

**\*\*\* 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 '03-' 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**

**December 8, 2003**

**4:30 P.M.**

**SPECIAL PRESENTATIONS – 4:00 P.M.**

- (A) Recognition of John R. Grubb

**PROCLAMATIONS – 4:00 P.M.**

- (A) Holiday Food Program Weeks
- (B) Human Rights Month

**INVOCATION:** Rabbi Baruch HaLevi, Tifereth Israel Synagogue

- 03-2674 1. **ROLL CALL: Present: Daniels, Coleman, Cownie, Hensley, McPherson and Brooks. Absent: Vlassis.**
- 03-2675 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1.**  
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- 03-2676 3. **APPROVING CONSENT AGENDA – items 3 through 66: Moved by Hensley to adopt. Motion Carried 6-1.**

**LICENSES AND PERMITS**

- 03-2677 4. **Approving the following Alcoholic Beverage License applications: Moved by Hensley to adopt. Motion Carried 6-1.**

**NEW APPLICATIONS**

- (A) Den, 4369 Merle Hay Rd., C Liquor.
- (B) K-Boom, 319 Court Avenue, C Liquor.
- (C) ~~Tequila Mexican Restaurant, 2824 Easton Blvd., C Liquor.~~

**RENEWAL APPLICATIONS**

- (D) B & B Super Market, 2001 SE 6<sup>th</sup> Street, C Beer.
- (E) Buzzard Billy's, 100 Court Avenue, C Liquor.
- (F) Federal Distributors Inc., 3000 E Grand Avenue, B Beer.
- (G) Felix & Oscars, 4050 Merle Hay Rd., C Liquor.
- (H) Git-N-Go Store #2, 1307 Army Post Rd., C Beer.
- (I) Hy-Vee Food Store #2, 2540 E Euclid Avenue, B Wine.
- (J) Hy-Vee Food Store #2, 2540 E Euclid Avenue, C Beer.
- (K) Kum & Go #208, 3200 SE 14<sup>th</sup> Street, C Beer.
- (L) Kum & Go #2722, 2211 University Avenue, C Beer.
- (M) Kum & Go #2722, 2211 University Avenue, B Wine.
- (N) Kum & Go #2729, 2829 Easton Blvd., C Beer.

- (O) Kum & Go #2729, 2829 Easton Blvd., B Wine.
  - (P) Kum & Go #2731, 3104 University Avenue, C Beer.
  - (Q) Kum & Go #2731, 3104 University Avenue, B Wine.
  - (R) Kum & Go #60, 806 SE 14<sup>th</sup> Street, B Wine.
  - (S) Kum & Go #60, 806 SE 14<sup>th</sup> Street, C Beer.
  - (T) Tienda Mexicana, 1524 E Grand Avenue, C Beer.
  - (U) ~~Tumea & Sons, 1501 SE 1<sup>st</sup> Street, C Liquor.~~
- 03-2678 5. Recommended denial of license for CRH, Inc., Hoppers, 2515 Wedgewood, Class C Liquor License. **(Recommendation of Vice Control Unit to deny). Moved by McPherson to deny the license; due to failure of good moral conduct and misrepresentation of material fact on the renewal application, pursuant to Chapter 10 of the Des Moines Municipal Code and Chapter 123 of the Code of Iowa and the Rules and Regulations thereof. Motion Carried 6-1.**
- 03-2679 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2680 7. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

