

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

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * *

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

- 3. APPROVING CONSENT AGENDA – items 3 through 66:

LICENSES AND PERMITS

- 4. Approving the following Alcoholic Beverage License applications:

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 6th 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 14th 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 14th Street, B Wine.
 - (S) Kum & Go #60, 806 SE 14th Street, C Beer.
 - (T) Tienda Mexicana, 1524 E Grand Avenue, C Beer.
 - (U) Tumea & Sons, 1501 SE 1st Street, C Liquor.
5. Recommended denial of license for CRH, Inc., Hoppers, 2515 Wedgewood, Class C Liquor License. **(Recommendation of Vice Control Unit to deny).**
 6. City Clerk to issue Coin Operated Machine Licenses.
 7. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

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).
 - (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).
 - (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).
 - (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).

- (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).
- (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).
- (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).

[\(Council Communication No. 03-593\)](#)

- (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.
- (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.

9. Approving Agreement with RDG Crose Gardner Shukert for professional services in conjunction with the Ingersoll Avenue Corridor Study - \$20,000.

[\(Council Communication No. 03-565\)](#)

10. Approving Preconstruction Agreement with Iowa Department of Transportation for sanitary sewer construction at Easton Boulevard, Dixon Street and Maple Street.

[\(Council Communication No. 03-592\)](#)

11. Approving Preconstruction Agreement with Iowa Department of Transportation for Deans Lake Outfall along Union Pacific Railroad to Deans Lake Phase 1 Project.

[\(Council Communication No. 03-590\)](#)

- (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.

[\(Council Communication No. 03-591\)](#)

12. Approving agreement with Iowa Department of Transportation for University Avenue Bridge over the Des Moines River Rehabilitation.

[\(Council Communication No. 03-596\)](#)

13. Approving request from Russell Construction Company, Contractor, for extension of time, for Ashby Park Water Playground Project.

[\(Council Communication No. 03-589\)](#)

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.
- (B) WRF Skylights Replacement, C. Kay Construction, \$4,564.65 to be paid at the end of thirty days.
- (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.
- (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.
- (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.

15. Approving completion and recommending acceptance of the following Private Construction contracts:
- (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.
 - (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.
 - (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 34th Street, \$107,770.
 - (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 34th Street and at SW 37th Street, \$128,348.49.

SPECIAL ASSESSMENTS

16. Delete NAC – Emergency Order Assessments levied on the following: (Ownership has changed since assessment was levied).
- (A) 3925 Mattern Avenue, Schedule 2003-82, Certificate 00-10765-00, \$1,565.82.
 - (B) 1315 E. Washington Avenue, Schedule 2003-08, Certificate 00-10664-00, \$354.52.
 - (C) 648 25th Street, Schedule 2003-01, Certificate 00-09532-00, \$382.21.
 - (D) 2216 E 35th Street, Schedule 2003-82, Certificate 00-10770-00, \$375.52.
 - (E) 1323 24th Street, Schedule 2003-01, Certificate 11-09626-00, \$232.25 and Schedule 2002-09, Certificate 00-09311-00, \$262.37.

17. Correct NAC – Emergency Order Assessment levied for the following: (Data entry error)
- (A) 1115 Oak Park Avenue, Schedule 2003-57, Certificate 00-10724-00, from \$110 to \$315.
 - (B) 512 Boyd Street, Schedule 2003-30, Certificate 00-10680-00, from \$150 to \$290.

LAND/PROPERTY TRANSACTIONS

18. Approving Subdivision Plats for the following:
- (A) Brook Run Village Plat 9, located west of East 52nd Street and south of Village Run Drive.
[\(Council Communication No. 03-586\)](#)
 - (B) Brook Run Village Plat 10, located west of Brook View Drive and south of Stream Side Circle.
[\(Council Communication No. 03-580\)](#)
 - (C) Carman Estates Plat 3, located south of Easter Lake Drive and east of Indianola Avenue.
[\(Council Communication No. 03-581\)](#)
 - (D) Park Place Estates Plat 2, located south of East Park Avenue and in vicinity of SE 24th Court.
[\(Council Communication No. 03-573\)](#)
19. Approving release of PUD Restoration Bond in amount of \$ 3,000 as security for completion of required improvements for Meredith Village Townhomes, 5555 Meredith Drive.
[\(Council Communication No. 03-577\)](#)
20. Tax Abatement applications for additional value added by improvements made during 2003. (159 applications on file in City Clerk's Office).
[\(Council Communication No. 03-574\)](#)

21. Approve and accept real estate documents for property at 2000 Walker Street, for the Deans Lake Outlet Storm Sewer Project – Phase 1, \$4,249.50 plus closing costs.
22. Approve and accept real estate documents for property at 1249 Stewart Street, for the I-235 Corridor Improvement Project, \$340 plus closing costs.

