

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**July 14, 2003**

**PROCLAMATIONS - 4:00 PM:**

- (a) Ruth Ann Gaines
- (b) Park & Recreation Month
- (c) National Aquatics Month

**SPECIAL PRESENTATIONS:**

- (a) All America City Award
- (b) Recognition of South Sudanese Leaders

**4:30 Regular City Council Meeting**

**INVOCATION:** Reverend Cheryl Thomas, Calvary Baptist Church

03-1554 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

03-1555 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1556 3. APPROVING CONSENT AGENDA - items 3 through 68: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

03-1557 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

## **NEW APPLICATIONS**

- (1) Airlines, 4200 Fleur Drive, C Liquor.
- (2) Luckys, 1119 Grand Avenue, C Liquor.

## **RENEWAL APPLICATIONS**

- (3) Amanas on the Hill, 3000 E Grand Avenue, B Beer.
- (4) Master Jacks, 3000 E Grand Avenue, B Beer.
- (5) Old West Barbeque, 3000 E Grand Avenue, B Beer.
- (6) Stockmans Inn, 3000 E Grand Avenue, B Beer.
- (7) Dell Oil Ltd., 5800 SW 9th Street, C Beer.
- (8) Git-N-Go Store #26, 2140 E Park Avenue, C Beer.
- (9) QuikTrip #523, 850 Army Post Rd., C Beer.
- (10) AH Blank Golf Course, 711 County Line Rd., C Liquor.
- (11) Amicis Restaurant and Bar, 1760 Beaver Avenue, C Liquor.
- (12) Applebees Neighborhood Bar & Grill, 3900 Merle Hay Rd., C Liquor.
- (13) Applebees Neighborhood Bar & Grill, 6301 SE 14th Street, C Liquor.
- (14) Chucks Restaurant, 3608 6th Avenue, C Liquor.
- (15) Crimmins Cattle Co., 4901 Fleur Drive, C Liquor.
- (16) Des Moines Amvets Post 2 Home, 2818 5th Avenue, C Liquor.
- (17) Embassy Club, 400 Locust Street, C Liquor.
- (18) Hickman Pub, 2335 Hickman Rd., C Liquor.
- (19) Hot Box Sports Club, 5914 SE 14th Street, C Liquor.
- (20) Johnnys Hall of Fame, 302 Court Avenue, C Liquor.

- (21) La Pizza House, 1013 SE 14th Street, C Liquor.
- (22) Locust Tap, 434 E Locust Street, C Liquor.
- (23) Richards Extra Innings, 1500 SE 1st Street, C Liquor.
- (24) Texas Cattle Company, 4020 Merle Hay Rd., C Liquor.
- (25) Beaverville VFW Club, 4029 Urbandale Avenue, A Liquor.
- (26) Embassy Club, 801 Grand Avenue, A Liquor.
- (27) Holiday Inn Downtown, 1050 6th Avenue, B Liquor.
- (28) Embassy Club, 801 Grand Avenue, B Wine.
- (29) QuikTrip #523, 850 Army Post Rd., B Wine.

#### **SPECIAL EVENTS APPLICATIONS**

- (30) Brewfest, 410 Court Avenue, B Beer. Five Day Application for the Brewfest to be held on August 30, 2003 and August 31, 2003. Pending Building Inspection.
- (31) Society of Italian Americans, 1801 McKinley Avenue, B Beer. Five Day License for the Society of Italian American Festival on July 31, 2003 through August 3, 2003. Pending inspections from Building, Electrical and Fire.
- (32) Famous Daves, 25 E Court Avenue, C Liquor. Five Day License for booth at Taste of Des Moines on July 18 and 19, 2003. Pending inspections from Building, Electrical, Fire and Zoning.
- (33) Shie Concession Co., 3000 E Grand Avenue. Fourteen Day Class B Beer License for the Lakeside Casino Tent at the Iowa State Fair from August 7, 2003 to August 21, 2003.