#### **PUBLIC IMPROVEMENTS**

- 03-2681 8. Items regarding the M.L. King Parkway Project:
- (A) Ordering Construction of M. L. King Jr. Parkway – Fleur Drive Intersection Grading/Paving (Construction Estimate - \$11,984,700.23) Receiving of Bids by IDOT (12-16-2003), and Setting Date of Hearing (12-22-2003). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
  - (B) Ordering Construction of M. L. King Jr. Parkway – North /South Bridge over the Raccoon River (Construction Estimate - \$7,871,613.80) Receiving of Bids by IDOT (12-16-2003), and Setting Date of Hearing (12-22-2003). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
  - (C) Ordering Construction of M. L. King Jr. Parkway – East /West Signature Bridge over the Raccoon River (Construction Estimate - \$8,117,911.60) Receiving of Bids by IDOT (12-16-2003), and Setting Date of Hearing (12-22-2003). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
  - (D) Ordering Construction of M. L. King Jr. Parkway – East /West Bridge over the Northbound Fleur Drive Ramp (Construction Estimate - \$1,181,558.10) Receiving of Bids by IDOT (12-16-2003), and Setting Date of Hearing (12-22-2003). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
  - (E) Ordering Construction of M. L. King Jr. Parkway & Fleur Drive Intersection/Bridges Combined Project (Construction Estimate - \$29,155,783.73) Receiving of Bids by IDOT (12-16-2003), and Setting Date of Hearing (12-22-2003). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
  - (F) Ordering Removal of Burlington Northern Santa Fe Railroad Bridge (Construction Estimate - \$392,173) Receiving of Bids by IDOT (12-16-

2003), and Setting Date of Hearing (12-22-2003). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**

- 03-2687 (G) Approve a Memorandum of Agreement with the State Historic Society of Iowa, Federal Highway Administration, and Iowa Department of Transportation concerning Historic and Archaeological Impacts caused by removal of the Chicago, Burlington & Quincy Railroad Bridge (aka Burlington Northern Santa Fe Railroad Bridge). ([Council Communication No. 03-593](#)) **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
- 03-2688 (H) Approve and accept real estate documents for railroad tracks, south of Grand Avenue, and west of Fleur Drive for the M. L. King Parkway Project, \$50,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
- 03-2689 (I) Approve and accept real estate documents for property at 1716 Locust Street for the M. L. King Parkway Project, \$33,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: Vlassis.**
- 03-2690 9. Approving Agreement with RDG Crose Gardner Shukert for professional services in conjunction with the Ingersoll Avenue Corridor Study - \$20,000. ([Council Communication No. 03-565](#)) **Moved by Hensley to approve. Motion Carried 6-1.**
- 03-2691 10. Approving Preconstruction Agreement with Iowa Department of Transportation for sanitary sewer construction at Easton Boulevard, Dixon Street and Maple Street. ([Council Communication No. 03-592](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2692 11. Approving Preconstruction Agreement with Iowa Department of Transportation for Deans Lake Outfall along Union Pacific Railroad to Deans Lake Phase 1 Project. ([Council Communication No. 03-590](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2693 (A) Approving Supplemental Agreement No. 1 to I-235 Deans Lake Outlet Storm Sewer with Veenstra & Kimm, Inc. for construction phase services in connection with I-235 Deans Lake Outlet Storm Sewer Phase 1 - \$128,167. ([Council Communication No. 03-591](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2694 12. Approving agreement with Iowa Department of Transportation for University Avenue Bridge over the Des Moines River Rehabilitation. ([Council Communication No. 03-596](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2695 13. Approving request from Russell Construction Company, Contractor, for extension of time, for Ashby Park Water Playground Project. ([Council Communication No. 03-589](#)) **Moved by Coleman to adopt; refer to City Manager to request the seeding be done as soon as possible. Motion Carried 6-1.**
- 03-2696 14. Accepting completed construction and approving final payment for the following:  
(A) Seventh Ward Ditch (n.k.a. Leetown Creekway) Wooden Box Replacement Phase 2: Garfield Avenue to Cleveland Avenue, KRI Co., \$57,427.18 to be

- paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2697 (B) WRF Skylights Replacement, C. Kay Construction, \$4,564.65 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2698 (C) Glendale Cemetery HMA Overlay, Grimes Asphalt & Paving Corp., \$1,187.50 is now due and \$2,228.82 is to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2699 (D) Westchester Park Playground Improvements, Hooyer Construction, Inc., \$2,372.15 is now due and \$3,377.10 is to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2700 (E) Fleur Drive Widening from Army Post Road to County Line Road, Corell Contractor Inc. and Subsidiary, \$5,151.79 is now due and \$30,000 is to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**
15. Approving completion and recommending acceptance of the following Private Construction contracts:
- 03-2701 (A) McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Grubb Enterprises (John W. Grubb, President, Urbandale, Owner) for construction of Street Improvements for street paving in the 600 block of Holcomb Avenue (Polar Bear Way), \$169,092.10. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2702 (B) McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and ABC Partners LP (Richard B. Margulies, Treasurer of General Partner, WDM, Owner) for Sanitary Sewer improvements for Airport Business Park as it crosses relocated Highway 5, \$39,760. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2703 (C) Iowa Signal & Electric Co. (Ronald R. Johnson, President, DSM, Contractor) and ABC Partners LP, (Richard B. Margulies, Treasurer of General Partner, WDM, Owner) for Traffic Signal improvements on Army Post Road at SW 34<sup>th</sup> Street, \$107,770. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2704 (D) Elder Corporation, Jared R. Elder (President, DSM, Contractor) and ABC Partners LP (Richard B. Margulies, Treasurer of General Partner, WDM, Owner) for Paving improvements for construction of turn lanes and crossovers on Army Post Road at SW 34<sup>th</sup> Street and at SW 37<sup>th</sup> Street, \$128,348.49. **Moved by Hensley to adopt. Motion Carried 6-1.**

