

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 28, 2003 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) America in Bloom Week
- (b) Recognition of Botanical Center Joseph Gardens
- (c) Recognition of Fundraiser for Heritage Carousel at Union Park
- (d) Farmer's Market Week
- (e) Korn Patch Klowns
- (f) National Night Out
- (g) Responsible Gaming Education Week
- (h) Recognition of Jim Grant

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

03-1701 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

03-1702 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1703 3. APPROVING CONSENT AGENDA - items 3 through 59: **Moved by Hensley to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

03-1704 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(1) Helen and Pats, 209 Euclid Avenue, C Liquor.

RENEWAL APPLICATIONS

(2) Oakmoor Racquetball, 4731 Merle Hay Rd., B Beer.

(3) TNT Vietnamese Restaurant, 3452 Martin Luther King Jr. Pkwy., B Beer.

(4) NE 14th Handimart, 5150 NE 14th Street, C Beer.

(5) Drake University Rathskellar, 2875 University Avenue, C Liquor.

(6) El Patio Mexican Restaurant, 611 37th Street, C Liquor.

(7) Latin King Restaurant, 2200 Hubbell Avenue, C Liquor.

~~(8) Los Compadres, 1440 Maury Street, C Liquor.~~

(9) Michaels Restaurant and Lounge, 4041 Urbandale Avenue, C Liquor.

(10) Orlandos, 4337 Park Avenue, C Liquor.

(11) PDs Pub, 3803 SW 9th Street, C Liquor.

(12) Rauls Taco House, 1541 E Grand Avenue, C Liquor.

(13) Toad Holler, 1820 E Army Post Rd., C Liquor.

(14) Varsity Cafe, 1229 25th Street, C Liquor.

(15) NE 14th Handimart, 5150 NE 14th Street, B Wine.

OUTDOOR SERVICE APPLICATIONS

(16) Michael's Restaurant & Lounge, 4041 Urbandale Avenue, C Liquor. Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 19, 20 and 21, 2003.

SPECIAL EVENTS APPLICATIONS

(17) Science Center of Iowa, 4500 Grand Avenue, C Liquor. Five Day Application for fundraising event on August 22, 2003. Pending approval of Building and Fire Inspections.

03-1705 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1706 5I. City Clerk to issue Coin Operated Machines Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:

03-1707 (A) 2003 Sidewalk Replacement Program, Receiving of Bids, (8-12-03), and Setting Date of Hearing, (8-25-03). (Construction Estimate - \$174,900). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1708 (B) 2003 Sidewalk Replacement Program - Designated Neighborhoods, Receiving of Bids, (8-12-03), and Setting Date of Hearing, (8-25-03). (Construction Estimate - \$174,750). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

03-1709 (A) Central Place Sanitary Sewer Televising Program, \$10,469.67 is now due and remaining balance of \$1,833.10 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1710 (B) Blank Park Zoo Gift Shop Addition and Remodeling, \$11,048.14 is now due and remaining balance of \$18,507.74 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1711 (C) 6th Avenue and SW 7th Street Paving - Mulberry Street to Murphy Street. (Part of M.L. King, Jr. Parkway Project-E/W), \$100,101.45 remaining balance to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1712 8. Approving Private Construction Contract between McAninch Corporation (Douglas D. McAninch, President, West Des Moines) and Grubb Enterprises (John W. Grubb, President, Urbandale) for Street Improvements in the 600 block of Holcomb Avenue (Polar Bear Way).

Moved by McPherson to adopt. Motion Carried 7-0.