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Recommendation of Council Member Frank Cownie to reappoint Thomas J. Clarke, Sr. to Seat 2 on the Zoning Board of Adjustment for a five year term commencing April 1, 2003 to expire April 1, 2008.
24. Recommendation of Mayor Preston Daniels to appoint Patricia Nesbitt to the Des Moines Municipal Housing Governing Board for a one year term commencing July 1, 2003 to expire July 1, 2004.
25. Communication from Gene Larson advising of his resignation from the Sister Cities Commission (Seat 20) – Ankeny representative effective December 1, 2003.
26. Communication from Madaline Clark advising of her resignation from the Public Housing Board (Seat 4) effective immediately.
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 31st Street on the west.)

[\(Council Communication No. 03-578\)](#)

- (A) Neighborhood Revitalization Board recommendation.

STREET CLOSURES

28. Approving recommendation of Street Use Team to close the following streets:
 - (A) Amy Lego, representing Downtown Community Alliance, requesting permission to close 7th Street from Center Street to Crocker Street and Crocker Street from 6th to 7th Street on Wednesday, December 31, 2003 from 9 PM to 11 PM for ImaginEve.

COMMUNICATIONS FROM PLAN AND ZONING COMMISSION

29. Regarding request from Hawkeye Land Company, 101 SE 7th Street, to vacate and convey the intervening north/south and east/west alleys in the block bounded by E. Vine, E. Market, SE 7th and SE 8th Streets.
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.
31. Regarding request from Jose L. Rodriguez, 1824 Hubbell to vacate and convey the east 5 feet of E. 18th Street between Des Moines Street and Hubbell Avenue, (Plan and Zoning Commission recommends denial).

SETTING DATE OF HEARINGS

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).
33. On lease of parking lot on the northeast corner of E. 4th and Grand, to Nelson Development, L.L.C., for 160 parking spaces, \$4800 per month for 5 years, (12-22-03).

[\(Council Communication No. 03-572\)](#)

34. On sale of City property at 5821 Winona Avenue, to Russ Severson, \$1,000, (12-22-03).
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).
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).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

37. Approving payment of \$909.75 to Ahlers & Cooney, P.C. for services related to acquisition of DICO property at 200 S.W. 16th Street.
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.
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.
40. Approving payment of \$3,627.57 to Duncan, Green, Brown, Langeness & Eckley for representation relating to airport parking garages.
41. Approving payment of \$29,313 to Steve Lundberg for workers' compensation claim for an injury during course and scope of employment.
42. Approving payment of \$49,721.25 to Ricky Figgins for workers' compensation claim for an injury during course and scope of employment.
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.

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.

CITY MANAGER COMMUNICATIONS

45. Submitting out-of-state travel for T. M. Franklin Cownie and Richard Wallace.

[\(Council Communication No. 03-568\)](#)

46. Submitting various traffic regulation changes as follows:

- (1) Parking Restriction Modifications – Cherry Street between 5th Avenue and 6th Avenue.
- (2) Parking Restriction Modifications – East Jackson Avenue between SE 5th Street and SE 6th Street.
- (3) Downtown School Loading Zone Designation.
- (4) Parking Restriction Extension – North Side of East Grand Avenue East and West of East 22nd Street.
- (5) Traffic Control Modifications at 28th/Cottage Grove and 28th/Kingman.

[\(Council Communication No. 03-595\)](#)

APPROVING

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.

48. Preliminary terms of Agreement with Employers Mutual Casualty Company (EMC) for demolition of city-owned garage at 8th and Mulberry Streets, transfer of land to EMC and construction of privately owned parking garage by EMC.

[\(Council Communication No. 03-575\)](#)

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.

[\(Council Communication No. 03-567\)](#)

50. Second Amendment to Development Agreement with Color Converting Industries to waive \$34,055 in interest on repayment of the forgivable loan.

[\(Council Communication No. 03-571\)](#)

51. Applications for Recreational Enhancement and Protection (REAP) Grants for education of tall grass prairie, \$38,400 and Savanna Lands, \$24,240.

[\(Council Communication No. 03-587\)](#)

52. Revisions to Greenbelt Master List of Projects.

[\(Council Communication No. 03-579\)](#)

53. Certificates of completion and release of Good Faith Deposits to R.M. Madden Construction for completed dwellings in Frisbee Park area.

[\(Council Communication No. 03-582\)](#)

54. Declaring Official Intent to issue debt to reimburse the Des Moines Metropolitan Wastewater Reclamation Authority for capital projects.

[\(Council Communication No. 03-564\)](#)

55. Amended Flexible Spending Account Plan to include over-the-counter medications.

[\(Council Communication No. 03-584\)](#)

56. Two year extension to contract with Nextel Partners for cell phones/services.

57. Application Design and Development Services, from Information Builders, Inc, to implement features of existing software for the IT and Public Works Department, not to exceed \$100,000.