#### **SPECIAL ASSESSMENTS**

16. Delete NAC – Emergency Order Assessments levied on the following: (Ownership has changed since assessment was levied).
- 03-2705 (A) 3925 Mattern Avenue, Schedule 2003-82, Certificate 00-10765-00, \$1,565.82. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2706 (B) 1315 E. Washington Avenue, Schedule 2003-08, Certificate 00-10664-00, \$354.52. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2707 (C) 648 25<sup>th</sup> Street, Schedule 2003-01, Certificate 00-09532-00, \$382.21. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2708 (D) 2216 E 35<sup>th</sup> Street, Schedule 2003-82, Certificate 00-10770-00, \$375.52.



- 03-2722 25. **1.** Communication from Gene Larson advising of his resignation from the Sister Cities Commission (Seat 20) – Ankeny representative effective December 1, 2003. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 6-1.**
- 03-2723 26. Communication from Madaline Clark advising of her resignation from the Public Housing Board (Seat 4) effective immediately. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2724 27. Recognition of the Arbor Peaks Neighborhood Association in accordance with the Neighborhood Recognition Policy (area boundaries are Ingersoll on the north, M. L. King Jr. Pkwy. on the east, generally along Terrace Road on the south, and 31<sup>st</sup> Street on the west.) ([Council Communication No. 03-578](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2725 (A) Neighborhood Revitalization Board recommendation. **Moved by Hensley to receive and file. Motion Carried 6-1.**

#### **STREET CLOSURES**

- 03-2726 28. Approving recommendation of Street Use Team to close the following streets: **Moved by Hensley to adopt. Motion Carried 6-1.**
- (A) Amy Lego, representing Downtown Community Alliance, requesting permission to close 7<sup>th</sup> Street from Center Street to Crocker Street and Crocker Street from 6<sup>th</sup> to 7<sup>th</sup> Street on Wednesday, December 31, 2003 from 9 PM to 11 PM for ImaginEve.

#### **COMMUNICATIONS FROM PLAN AND ZONING COMMISSION**

- 03-2727 29. Regarding request from Hawkeye Land Company, 101 SE 7<sup>th</sup> Street, to vacate and convey the intervening north/south and east/west alleys in the block bounded by E. Vine, E. Market, SE 7<sup>th</sup> and SE 8<sup>th</sup> Streets. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**
- 03-2728 30. Regarding request from Frank Pierce, 2428 Saylor Road, to vacate and convey a segment of the east/west alley between Arthur and E. Holcomb Avenue, running west of Saylor Road, and a north/south alley, running south from the west end to form an “L” shape. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**
- 03-2729 31. Regarding request from Jose L. Rodriquez, 1824 Hubbell to vacate and convey the east 5 feet of E. 18<sup>th</sup> Street between Des Moines Street and Hubbell Avenue, (Plan and Zoning Commission recommends denial). **Moved by Hensley to adopt. Motion Carried 6-1.**

#### **SETTING DATE OF HEARINGS**

- 03-2730 32. On request from Gary VanEngelenberg, to rezone property at 3836 Beaver Avenue, from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), to allow reuse of the existing dermatology clinic as a holistic veterinary clinic, subject to limitations, (12-22-03). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2731 33. On lease of parking lot on the northeast corner of E. 4<sup>th</sup> and Grand, to Nelson Development, L.L.C., for 160 parking spaces, \$4800 per month for 5 years, (12-22-