03-1558 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1559 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS**

7. Resolution Ordering Construction of the following:

03-1560 (A) E. 18th Street PCC Overlay - E. Walnut Street to Dean Avenue, Receiving of Bids,

(07-29-03), and Setting Date of Hearing, (08-11-03). (Construction Estimate - \$42,600). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1561 (B) WRF Dewatering Wetwell Improvements, Receiving of Bids, (08-12-03), and Setting Date of Hearing, (08-25-03). (Construction Estimate - \$130,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1562 (C) WRF Power Generation Improvements, Receiving of Bids, (08-12-03), and Setting Date of Hearing, (08-25-03). (Construction Estimate - \$1,198,500). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

03-1563 (A) Sec Taylor Stadium Beam Repairs, \$1,074.36 is now due and remaining balance of \$5,150.35 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1564 (B) WRF Computer Room A/C Replacement, \$22,893.10 is now due and remaining balance of \$1,204.90 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1565 (C) Vactor Building Roof Replacement, \$1,846.50 remaining balance to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1566 (D) Douglas Avenue (U.S. 6) at 50th Street Signalization, \$12,010.24 remaining balance to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

9. Approving Private Construction Contracts between the following:

03-1567 (A) Grimes Asphalt and Paving Corp. (M.J. Yonker, Vice President, Grimes, Contractor) and Des Moines Independent Community School District (J. Marc Ward, Board President, DSM, Owner) for construction of street improvements for student drop off on east side of 31st Street between Center Avenue and Woodland Avenue for Callanan Middle School - \$17,238. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1568 (B) Concrete Technologies, Inc. (Brad Baumler, President, Urbandale, Contractor) and Des Moines Independent Community School District (J. Marc Ward, Board President, DSM, Owner) for construction of street improvements for Portland cement concrete pavement drop off lane modifications on 30th Street, south of Hickman Road, and on Hickman Road, west of 30th Street, at Monroe Elementary School at 2250 30th Street, \$46,455. **Moved by Hensley to adopt. Motion Carried 7-0.**

**WITHDRAWN** 03-1569 10. Authorization to proceed with the design of McKinley Avenue Widening - Fleur Drive to S.W. 31st Street, which is included in 2003-2004 Capital Improvement Program. ([Council Communication No. 03-328](#)).

03-1570 11. Addendum to the Iowa Department of Transportation Agreement for traffic signal installation at the intersection of Highway 69 and County Line Road. ([Council Communication No. 03-329](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1571 12. Designating lowest bidder as Flynn Company, Inc. (Jeff Flynn, President, Dubuque), \$5,563,512.10, approving contract and bond and permission to sublet and Change Order No. 1 in the amount of \$830,242.41 for Airport 2003 South Air Cargo Expansion and Airport South Cargo Building Sitework 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1572 13. Approving contract and bond for a Public Improvement, estimated cost of which is less than \$25,000 - Glendale Cemetery Block M Sidewalk. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1573 14. Communications from various contractors requesting permission to sublet certain items on five public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

03-1574 15. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for June 2003 for certification to Polk County. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1575 16. Authorizing Engineering Department staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for June 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

17. Deletion of NAC-Emergency Order Assessments as follows:

03-1576 (A) Schedule No. 2003-06, Certificate 00-10233 for property at 1806 Jefferson Avenue - \$440.36. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1577 (B) Schedule No. 2003-06, Certificate 00-10209-00 for property at 2229 Capitol Avenue - \$181.48. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1578 (C) Schedule No. 2003-05, Certificate 00-100065-00 for property at 1945 Francis

Avenue - \$551.76. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

03-1579 18. Approve and accept real estate documents for property at 2413 Bennett Avenue for the Closes Creek Storm Water Improvement Project, \$150 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1580 19. Approve and accept real estate documents for property at 6620 SW 30th Street, for the South Cargo Apron Expansion and Storm Water Detention Facilities Project, \$293,200 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

03-1581 20. Communication from Rose Scarpino advising of her resignation from the Sister Cities Commission, (Seat 12) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 7-0.**

## **STREET CLOSURES**

03-1582 21. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Jim Kelley, representing 46th Street Neighborhood, requesting permission to close 46th Street from Carpenter to Forest Avenue on Saturday, August 2, 2003 (Raindate of Sunday, August 3, 2003) from 4 PM to 10 PM for Twelfth Annual Neighborhood Block Party.

