two-family dwelling development. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-742 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-743 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that an ordinance 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, [#14,332](#). Motion Carried 7-0.**
- 04-744 48. On request from Mercy Medical Center, to rezone property at 1111-6th Avenue, from “C-2” (General Retail and Highway Oriented Commercial) “C-0” (Commercial-Residential) and “R-4” (Multiple-Family Residential), to PUD. **Moved by Hensley to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 04-745 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 04-746 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance 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, [#14,333](#). Motion Carried 7-0.**
- 04-747 49. On 2004 Tennis Court Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Blacktop Repair Service, Inc., (Patricia J. Hicks, President), \$30,920. **Moved by Hensley to adopt. City Manager to provide a report on the past repairs and maintenance of these tennis courts. Motion Carried 7-0.**

- 04-748 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 04-749 50. On University Avenue Median Modifications at 2nd Avenue: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Johnson Concrete & Petroleum Const., Inc., (Robert L. Johnson, President), \$36,466.40. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-750 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-751 51. On Union Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Buchanan Builders, Inc., (Todd Buchanan, President), \$348,247. **Moved by Mahaffey to adopt. City Manager to provide the operating budget for the current year. Motion Carried 7-0.**
- 04-752 (A) Approving contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:45 P.M.

APPROVING

- 04-753 52. Addendum to Intergovernmental 28E Agreement with Des Moines Independent Community School District for construction, maintenance and operation of Brody Middle School Park. ([Council Communication No. 04-160](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

BOARD OF HEALTH

- 04-754 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

- 04-755 1. Court authority to abate the public nuisance at 1631 9th Street (vacant), Titleholder: The Wolford Corporation; Contract Buyer: Robert N. Vranesh. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to remove the following structures:
- 04-756 (A) 1533 21st Street, Titleholder: The 1533 21st Land Trust; Tax Certificate Holder: Z Fin30. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-757 (B) 1626 23rd Street, Titleholder: 5917 Tonka, LLC; Tax Certificate Holder: Mooring Tax Asset Group. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-758 (C) 930 39th Street, Titleholders: Jack and Mary Stuart; Mortgage Holder: U.S. Bank National Association; Tax Certificate Holder: Li/US Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-759 (D) 3125 Scott Avenue, Titleholder: Virginia L. Rinard; Contract Buyers: Cathy and Robert Neil Leader. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 04-760 (E) 4616 S. Union Street, Titleholder: The Wolford Corporation; Mortgage Holder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

- 04-761 3. Communication regarding demolition cost reserve being held by State Farm Insurance Companies for the fire-damaged structure located at 3420 3rd Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**
- 04-762 4. Communication regarding demolition cost reserve being held by State Farm Insurance Companies for the fire-damaged structure located at 2552 E. Grand 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 7-0.**

Council considered Item 52 and Hearing Items next

- 04-763 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:45 P.M. Motion Carried 7-0.**

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