03). [Council Communication No. 03-572](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- 03-2732 34. On sale of City property at 5821 Winona Avenue, to Russ Severson, \$1,000, (12-22-03). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2733 35. On proposed renaming of a portion of Tuttle Street and the Park Road north of Sec Taylor Stadium as “Line Drive”, (12-22-03). **Moved by Hensley to adopt; refer to City Manager to consider naming a street near Sec Taylor Stadium in honor of Ken Grandquist. Motion Carried 6-1.**
- 03-2734 36. On assessment of \$1,500 penalty and a 30-Day suspension of alcoholic beverage license/permit for Git-N-Go Convenience Store, 4900 Urbandale Avenue, (12-22-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

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

- 03-2735 37. Approving payment of \$909.75 to Ahlers & Cooney, P.C. for services related to acquisition of DICO property at 200 S.W. 16<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2736 38. Approving payment of \$3,477.73 to ACS State Healthcare and \$15,522.27 to Erica Hill and her attorney, Patrick V. Waldron, for an auto accident on June 21, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2737 39. Approving payment of \$337.50 to Sullivan & Ward, P.C. for services related to the National Pollution Discharge Elimination System Permit (NPDES) and environmental issues in lease and use agreements. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2738 40. Approving payment of \$3,627.57 to Duncan, Green, Brown, Langeness & Eckley for representation relating to airport parking garages. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2739 41. Approving payment of \$29,313 to Steve Lundberg for workers’ compensation claim for an injury during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2740 42. Approving payment of \$49,721.25 to Ricky Figgins for workers’ compensation claim for an injury during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2741 43. Approving payment of \$3,762 to Chester C. Woodburn III of Hansen, McClintock & Riley for representation of Ron Wakeham in David Griffith v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2742 44. Approving retention of outside legal services by Frank Harty of Nyemaster Law Firm to consult and perform services in conjunction with collective bargaining and related matters at a rate of \$95 per hour, plus out of pocket expenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

#### **CITY MANAGER COMMUNICATIONS**

- 03-2743 45. Submitting out-of-state travel for T. M. Franklin Cownie and Richard Wallace. ([Council Communication No. 03-568](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2744 46. Submitting various traffic regulation changes as follows: **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

(1) Parking Restriction Modifications – Cherry Street between 5<sup>th</sup>

- Avenue and 6<sup>th</sup> Avenue.
- (2) Parking Restriction Modifications – East Jackson Avenue between SE 5<sup>th</sup> Street and SE 6<sup>th</sup> Street.
  - (3) Downtown School Loading Zone Designation.
  - (4) Parking Restriction Extension – North Side of East Grand Avenue East and West of East 22<sup>nd</sup> Street.
  - (5) Traffic Control Modifications at 28<sup>th</sup>/Cottage Grove and 28<sup>th</sup>/Kingman. ([Council Communication No. 03-595](#))

## APPROVING

- 03-2745 47. CSBG Contract No. 04-07-CJ with Iowa Department of Human Rights/Division of Community Action Agencies for community service to low-income persons from 10-1-03 to 09-30-04. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2746 48. Preliminary terms of Agreement with Employers Mutual Casualty Company (EMC) for demolition of city-owned garage at 8<sup>th</sup> and Mulberry Streets, transfer of land to EMC and construction of privately owned parking garage by EMC. ([Council Communication No. 03-575](#)) **Moved by Coleman to adopt. Motion Carried 6-1.**
- 03-2747 49. Neighborhood Commercial Revitalization (NCR) Program Loan to Coppolas Partnership for site improvements to property at 101 Fourth Street in the amount of \$15,000. ([Council Communication No. 03-567](#)) **Moved by Hensley to approve. Motion Carried 6-1.**
- 03-2748 50. Second Amendment to Development Agreement with Color Converting Industries to waive \$34,055 in interest on repayment of the forgivable loan. ([Council Communication No. 03-571](#)) **Moved by Hensley to adopt. The Mayor and City Council will send a letter to Color Converting and Siegwirk's, expressing interest in meeting with them in January. Motion Carried 6-1.**
- 03-2749 51. Applications for Recreational Enhancement and Protection (REAP) Grants for education of tall grass prairie, \$38,400 and Savanna Lands, \$24,240. ([Council Communication No. 03-587](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2750 52. Revisions to Greenbelt Master List of Projects. ([Council Communication No. 03-579](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2751 53. Certificates of completion and release of Good Faith Deposits to R.M. Madden Construction for completed dwellings in Frisbee Park area. ([Council Communication No. 03-582](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2752 54. Declaring Official Intent to issue debt to reimburse the Des Moines Metropolitan Wastewater Reclamation Authority for capital projects. ([Council Communication No. 03-564](#)) **Moved by Brooks to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**
- 03-2753 55. Amended Flexible Spending Account Plan to include over-the-counter medications. ([Council Communication No. 03-584](#)) **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Cownie and McPherson. Absent: Vlassis.**
- 03-2754 56. Two year extension to contract with Nextel Partners for cell phones/services. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2755 57. Application Design and Development Services, from Information Builders, Inc, to implement features of existing software for the IT and Public Works Departments,