(2) Steve Gude, representing 40th Place/Adams Neighbors, requesting permission to close 40th Place from Adams Avenue to Ashby Avenue on Sunday, August 3, 2003 from 3:30 PM to 8:45 PM for Neighborhood Block Party.

(3) Barbara Parker, representing Washington Avenue Neighbors, requesting permission to close Washington Avenue from 56th Street to 57th Street and Washington to half way up the block on 57th Place on Saturday, July 19, 2003 (Raindate of Saturday, July 26, 2003) from 2 PM to 8 PM for a neighborhood block party.

(4) Vanessa Wulf, representing Twana Drive Block Party, requesting permission to close Twana Drive from 46th to 48th Street on Saturday July 26, 2003 from 3 PM to 9 PM for a Neighborhood Block Party.

(5) Rena Thomas, representing Wilmers Neighborhood, requesting permission to close Wilmers Avenue from SE 3rd to SE 5th Street on Saturday, August 2, 2003 from 6 PM to 10 PM for a

Neighborhood Block Party.

(6) Tarry Pote, representing E Diehl Avenue Neighborhood, requesting permission to close E Diehl Avenue from SE 29th Court to 2800 Block of E Diehl on Saturday, July 19, 2003 from 3 PM to 8:45 PM for Neighborhood Block Party.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

03-1583 22. Regarding preliminary subdivision plat for "Woods on the River Plat 8", in the vicinity of 2501 SE 22nd Street, subject to compliance with letter from Permit and Development Administrator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

03-1584 23. Regarding "S-O" Study Overlay District for Four Mile Creek floodplain. **Moved by Hensley to receive, file and adopt. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

03-1585 24. On First Amendment to the Non-Commercial Aviation Operator Lease Agreement with Meredith Corporation, to remove a portion of the leased premises, (7-28-03). ([Council Communication No. 03-332](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1586 25. On reconsideration of voluntary annexation for property along Highway 69, south of County Line Road, (9-8-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1587 26. On request from Community Housing Development Corporation (Owner) to rezone property located at 2124 Des Moines Street from "R1-60" (One Family Low Density Residential) to "R-2A" (General Residential) to allow development of 12 units of multiple-family residential for senior living, subject to conditions, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1588 27. On vacation of the dead-end segment of Market Street west of SW 5th Street, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1589 28. On sale of vacated alley right-of-way abutting 1236 E. 27th, to Sandra Pearson, \$25, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1590 29. On vacation and conveyance of alley right of way from E. Sheridan to Arthur between E. 23rd and E. 24th, to Michael E. and Rachel E. Sheronick, \$25, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1591 30. On vacation and conveyance of 280' dead end stub of Broad Street running east of SW 12th Street, to five abutting property owners, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1592 31. On vacation and conveyance of a portion of the east/west alley between High Street

and Ingersoll Avenue from 15th Street to a point 208' to the west, adjoining 1501 Ingersoll, to Alan and Janice H. Zuckert, \$29,365, (7-28-03). **Moved by Cownie to adopt. City Manager to provide any plans for the area; and report on property taken away due to other projects in the area. Motion Carried 6-1. Absent: Coleman.**

03-1593 32. On vacation and conveyance of the north/south alley between E. 28th Court and E. 29th, south of Dean Avenue, to Charles L. and Dorothy L. Parcel, \$50, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1594 33. On conveyance of property at 3325 Hubbell Avenue, to Pravinkumar and Jaya P. Patel, in conjunction with negotiated agreement for property interests for the Gay Lea Wilson Recreational Trail Project, (7-28-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

03-1595 34. Approving payment of \$20,098.50 to Thomas Carrington for case settlement agreement of workers' compensation claim from an injury during course and scope of employment pending approval from Iowa Worker's Compensation Commission. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1596 35. Approving settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

03-1597 36. Approving payment of \$1,444.38 to law firm of Myers & Jenkins for representing the City in Trans World Airlines, Inc. bankruptcy and the UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1598 37. Approving payment of \$8,631.10 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1599 38. Approving payment of \$1,039.50 to Sullivan & Ward, P.C. Law Firm for outside counsel retained to assist 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 7-0.**

### **CITY MANAGER COMMUNICATIONS**

03-1600 39. Submitting out-of-state travel for Phillip Vorlander, Floyd Jones, Robert Utter, Jeff Morton, Kris Tuttle, Debora Hobbs, and Daniel Powers. [\(Council Communication No. 03-312\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1601 40. Submitting various traffic regulation changes as follows: [\(Council Communication](#)



**No. 03-325**). Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.

(1) Corner Clearance--South Side of Clarkson Avenue, West of Martin Luther King Jr. Parkway.