9. Approving Private Construction Contracts between McAninch Corporation (Douglas D. McAninch, President, West Des Moines) and Brook Run LC (Tom Gratias, President, Clive) for the following:

03-1713 (A) Storm Sewer Improvements in Brook Run Village Plat 9. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1714 (B) Storm Sewer Improvements in Brook Run Village Plat 10. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1715 (C) Sanitary Sewer Improvements in Brook Run Village Plat 10. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1716 (D) Sanitary Sewer Improvements in Brook Run Village Plat 9. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1717 10. Approving Professional Services Agreement with Brian Clark and Associates (303 Locust Street) for preliminary design and construction cost estimate for the Tonawanda East-West Stream Stabilization Project, not to exceed \$35,450. ([Council Communication No. 03-367](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1718 11. Approving Professional Services Agreement with Howard R. Green to perform design services related to the Des Moines Wastewater Reclamation Facility W3 Expansion, not to exceed \$53,200. ([Council Communication No. 03-368](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Approving Professional Services Agreements with Black & Veatch Corporation as follows:

03-1719 (A) Amendment No. 1 for the WRF Hauled Waste Receiving Station Improvements, final design and construction phase services, not to exceed \$654,000. ([Council Communication No. 03-370](#)). **Moved by Vlassis to adopt. Motion Carried 4-3. Nays: Coleman, Hensley, and Brooks.**

03-1720 (B) Amendment No. 1 for the final design and construction phase services for the Des Moines Metropolitan Wastewater Reclamation Facility Dewatering and Thickening System, not to exceed \$1,380,000. ([Council Communication No. 03-369](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Hensley and Brooks.**

03-1721 13. Approving petition and waiver forms for Sidewalk Program/Request to Repair Driveway executed by one property owner and Paving or Curb replacement Program/Request to Repair Driveway executed by seven property owners. **Moved by Hensley to adopt. Motion**

Carried 7-0.

03-1722 14. Approving Change Order No. 1 with Cramer & Associates for additional work on the S.W. 9th Street Bridge over Raccoon River Rehabilitation, not to exceed \$31,999.97. ([Council Communication No. 03-364](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1723 15. Communication from Smith Seeding, Inc. requesting an extension of time by sixty (60) work days on the Martin Luther King, Jr. Parkway public improvement project. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

03-1724 16. Communications from M. Peterson Construction Co. for the M. L. King, Jr. Parkway Paving SW and Sheets Excavating, Ltd. for the Gay Lea Wilson Trail Phase III-A requesting permission to sublet certain items on the public improvement projects. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

03-1725 17. Approving designation of the City Engineer, or designee, as the Designated Exempt Entity Authorized Agent (DEEAA) to register all contracts with Iowa Department of Revenue and Finance. ([Council Communication No. 03-366](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

03-1726 18. Deletion of NAC-Emergency Orders Assessment Schedule No. 2003-06, Certificate No. 00-10240-00 for property at 1243 - 9th Street, \$388.72. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

03-1727 19. Approve and accept real estate documents for property at 5209 SW 9th Street for the SW 9th Bridge at Yeader Creek Project, \$5,040 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1728 20. Approve and accept real estate documents for property at 2808 Holcomb Avenue for Closes Creek Storm Water Improvements Project, \$1,025 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1729 21. Establishing fair market value for acquisition of properties (1720 & 1803 SE 36th, 1500 & 1522 SE 37th Street) for Agrimergent Technology Park Project, \$40,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1730 22. Approving final subdivision plat entitled WOODS ON THE RIVER PLAT 6 located in vicinity, north of Grand River Drive. ([Council Communication No. 03-358](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-1731 23. Recommendation of Neighborhood Finance Corporation to appoint Pam Carmichael to Seat 15 on the Neighborhood Revitalization Board for a term to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1732 23I. Recommendation of Mayor Preston Daniels to appoint Nathan Brooks to Seat 1 on the Des Moines International Airport Board for a four year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSURES

03-1733 24. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

- (1) Robert May, representing F & G Events Committee, requesting permission to close 11th Street from High Street and Grand Avenue on Friday, August 15, 2003 from 8 PM to 12 AM for the 21st Anniversary Celebration of F & G (AA Club).
- (2) Mike Marasco, representing Partners In Charity, Inc., requesting permission to close 4th Street from Court Avenue south to alley on Saturday, August 30, 2003 from 12 PM to 12:30 AM for a charity fundraiser.
- (3) Beth Gookin, representing Morton Neighborhood, requesting permission to close Boyd Street south on E. 41st, west on Morton to E. 40th Ct. on Saturday, August 2, 2003 from 5 PM to 10:30 PM for a neighborhood block party.
- (4) Elaine Imlau, representing 45th Street Neighbors, requesting permission to close 45th Street from Forest to Carpenter on Sunday, August 17, 2003 from 5 PM to 8 PM for a neighborhood block party.
- (5) Nancy Heuer, representing 43rd Street Neighborhood, requesting permission to close 43rd Street from Kingman to California Drive, just southeast of triangle and just west of northwest triangle on California Drive on Saturday, August 23, 2003 from 6 PM to 11 PM for a neighborhood block party.
- (6) Beth Hock, representing SE 35th Court Neighbors, requesting permission to close SE 35th Court from Evergreen to Emma Avenue on Saturday, September 6, 2003 from 5 PM to 11 PM for a neighborhood block party.

SETTING DATE OF HEARINGS

03-1734 25. On petition to establish the Highland Park Self-Supported Municipal Improvement District for the purpose of funding installation, operation and maintenance of streetscape improvements, (8-25-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1735 (A) City Plan & Zoning Commission recommendation. **Moved by Hensley to receive and file. Motion Carried 7-0.**

03-1736 26. On vacation and conveyance of 4th Street from Laurel Street to I-235 to LADCO Development, Inc., \$53,100, (8-11-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1737 27. On vacation and conveyance of a portion of the North/South alley between 30th Street and 31st Street and the North/South alley between 31st Street and 32nd Street to Drake University, \$12,426, (8-11-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1738 28. On proposed vacation and sale of alley to 10th Street Lofts for use in renovating 110 and 112 - 10th Street, \$14,700, (8-11-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN (A) First consideration of ordinance above.

03-1739 29. On request from Marshall Goodman to rezone property located at 2714 Hickman Road from "R1-60" (One Family Low Density Residential) to "R-2" (One and Two Family Residential) to allow development of two (2) duplexes (a total of four residential units), subject to conditions, (8-11-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1740 30. On request from Marshall Goodman to rezone property located at 936 McKinley Avenue from "R1-60" (One Family Low Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to "R-2A" (General Residential) to allow proposed development of 26 townhome condominium units, subject to conditions, (8-11-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1741 31. On request from George W. Jordon to rezone property located at 7657 US Hwy 69 from "R-5" (Mobile Home Residential) to "C-2" (General Retail and Highway Oriented Commercial) to allow development of miniwarehouse rental storage facility with controlled access and fenced compound, subject to conditions, (8-11-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-1742 32. Approving payment of \$25,513.13 to Joseph P. Lydic, Sr. for settlement of workers' compensation claim from an injury during course and scope of employment pending approval

from the Iowa Workers' Compensation Commission. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1743 33. Approving payment of \$304.85 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for environmental law counsel services in connection with City's acquisition of DICO property. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1744 34. Approving payment of \$247 to Tishler & Wald, Ltd. for representation in the UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1745 35. Approving payment of \$4,352.19 to Ahlers & Cooney, P.C. for services related to Supplemental No's. 11 and 12 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1746 36. Approving payment of \$1,578.70 to Ahlers & Cooney, P.C. for services on various issues regarding the Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 03-1747 37. Approving waiver of medical subrogation lien in the amount of \$72,294.34 in case of Toua and Cy Lor.

CITY MANAGER COMMUNICATIONS

03-1748 38. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-371](#)). **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(A) Corner Clearance--East Side of 40th Street, South of Aurora Avenue.

(B) Designated Handicapped Parking--North Side of High Street, East of Martin Luther King, Jr. Parkway.

03-1749 39. Submitting out-of-state travel for Bruce Bergman, Lawrence McDowell, Susan Low, Eric A. Anderson, Kandi Reindl, Tami Russell, and Terry Odam. ([Council Communication No. 03-343](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

03-1750 40. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, and 82 for Regular School Election to be held Tuesday, September 9, 2003. **Moved by Hensley to approve. City Clerk will notify the City Properties Administrator, and the Municipal**

Housing Department to arrange access to the buildings. Motion Carried 7-0.