not to exceed \$100,000. [Council Communication No. 03-576](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

58. Bids for the following:

- 03-2756 (A) An annual contract with two additional one-year renewal options for a primary contractor, Air-Con Mechanical, and secondary contractor, Accurate Mechanical Company, to perform plumbing and HVAC (heating, ventilating and air conditioning) services. (Thirteen bids mailed, seven received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2757 (B) Grainger for decontamination shelters for the Des Moines Metropolitan Medical Response System, \$72,639.88. (Nine bids mailed, two received). ([Council Communication No. 03-561](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2758 (C) Ace Heating & Electric for an annual contract with two additional one-year renewal options to provide furnace tune, clean and repair services under the City's Weatherization Program. (Fifteen bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2759 (D) Pomeroy Computer Resources (Urbandale) per State of Iowa Contract number CT2708 for CISCO network equipment to be used by the Information Technology Department, \$66,000. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2760 (E) Aramark Uniform Services for an annual contract with two additional one-year renewal options to furnish uniform rental services. (Three bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2761 (F) Van Meter Industrial for lamps, \$7,350 and Stitzell Electric Supply for lamps and ballasts, \$21,820.66 for energy management improvements by the Park and Recreation Department at a total cost of \$29,170.66. (Seven bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2762 (G) Waldinger Corporation for ballast replacement and relamping services at City Hall, \$47,466.86. (Eleven bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2763 (H) Great American Outdoor for two triplex reel mowers for use by Grandview and Waveland Golf Courses, \$30,300. (Seven bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2764 (I) Ziegler (Urbandale), \$40,539 and Construction and Aggregate Products, \$2,156 for steel cutting edges for snow plows and motor patrols at a total cost of \$42,695. (Eight bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2765 59. Civil Service Entrance List for Laborer and Promotional List for Fire Engineer. **Moved by Hensley to receive and file. Motion Carried 6-1.**
- 03-2766 60. Authorizing Finance Director to issue checks on the registers of December 12 and December 19, 2003; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of December 8 and December 15, 2003; and to draw checks for biweekly payroll due on December 12, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

## ORDINANCES - FINAL CONSIDERATION

- 03-2767 61. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, #14,292. Motion Carried 6-1.**
- (1) Two-way stop – E. 17<sup>th</sup> Street at Garfield Avenue.
  - (2) Corner Clearance – south side of Wilmers Avenue, east of SE 3<sup>rd</sup> Street.
  - (3) Corner Clearance - south side of Rollins Avenue, east of 40<sup>th</sup> Place.
  - (4) Corner Clearance – north side of Capitol Avenue, east of E. 21<sup>st</sup> Street.
- 03-2768 62. On use and redevelopment of the Downtown Riverfront area between University Avenue and the confluence of the Des Moines and Raccoon Rivers:
- (A) Enacting the new “D-R” Downtown Riverfront District regulations. **Moved by Hensley that this ordinance do now pass, #14,293. Motion Carried 6-1.**
  - (B) Rezoning of the Downtown Riverfront area to the “D-R” Downtown Riverfront District. **Moved by Hensley that this ordinance do now pass, #14,294. Motion Carried 6-1.**