(2) Parking Restriction--Both Sides of SE 3rd Street between Army Post Road and Bundy Avenue.

(3) Allow Parking on the West Side of E. 11th Street between Des Moines Street and Lyon Street 6:00 p.m. to 7:00 a.m., Monday through Friday and all day on weekends. .

## **APPROVING**

03-1602 41. Communication from Downtown Community Alliance on behalf of the Festival of Trees and Lights, requesting permission to display 60 banners on Locust Street and Grand Avenue during the month of November, 2003. **Moved by Hensley to receive, file, and approve banner design as submitted. Motion Carried 7-0.**

03-1603 42. Receipt of proposed Airport Regulation No. 03-41 regarding parking and security-related charges at the Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1604 43. Execution of Federal Aviation Administration AIP Grant Agreement for Airport Security Enhancements. ([Council Communication No. 03-324](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1605 44. Authorization to proceed with Request for Proposals (RFP) for financial advisory services for a period of three years, with the option of two annual renewals. ([Council Communication No. 03-340](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1606 45. Acceptance of proposal for three year contract with Bank of America, N.A. and authorizing Finance Department to negotiate a contract. ([Council Communication No. 03-339](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1607 46. Resolution directing sale of \$9,460,000 General Obligation Refunding Bonds, Series 2003E. ([Council Communication No. 03-338](#)). **Moved by Hensley to adopt; any potential savings identified will be discussed at a future Council Workshop. Motion Carried 7-0.**

03-1608 47. Vine Street Lofts, L.L.C. Application for Enterprise Zone Benefits for a project in the Des Moines Gateway Enterprise Zone. ([Council Communication No. 03-321](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

03-1609 48. Authorize and execute documents to fund revolving loan fund and cleanup of Des Moines Brownfields, and to transition \$499,000 in existing funds. ([Council Communication No.](#)

**03-313**). Moved by Hensley to approve. Motion Carried 7-0.

03-1610 49. Preliminary approval for local contribution from Des Moines Action Loan Fund in the amount of \$30,000 to Grounds of Celebration, Inc. to be used for a development project at 2645 Beaver Avenue. ([Council Communication No. 03-334](#)). Moved by Hensley to approve. Motion Carried 7-0.

03-1611 50. Issuance of Request For Proposal (RFP) for development of six to eight owner-occupied townhouse units at 711 16th Street, in Sherman Hill District. ([Council Communication No. 03-335](#)). Moved by Hensley to adopt. Motion Carried 7-0.

03-1612 51. Professional services contract for energy audit and planning services with Michaels Engineering and MidAmerican Energy Company, \$9,495. ([Council Communication No. 03-330](#)). Moved by Hensley to approve. Motion Carried 7-0.

**WITHDRAWN** 03-1613 52. Agreement with Iowa DOT to allow use of Meredith Drive between Beaver Avenue and Merle Hay Road as a temporary detour during the Beaver Drive Bridge beam repair over I-35/80. ([Council Communication No. 03-327](#)).

03-1614 53. Payment to The Center for Transportation Research and Education (CTRE) for services related to updating the City's Pavement Management System, not to exceed \$47,500. ([Council Communication No. 03-322](#)). Moved by Hensley to adopt. Motion Carried 7-0.

03-1615 54. Negotiation of a 28E Agreement with Des Moines Independent Community School District to purchase land in southeast Des Moines to be used for a future school, library and park site. ([Council Communication No. 03-320](#)). Moved by Coleman to approve. City Manager to review feasibility of trading Rice School site. Motion Carried 6-0. Council Member McPherson declares a conflict of interest and abstains from voting.