03-1751 41. Reallocation of \$10,000 of Weed & Seed funding from the Executive Office for Weed & Seed (EOWS). ([Council Communication No. 03-373](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1752 42. Grant application from Department of Justice & Department of Homeland Security to improve communications interoperability between Police, Fire and Emergency Medical Service Agencies in Polk County. ([Council Communication No. 03-356](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

03-1753 43. Designation of the Human Service Planning Alliance as the eligible Local Council for the City for purposes of applying for a discretionary grant under the Early Learning Opportunities Act (ELOA) Program. ([Council Communication No. 03-372](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1754 44. Authorizing execution of Federal Aviation Administration AIP Grant Agreement for Airport Runway 23 Protection Zone Obstruction Removal. ([Council Communication No. 03-360](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

03-1755 45. First Amendment to Development Agreement with Water Street Brownstones, LLC to allow more time to complete the project and to modify the payment structure of the City TIF Grant. ([Council Communication No. 03-353](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1756 46. Recommendation from the Ingersoll Planning Committee Regarding Planning Process for Ingersoll Avenue corridor, \$10,000. ([Council Communication No. 03-351](#)). **Moved by Hensley to adopt, with the understanding that the City has no funds in the current Operating Budget or Capital Improvement Program to undertake new initiatives in the Ingersoll Corridor. Motion Carried 7-0.**

03-1757 (A) Communication from Co-chairs of the Ingersoll Planning Committee regarding the Committee's recommendation. **Moved by Hensley to approve. Motion Carried 7-0.**

03-1758 47. Allocation up to \$27,500 of Park and Ride revenues for study of an additional Park and Ride Facility and evaluation of the Walnut Transit Mall with possible alternative arrangements for accommodating transit operations in downtown. ([Council Communication No. 03-354](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

03-1759 48. IDOT Agreement to designate a temporary detour route during bridge beam repair on the Beaver Drive Bridge over I-35/80 utilizing Meredith Drive between Beaver Drive and Merle Hay Road. ([Council Communication No. 03-362](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1760 49. Authorizing and providing for issuance of \$9,460,000 General Obligation Refunding Bonds, Series 2003E, and levying a tax to pay. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1761 (A) Authorizing redemption of outstanding General Obligation Bonds, Series 1996C, directing notices of redemption be given, and appointing Wells Fargo Bank Iowa, National Association as registrar and paying agent. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1762 50. Approving Hold Harmless Agreement with Federal Signal Corporation for release of schematic drawings of light bars and accessories. ([Council Communication No. 03-357](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1763 51. Request from MTA to provide free parking in the 7th and Center Park and Ride for shuttle service during the 2003 Iowa State Fair; two Friday evenings and on weekends. ([Council Communication No. 03-363](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

03-1764 52. Quit Claim Deed for 1607 Jefferson and Assignment of Real Estate Contract to United States Department of Housing and Urban Development. ([Council Communication No. 03-355](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1765 53. Civil Service Entrance Lists for Principal Traffic Engineer, Civil Engineer I, Park Planner, and Computer Aided Drafting (CAD) Graphic Technician, and Promotional Lists for Fleet Services Master Mechanic and Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

54. Bids for the following:

03-1766 (A) Van Meter Industrial (1751 Guthrie Avenue), sole area wide distributor, for Allen Bradley variable frequency drive system repair parts during fiscal year 2004 to be used by the Wastewater Reclamation Facility, \$35,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1767 (B) Grainger Industrial Supply (1811 Sheridan Avenue) from WSCA #6146 for miscellaneous industrial supplies during fiscal year 2004 to be used by the Wastewater Reclamation Facility, \$40,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1768 (C) Fisher Scientific (Hanover Park, IL) per State of Iowa Contract # CT1264MV for miscellaneous laboratory supplies during fiscal year 2004 to be used by the Wastewater Reclamation Facility, \$25,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1769 (D) Hewlett Packard Company (Omaha, NE) from WSCA #90-00151 for computer equipment to be used by the Wastewater Reclamation Facility, \$49,386. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1770 55. Authorizing Finance Director to issue checks on the registers of August 1 and

August 8, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 28 and August 4, 2003; and to draw checks for biweekly payroll due on August 8, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

03-1771 56. 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 do now pass, [#14,253](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

57. 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. **(Defer to Meeting of 8-11-03 at request of City Manager).**

03-1772 58. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second 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.