## ORDINANCES - SECOND CONSIDERATION

- 03-2770 63. To rename portions of E. First Street and E. River Drive from Locust to E. 6<sup>th</sup> Street, as “Robert D Ray Drive”. **Moved by Hensley that this ordinance be considered and given second vote passage. Motion Carried 6-1.**
- 03-2771 (A) Final consideration of ordinance above, (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, #14,295. Motion Carried 6-1.**
- 03-2772 64. On application from TCK Development LLC, to rezone property at 2414, 2470, and 2540 E. Payton Avenue from “R1-80” (One-Family Residential) to R1-70” (One-Family Low Density Residential), for subdivision of single-family residential lots. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- 03-2773 (A) 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, #14,296. Motion Carried 6-1.**
- 03-2774 65. Amending Chapter 114 of the Municipal Code to install stop signs for East/West traffic at SW 4<sup>th</sup> and Wall. **Moved by Hensley that is ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- 03-2775 (A) 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 itr is to be finally passed be suspended, that the ordinance be placed upon its final passage**

**and that the ordinance do now pass, #14,297. Motion Carried 6-1.**

03-2776 66. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

- (1) Through Street Designation-Village Run Drive from the West line of Brook View Drive to the East line of E. 52<sup>nd</sup> Street.
- (2) Corner Clearance – East side of Henry Street, south of Park Avenue
- (3) Corner Clearance – West side of 15<sup>th</sup> Street, south of High Street.

03-2777 (A) 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 not pass, #14,298. Motion Carried 6-1.**

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

\*\*Council considered Hearing Items 73 thru 86 next\*\*

**ORDINANCES - FIRST CONSIDERATION**

03-2778 67. Amending Chapter 102 of the Municipal Code regarding qualifications of the Skywalk Committee. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-2779 68. Amending Chapter 118 of the Municipal Code to change the upper pH level for the Wastewater Reclamation Facility. **Moved by Brooks that this ordinance be considered and given first vote for passage.**

03-2780 (A) Final consideration of ordinance above, (waiver requested by WRF/Public Works), requires 6 votes. ([Council Communication No. 03-588](#)) **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 not pass, #14,299. Motion Carried 6-1.**

**COUNCIL REQUESTS**

03-2781 69. Request from Council Member Archie Brooks, to discuss the At-Large Council seat. **Moved by Brooks that it is the intention of the Council to fill the soon to be vacant At-Large seat by appointment. Motion Carried 6-1.**

03-2782 70. From Council Member Chris Coleman, to discuss participation in a study regarding parks and conservation efforts in Des Moines and Polk County. **Moved by Coleman to formally participate in the committee. Council Members Brooks and Coleman and the City Manager will be Des Moines' representatives. Motion Carried 6-1.**

**COMMUNICATIONS/REPORTS**

03-2783 71. From V.E. Augspurger, 1402 Kenyon, regarding policy of billing for garbage and sewer usage. **Moved by Brooks to receive, file, and refer to the City Manager and a future workshop during the 2004/05 budget discussion. Motion Carried 6-1.**

03-2784 72. From Community Development Department, regarding Neighborhood Conservation Services King Irving Neighborhood Infill Housing Project. ([Council](#)

[Communication No. 03-583](#)) Moved by Coleman to receive and file. Motion Carried 6-1.