03-1616 55. Investment Agreement with United Way of Central Iowa for the Community Development Department's Community Action Program from July 1, 2003 to June 30, 2004, \$18,253. Moved by Hensley to adopt. Motion Carried 7-0.

03-1617 56. Extension of residency compliance time for Chief Deputy City Clerk Jody Witmer to October 15, 2003. Moved by Hensley to adopt. Motion Carried 7-0.

57. NUMBER NOT USED.

03-1618 58. Allocation of \$400,000 of Iowa (IDOT) transportation funds to the City for the Fleur Drive Gateway Scenic Beautification Project Agreement. ([Council Communication No. 03-326](#)). Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest and abstains from voting.

03-1619 59. Amendment One to HOME Investments Partnerships Agreement with Woodland Avenue Partners, LLC for the Woodland Avenue Brickstones Project, \$42,110. ([Council Communication No. 03-323](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1620 60. Supportive Housing Program (SHP) Grant Agreement for supplemental funding for homeless programs to address service gaps for implementation of the Rainbow Recovery and Bailey House Project, \$921,907. ([Council Communication No. 03-314](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1621 (A) Supportive Housing Program (SHP) Grant Agreement Amendment for the Homeless Helpline Project, June 30, 2003 to March 31, 2004, \$246,219. ([Council Communication No. 03-315](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1622 61. Receipt of Quarterly Treasurer's Report as of June 30, 2003. **Moved by Hensley to receive and file. Motion Carried 7-0.**

03-1623 62. Civil Service Entrance Lists for Police Officer, Accountant, and Promotional List for Fleet Services Master Mechanic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

63. Bids from the following:

03-1624 (A) Pomeroy Computer Resources, Urbandale, per ICN State of Iowa Contract number 00-110B for CISCO system products, \$84,838.57. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1625 (B) Road Machinery & Supplies, 100 Sheridan, sole area wide distributor for blanket purchase order of Dresser, International Harvester, Komatsu, Vactor and Gorman Rupp equipment repair parts during FY2004 to be used by the Fleet Maintenance Center at a total cost of \$100,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1626 (C) O'Halloran International, sole area wide distributor for blanket purchase order of International truck repair parts during FY2004 to be used by the Fleet Maintenance Center at a total cost \$65,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1627 64. Authorizing Finance Director to issue checks on the registers of July 18 and July 25, 2003; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 14 and July 21, 2003; and to draw checks for biweekly payroll due on July 25, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

03-1628 65. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#14,250](#). Motion Carried 7-0.**

- (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.

#### **ORDINANCES - SECOND CONSIDERATION**

03-1629 66. Amending Chapter 10 of the Municipal Code regarding penalties, fees, refunds and transfers of liquor licenses and permits, as amended to include a provision to waive fees when transfer is within 60 days of renewal. **Moved by Hensley to defer to the July 28th meeting. City Clerk and City Attorney to report on alternatives to these fees. Motion Carried 7-0.**

03-1630 67. Amending the Municipal Code to decrease the per acre connection fee imposed on all properties within the Northeast Four Mile Area Trunk Sanitary Sewer Benefited District, and providing for a slight reduction of lands included in the district. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-1631 68. On vacation of the northern most east/west alley in the block bounded by Olinda and Davis Avenues and South Union and SW 1st Streets, to adjoining property owner. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

03-1632 (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that this ordinance do now pass, [#14,251](#). Motion Carried 7-0.**

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

**SPECIAL PRESENTATION:**

03-1633 69. Recognition of sponsors for the Earned Income Tax Credit program that have successfully helped low income families fully maximize their tax return/refund opportunities. Moved by Hensley to receive and file; consider using the Housing Services Office at Park Fair Mall as one tax preparation site. Motion Carried 7-0.

**ORDINANCES - FIRST CONSIDERATION**

03-1634 70. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance--East Side of 28th Street, North of Grand Avenue.

(2) Designation of Des Moines Street as a Through Street.

(3) Move Parking Restriction from South Side to North Side of Thornton Court from SE 20th Street to a point 350 feet West.