03-1773 (A) Final consideration of ordinance above. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,254](#). Motion Carried 7-0.**

03-1774 59. Amending Chapter 34 of the Municipal Code to prohibit use of firearms in cemeteries. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

03-1775 60. 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--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 P.M., Monday through Friday and all day on weekends.

03-1776 60. (A) Final consideration of ordinance above. **Moved by McPherson 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, [#14,255](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

03-1777 61. From Marty Mauk, 2701 Arthur, to speak regarding broadcasting of the City's boards and commissions meetings. **Moved by Vlassis to receive, file, and grant the request to speak. Motion Carried 7-0.**

** Council considered Extra Items next**

HEARINGS (Opened at 5:22 P.M.) (Items 62 thru 77)

03-1778 62. On appeal from William Woolsey, 1460 - 5th Avenue, regarding recommended denial of a Taxicab License. **Moved by McPherson to grant license for a six month probationary period. Applicant to provide proof of insurance and proof of a job offer from the cab company. Motion Carried 6-1. Nays: Vlassis.**

03-1779 63. 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 District) to "R-2A" (General Residential District) to allow development of 12 units of multiple-family residential for senior living. **Moved by Brooks to continue to the August 11, 2003 meeting at 5:30 P.M. Motion Carried 6-1. Absent: McPherson.**

03-1780 (A) City Plan & Zoning Commission recommendation. **Moved by Brooks to continue to the August 11, 2003 meeting at 5:30 P.M. Motion Carried 6-1. Absent: McPherson.**

WITHDRAWN 03-1781 (B) First consideration of ordinance above.

WITHDRAWN 03-1782 (C) Final consideration of ordinance above, (waiver requested by owner) requires six votes.

03-1783 64. 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. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

03-1784 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

03-1785 65. 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. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.**

03-1786 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**

03-1787 (B) Final consideration of ordinance above (waiver requested by applicant) requires six 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, [#14,256](#). Motion Carried 6-1. Nays: Cownie.**

03-1788 66. On vacation and conveyance of 280' dead end stub of Broad Street running east of SW 12th Street, to five abutting property owners. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

03-1789 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

03-1790 (B) Final consideration of ordinance above (waiver requested by applicant) requires six 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, [#14,257](#). Motion Carried 6-1. Absent: Coleman.**

03-1791 67. 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. **Moved by Brooks to adopt. Motion Carried 7-0.**

03-1792 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be**

considered and given first vote for passage. Motion Carried 7-0.

03-1793 (B) Final consideration of ordinance above (waiver requested by applicant) requires six votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,258](#). Motion Carried 7-0.**

03-1794 68. 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. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-1795 69. On sale of vacated alley right-of-way abutting 1236 E. 27th, to Sandra Pearson, \$25. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-1796 70. On vacation of the dead-end segment of Market Street, west of SW 5th Street. **Moved by Hensley to adopt and approve the vacation, subject to final passage of the vacation ordinance. Motion Carried 6-1. Nays: Brooks.**

03-1797 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

03-1798 71. On request to approve Final Development Plan for property on the west side of 6900 block of Indianola Avenue, and to continue hearing until September 8, 2003. **Moved by Brooks to adopt. Motion Carried 7-0.**

03-1799 72. On voluntary annexation of 4331 NW 44th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1800 73. On Seventh Amendment to the Metro Center Urban Renewal Plan, incorporates design guidelines for Eastern Gateway, updates text regarding neighborhood organization located in the area and revises Financial Condition Report. ([Council Communication No. 03-350](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1801 (A) City Plan & Zoning Commission recommendation. **Moved by Hensley to receive and file. Motion Carried 7-0.**

03-1802 74. On Tenth Amendment to the Omnibus Urban Renewal Plan Amendment to the Model City Prime Service Area for the City View Plaza Rehabilitation/Redevelopment Program, to terminate the Urban Renewal Plan. ([Council Communication No. 03-349](#)). **Moved by Vlassis**

to adopt. Motion Carried 7-0.