**HEARINGS (Opened at 5:35 P.M.) (Items 73 thru 86)**

- 03-2785 73. On United Parcel Service Agreements: ([Council Communication No. 03-585](#))  
(A) Third Amendment to Land Lease Agreement. Moved by Hensley to adopt. Motion Carried 6-1.
- 03-2786 (B) First Amendment to the 2870 “OLD” Army Post Road Lease. Moved by Hensley to adopt. Motion Carried 6-1.
- 03-2787 (C) First Amendment to the 3251 “OLD” Army Post Road Lease. Moved by Hensley to adopt. Motion Carried 6-1.
- 03-2788 74. On denial of Council-initiated request for proposal to amend the Easter Lake New  
**WITHDRAWN** Town Plan element of the Des Moines 2020 Community Character Future Land Use Plan; for amendment to the Three Lakes Estates Planned Unit Development Concept Plan for property in the vicinity of 6726 Three Lakes Parkway, to remove a segment of the through connector street between E. Army Post Road and E. Pine Avenue; and proposed vacation of the dead end segment of Three Lakes Parkway southeast of Moonlight Drive, (Plan and Zoning Commission recommends DENIAL).
- 03-2789 (A) ALTERNATE RESOLUTION – Approving the Planning Amendments to remove the requirement that Three Lakes Parkway be a through connector street. Moved by Brooks to refer to City Manager to develop a landscape plan for the roadway area and negotiate with the neighbors for maintenance and with the developer for an endowment, and report back to Council. Motion Carried 6-1.
- 03-2790 75. On issuance of not to exceed \$5,500,000 Senior Housing Revenue Bonds, for Luther Park Apartments. ([Council Communication No. 03-562](#)) Moved by McPherson to adopt. Motion Carried 6-1.
- 03-2791 76. On Supplement 14 to the Governmental Lease-Purchase Master Agreement, to acquire and upgrade audio-visual and other broadcast equipment, \$51,500. ([Council Communication No. 03-563](#)) Moved by Brooks to adopt. Motion Carried 6-1.
- 03-2792 (A) Authorization for additional action. Moved by Brooks to adopt. Motion Carried 6-1.
- 03-2793 (B) Resolution authorizing execution of delivery of lease-purchase master agreement. Moved by Brooks to adopt. Motion Carried 6-1.
- 03-2794 (C) Approving bid for equipment from Alpha Video & Audio (Edina, MN). Moved by Brooks to adopt. Motion Carried 6-1.
- 03-2795 77. On request from Anawim Housing, to continue Hearing on proposed rezoning of 501-513 Forest Avenue, to December 22, 2003 at 5:30 P.M. Moved by Coleman to continue the public hearing until December 22, 2003 at 5:30 P.M. in the Council Chambers. Motion Carried 6-1.
- 03-2796 78. On assessment of \$500 penalties for violation of Iowa Alcoholic Beverage Laws to thirteen alcoholic beverage license/permit holders. Moved by Brooks to adopt. Motion Carried 6-1.
- 03-2797 79. On vacation and conveyance of the north/south alley, south of Scott Avenue between SE 27<sup>th</sup> Court and SE 28<sup>th</sup> Street, to 10 abutting property owners. Moved

**by Brooks to adopt. Motion Carried 6-1.**

- 03-2798 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 03-2799 (B) Final consideration of ordinance above, (waiver requested by Legal Department), 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, #14,300. Motion Carried 6-1**
- 03-2800 80. On sale of the east half of a vacated alley adjacent to 718 SE 27<sup>th</sup>, to Thomas E. and Jacki L. Heston, \$50. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 03-2801 81. On request from Burns & Burns, L.C. to rezone property at 1200 4<sup>th</sup> Street, from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One Family Low Density Residential) to “NPC” (Neighborhood Pedestrian commercial) to allow for a 60-unit assisted living complex. **Moved by Coleman to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- 03-2802 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 03-2803 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Coleman 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, #14,301. Motion Carried 6-1**
- 03-2804 82. On request from the Aviation Director, to rezone property at 2870 Army Post Road, to “M-3” (Limited Industrial District), to allow support industrial development with the expanded boundaries of the Airport. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- 03-2805 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 03-2806 (B) Final consideration of ordinance above, (waiver requested by Aviation Director), 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, #14,302. Motion Carried 6-1**
- 03-2807 83. On request from Bobmar, L.C. to amend conditions of the existing Limited “C-1” (Neighborhood Retail Commercial) district, for property at 1233-63<sup>rd</sup> Street, subject to replacing the prior conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