03-1635 71. Amending Chapter 34 of the Municipal Code to prohibit use of firearms in cemeteries. ([Council Communication No. 03-331](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**COMMUNICATIONS/REPORTS**

03-1636 72. From Jeanne Lillig of Womens Christian Temperance Union (WCTU), 4425 University Avenue, requesting to speak regarding property assessment at 1136 Martin Luther King. **Moved by Hensley to receive, file, and grant request to speak; refer to Community Development Department for review and recommendation. Motion Carried 6-1. Absent: McPherson.**

03-1637 73. From Pastor Derek Bastian, 1201 Day Street, requesting to speak regarding City Budget and layoffs of city employees. **Moved by Cownie to receive, file, and grant request to speak. City policies on diversity will be discussed at a future Council Workshop. Motion Carried 7-0.**

**WITHDRAWN** 03-1638-I 74. From Peter Rose, 668 - 48th Street, requesting to speak

regarding budget issues.

03-1638 75. From Helene Neville, 200 Grand Avenue, requesting to speak regarding the policies and procedures of the timed and athletic event costs when police personnel are required. **Moved by Cownie to receive, file, and grant the request to speak; refer to City Manager, City Attorney and City Clerk for review and recommendation. Motion Carried 7-0.**

### **HEARINGS (Opened at 5:56 P.M.) (Items 76 thru 86)**

76. On items regarding City Council initiated request to rezone several properties fronting Forest Avenue between M.L. King Jr. Parkway and 25th Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial):

03-1639 (A) City Plan Commission recommendation to amend the 2020 Community Character Land Use Plan from Public/Semi-Public to Commercial. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1640 (B) Hearing on rezoning. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

03-1641 (C) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

03-1642 (D) Final consideration of ordinance above, (waiver requested by Council Member Vlassis), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,252](#). Motion Carried 7-0.**

03-1643 77. On vacation and conveyance of alley to the Massman Group for use in renovation of 110 and 112 10th Street into residential units, \$17,424. **Moved by Hensley to close the hearing. This item will be rescheduled for a future Council meeting. Motion Carried 7-0.**

**WITHDRAWN** 03-1644 (A) First consideration of ordinance above.

**WITHDRAWN** 03-1645 (B) Final consideration of ordinance above (waiver requested by applicant), requires 6 votes.

03-1646 78. On sale of City owned property at 2103 Ingersoll Avenue, former Stew Hansen site, to Knapp Properties, \$665,740. [\(Council Communication No. 03-336\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1647 79. On request from St. Andrew's Group for a second amendment to the "Carman Estates" PUD Concept Plan for property located between Easter Lake Drive and E. Payton

Avenue, and between Indianola Avenue and SE 24th Street to allow for an additional 83 units of row-type townhomes with rear loading attached garages within a 6.9 acre area previously approved for residential density at 12 units per acre, subject to conditions. **Moved by Brooks to adopt and approve the amended "PUD" conceptual plan. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-1648 80. On assessment of \$1500 penalty and 30 day suspension to Krueger's Amoco #2, 630 SW 9th Street, for violation of Iowa's Cigarette laws, selling to minors. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

03-1649 81. On Supplement No. 13 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$550,000, for acquiring 4 automated refuse trucks. ([Council Communication No. 03-337](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

03-1650 (A) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

03-1651 (B) Authorization for execution and delivery of Supplement 13. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

03-1652 (C) Approving bids from Peterbilt of Des Moines, Altoona, for (4) truck chassis, \$340,768 and from Elliott Equipment Company, Grimes, (4) automated solid waste collection bodies, \$168,628 to be used by the Public Works Department at a total cost of \$509,396. (Eleven bids mailed, five bids received). ([Council Communication No. 03-318](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

03-1653 82. Resolution to REJECT all bids and close the hearing on the Durable Pavement Markings-2003 project, (one bid received-over estimate). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

03-1654 (A) Resolution ordering construction of a redesigned project, Receiving of Bids, (7-29-03), and Setting Date of Hearing, (8-11-03). (Construction Estimate \$110,967.80). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

03-1655 83. On Highland Park Streetscape Arch and Historic Marker: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President, DSM), \$46,550. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-1656 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-1657 84. On 2003 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest



responsible bidder as P.G. Construction, Inc. (Keith Purdy, President, DSM), \$147,163.50.  
**Moved by Brooks to adopt. Motion Carried 7-0.**