03-1803 75. On First Amendment to the Non-Commercial Aviation Operator Lease Agreement with Meredith Corporation, to remove a portion of the leased premises. ([Council Communication No. 03-359](#)). **Moved by Coleman to continue to the August 11, 2003 Council Meeting at 5:30 P.M. Motion Carried 7-0.**

03-1804 76. On Fleur Drive Resurfacing McKinley Avenue to Army Post Rd: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co. (Jim Gauger, President, DSM), \$449,055.84. ([Council Communication No. 03-361](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1805 (A) Approval of contract and bond; and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

03-1806 77. On Closes Creek Watershed - Bennett Avenue Storm Water Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$1,187,000.85. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1807 (A) Approval of contract and bond; and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1808 (B) Approving Supplemental Agreement No. 1 with Snyder & Associates, Inc., \$38,500. ([Council Communication No. 03-365](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:50 P.M. * *

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.

03-1809 1. Authorizing payment of condemnation award for acquisition of property located at 2704 Sheridan for the Closes Creek Storm Water Improvement Project, \$1,900, plus Sheriff's fees and jury expenses. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1810 2. Approving allocation of \$5,000 from Economic Development Enterprise Account to Beaverdale Business Coalition to implement Beaverdale Village Conceptual Revitalization Plan. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1811 3. Setting Date of Hearing on vacation and conveyance of East/West alley south of Edison Avenue and north of Columbus Park from S.E. 2nd Street to S.E. 2nd Court to four adjoining property owners, \$50 each, (8-11-03). SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

****Council considered Hearing Items next****

A G E N D A

BOARD OF HEALTH

July 28, 2003

03-1812 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

HEARING

WITHDRAWN 03-1813 1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 2901 E. Grand Avenue, Titleholder: Susan Kinter; Mortgage Holder: Des Moines Metro Credit Union.

AUTHORIZING

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

03-1814 (A) 1448 4th Street (vacant) Titleholder: Peter A. Georgas d/b/a Osceola, Inc.; Contract Buyer: Margarita Alonso; Legal Interest Holder: Hubert Hoff d/b/a TL Associates 18. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1815 (B) 700 24th Street (vacant) Titleholders: Virgil and Marilyn I. Moore; Contract Buyers: Jerry and Glendine LaRue, Sr. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1816 (C) 1414 E. 29th Street (vacant) Titleholders: Khamphay and Bai Phaviset; Legal

Interest Holder: ABN AMRO Mortgage Group, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1817 (D) 1513 College Avenue (vacant) Titleholder: Creative Vision Human Development Center, Inc. a/k/a Creative Visions. **Moved by Vlassis to adopt. Community Development will work with Creative Visions to develop a plan for the property. Motion Carried 7-0.**

03-1818 (E) 2935 Walker (vacant) Titleholder: Erik A. Abild. **Moved by Vlassis to adopt. Motion Carried 7-0.**

03-1819 3. The Engineering Department to cause the removal of 3109 38th Street, Titleholder: Randy L. Simonini. **Moved by Vlassis to continue to the August 11, 2003 Council Meeting, to allow Mr. Simonini to provide a financial plan, proof of insurance and construction schedule to be completed by the end of the year. MOTION FAILED 3-3-1. Nays: Hensley, McPherson and Brooks. Absent: Daniels. This item will be placed on the August 11, 2003 City Council agenda.**

03-1820 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:12 P.M. Motion Carried 6-1. Absent: Daniels.**