- 03-2808 (A) First consideration of ordinance rezoning property to Amended Limited “C-1”. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- 03-2809 (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, #14,303. Motion Carried 6-1**
- 03-2810 84. On 7<sup>th</sup> and Grand Parking Garage Elevator Replacement Project: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and submission of bids. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2811 (A) Designating lowest responsible bidder as O’Keefe Elevator Company, Inc., (Denis “Skip” O’Keefe, President, 1567 Ohio Street, DM) \$232,920; approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 03-2812 85. On the WRA West Des Moines South Outfall Phase 1 – 1<sup>st</sup> Street to 4<sup>th</sup> Street Project: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rasch Construction Inc., (Joel K. Rasch Vice President/CEO), Fort Dodge, \$510,070. **Moved by Brooks to adopt. Motion Carried 4-2-1. Nays: Coleman and Hensley. Absent: Vlassis.**
- 03-2813 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 4-2-1. Nays: Coleman and Hensley. Absent: Vlassis.**
- 03-2814 86. On WRF Aeration Piping Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as C. L. Carroll Co., Inc. (John Rissman, President, DSM), \$719,498. **Moved by Brooks to adopt. Motion Carried 6-1.**
- 03-2815 (A) Approving contract and bond and permission to sublet. ([Council Communication No. 03-597](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

\*\*Council considered Item 87 next\*\*

**APPROVING**

- 03-2816 87. Diminution of positions in the consolidation plan for the Community Development Department’s site offices. ([Council Communication No. 03-570](#)) **Moved by Brooks to defer to the December 22nd Council Meeting; City Manager to report on the plan specifics to provide outreach at the Community Centers. Motion Carried 6-1.**

\*\*Council considered Items 67 thru 72, Extra No. 1 and BDH next\*\*

## 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.

- 03-2817 1. Approving support of the Polk County Housing Trust Fund's application for funds from the State Housing Trust Fund. SPONSOR: Hensley **Moved by Hensley to adopt. Motion Carried 6-1.**

## BOARD OF HEALTH

- 03-2818 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

1. Court Authority to abate the public nuisance at the following locations: **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2819 (A) 510 Davis Avenue (vacant), Titleholder: Joan Knight. **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2820 (B) 1613 Forest Avenue (vacant), Titleholders: James M. and Susan C. James; Mortgage Holders: Jeffrey P. and Rebecca L. Morrow; Tax Certificate Holder: Christine Frank d/b/a Tax 221. **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2821 (C) 1421 Garfield Avenue (vacant), Titleholder: Bank One. **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2822 (D) 2513 Logan Avenue (vacant), Titleholder: The Provident Bank. **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2823 (E) 3125 State Avenue (vacant), Titleholder: Ralph Martin; Mortgage Holder: Green Tree Mortgage, Ford Consumer Finance Company, Inc. and Lederman Bonding Company; Tax Certificate Holder: Christine Frank d/b/a Tax 228. **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2824 (F) 2024 Washington Avenue (garage), Titleholder: Evelyn B. Cortez; Tax Certificate Holder: Brian Kay d/b/a Ninth Inning Properties, LLC. **Moved by McPherson to adopt. Motion Carried 6-1.**
  - 03-2825 (G) 3206 Woodland Avenue (garage), Titleholder: Wells Fargo Home Mortgage, Inc. **Moved by McPherson to adopt. Motion Carried 6-1.**

- 03-2826 (H) 2207 E. 14<sup>th</sup> Street (vacant), Titleholder: Donna L. Barnes; Mortgage Holders: Green Tree Servicing, LLC f/k/a Conseco Finance Servicing Corporation; Tax Certificate Holder: Oak Park Investments Partnership IV. **Moved by McPherson to adopt. Motion Carried 6-1.**

- 03-2827 2. The Engineering Department to remove the following structures:  
(A) 1425 4<sup>th</sup> Street, Titleholder: Halemah S. Ebrahim. **Moved by McPherson to adopt. Motion Carried 6-1.**

- 03-2828 (B) 1543 9<sup>th</sup> Street, Titleholder: 2221 Carpenter Ave, LLC; Contract Buyer: Cash Consultants, LC; Tax Certificate Holders: John and Virginia Regan. **Moved by McPherson to adopt. Motion Carried 6-1.**

- 03-2829 3. Release of demolition cost reserve held by Allied Insurance under claim number

74A01541 regarding property known as 1016 Trisha Avenue owned by Jamie Ferriss and Janella Ferriss. **Moved by McPherson 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 6-1.**

03-2830 4. Release of demolition cost reserve held by State Farm under claims number 15-E066-595 regarding property known as 1227 E. 36<sup>th</sup> Street insured by Lawrence Yates and Vicky Purdy. **Moved by McPherson 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 6-1.**

03-2831 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:16 P.M. Motion Carried 6-1.**

All-America City  
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