03-1658 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

03-1659 85. On 2003 PCC Pavement Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp. (J.M. Yonker, President, Grimes), \$420,865. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

03-1660 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

03-1661 86. On WRF Buildings 20/21/93 Roof Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Iowa Roofing Company, (David K. Guy, President, DSM), \$56,420. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

03-1662 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

\* \* END HEARINGS at 6:08 P.M. \* \*

## **APPROVING**

03-1663 87. Recommendations from the Court Avenue Housing Committee. ([Council Communication No. 03-333](#)). **Moved by Hensley to receive and file, and to approve the recommendation outlined in the Council Communication. Staff to arrange for public input on the project. City Manager to provide analysis of the proposals and provide suggestions on criteria. Motion Carried 7-0.**

\* \* \* \* \*

## **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.



03-1664 1. Approving authorization to proceed with revised joint funding agreement with U.S. Department of Interior Geological Survey for operation of six stream gaging stations. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Cownie.**

03-1665 2. Approving the City of Des Moines All-America City flag design. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Cownie.**

03-1666 3. Approving lease with Iowa State Fair Authority for parking of trailers on property at 705 SE 30th Street, from August 1 thru August 21, 2003. SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 7-0.**

A G E N D A  
BOARD OF HEALTH

July 14, 2003

03-1667 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

(A) NUMBER NOT USED.

03-1668 (B) 1291 DeWolf (vacant) Titleholder: Edward L. Barber, Jr. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1669 (C) 610 Guthrie (vacant) Titleholder: FairBanks Capitol Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1670 (D) 605 Leach (vacant) Titleholder: Mary K. Worthington. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1671 (E) 4616 S. Union (vacant) Titleholder: The Wolford Corporation, Mortgage Holder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1672 (F) 1419 6th Avenue (vacant) Titleholders: William T. Lass and Jo Ann Meade, Mortgage Holder: Key Bank and Trust f/k/a Key Federal Savings Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1673 (G) 1030 E. 8th Street, (vacant) Titleholders: Jack A. Stuart and Mary J. Stuart, Legal Interest Holders: Katherine Halloran d/b/a Wyoming 202 and John Zajicek d/b/a Z Fin 27.

**Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1674 (H) 1175 9th (vacant) Titleholders: Edward Moss a/k/a Garrison E. Moss and Susan Moss, Legal Interest Holder: Kathern Halloran d/b/a Wyoming 206. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1675 (I) 2511 E. 24th Street (vacant) Titleholder: Gladys W. Barrie. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1676 (J) 1445 31st Street (vacant) Titleholder: Carol R. Olson, Mortgage Holder: New Century Mortgage Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1677 (K) 1251 E. 34th Street (vacant) Titleholder: Carol Johnson d/b/a C. Johnson JC's Tap, Inc., Contract Buyers: Dennie R. Swanson and Dianne R. Swanson, Legal Interest Holder: Donald K. Bevard. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to cause the removal of the following:

03-1678 (A) 621 SE 11th Street, Titleholder: 3624 S. Union, LLC, Tax Certificate Holder: John Zajicek d/b/a Z Fin 12. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1679 (B) 3604 E. 37th Street: Titleholders of Record: Betty McCrea. **Moved by Vlassis to adopt. Motion Carried 7-0.**

3. Release of demolition cost reserves escrowed for the following:

03-1680 (A) Pekin Insurance Company under claim number N2-S95-173 regarding the property known as 1910 Hickman owned by Larry Benson. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1681 (B) Illinois Iowa Claim Service under claim number PHPKO21646 regarding the property known as 3315 6th Avenue owned by The Home Connection. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1682 (C) Allied Insurance Company under policy number HMX12098368 regarding the property known as 413 E. 21st Street owned by Brenda Binder. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1683 (D) Leuwerke & Associates, Inc. under claim number AF2-068-982 regarding the property known as 932 59th Street owned by Ofir Carmi. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1684 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:59 P.M. Motion Carried 7-0.**

*Des Moines - City of Skywalks*