[\(Council Communication No. 03-576\)](#)

58. Bids for the following:

- (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).

- (B) Grainger for decontamination shelters for the Des Moines Metropolitan Medical Response System, \$72,639.88. (Nine bids mailed, two received).

[\(Council Communication No. 03-561\)](#)

- (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).

- (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.

- (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).

- (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).

- (G) Waldinger Corporation for ballast replacement and relamping services at City Hall, \$47,466.86. (Eleven bids mailed, two received).

- (H) Great American Outdoor for two triplex reel mowers for use by Grandview and Waveland Golf Courses, \$30,300. (Seven bids mailed, three received).

- (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).

59. Civil Service Entrance List for Laborer and Promotional List for Fire Engineer.

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.

ORDINANCES - FINAL CONSIDERATION

61. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:
 - (1) Two-way stop – E. 17th Street at Garfield Avenue.
 - (2) Corner Clearance – south side of Wilmers Avenue, east of SE 3rd Street.
 - (3) Corner Clearance - south side of Rollins Avenue, east of 40th Place.
 - (4) Corner Clearance – north side of Capitol Avenue, east of E. 21st Street.

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.
 - (B) Rezoning of the Downtown Riverfront area to the “D-R” Downtown Riverfront District.

ORDINANCES - SECOND CONSIDERATION

63. To rename portions of E. First Street and E. River Drive from Locust to E. 6th Street, as “Robert D Ray Drive”
 - (A) Final consideration of ordinance above, (requires 6 votes).

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.
 - (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

65. Amending Chapter 114 of the Municipal Code to install stop signs for East/West traffic at SW 4th and Wall.

66. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows:

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

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

ORDINANCES - FIRST CONSIDERATION

67. Amending Chapter 102 of the Municipal Code regarding qualifications of the Skywalk Committee.
68. Amending Chapter 118 of the Municipal Code to change the upper pH level for the Wastewater Reclamation Facility.
 - (A) Final consideration of ordinance above, (waiver requested by WRF/Public Works), requires 6 votes.

[\(Council Communication No. 03-588\)](#)

COUNCIL REQUESTS

69. Request from Council Member Archie Brooks, to discuss the At-Large Council seat.
70. From Council Member Chris Coleman, to discuss participation in a study regarding parks and conservation efforts in Des Moines and Polk County.

COMMUNICATIONS/REPORTS

71. From V.E. Augspurger, 1402 Kenyon, regarding policy of billing for garbage and sewer usage.

72. From Community Development Department, regarding Neighborhood Conservation Services King Irving Neighborhood Infill Housing Project.

[\(Council Communication No. 03-583\)](#)

HEARINGS

73. On United Parcel Service Agreements:

[\(Council Communication No. 03-585\)](#)

- (A) Third Amendment to Land Lease Agreement.
- (B) First Amendment to the 2870 “OLD” Army Post Road Lease.
- (C) First Amendment to the 3251 “OLD” Army Post Road Lease.

74. On denial of Council-initiated request for proposal to amend the Easter Lake New 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).

- (A) ALTERNATE RESOLUTION – Approving the Planning Amendments to remove the requirement that Three Lakes Parkway be a through connector street.

75. On issuance of not to exceed \$5,500,000 Senior Housing Revenue Bonds, for Luther Park Apartments.

[\(Council Communication No. 03-562\)](#)

76. On Supplement 14 to the Governmental Lease-Purchase Master Agreement, to acquire and upgrade audio-visual and other broadcast equipment, \$51,500.

[\(Council Communication No. 03-563\)](#)

- (A) Authorization for additional action.
 - (B) Resolution authorizing execution of delivery of lease-purchase master agreement.
 - (C) Approving bid for equipment from Alpha Video & Audio (Edina, MN).
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.
78. On assessment of \$500 penalties for violation of Iowa Alcoholic Beverage Laws to thirteen alcoholic beverage license/permit holders.
79. On vacation and conveyance of the north/south alley, south of Scott Avenue between SE 27th Court and SE 28th Street, to 10 abutting property owners.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.
80. On sale of the east half of a vacated alley adjacent to 718 SE 27th, to Thomas E. and Jacki L. Heston, \$50.
81. On request from Burns & Burns, L.C. to rezone property at 1200 4th 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.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
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.
- (A) First consideration of ordinance above.

- (B) Final consideration of ordinance above, (waiver requested by Aviation Director), requires 6 votes.
83. On request from Bobmar, L.C. to amend conditions of the existing Limited “C-1” (Neighborhood Retail Commercial) district, for property at 1233-63rd Street, subject to replacing the prior conditions.
- (A) First consideration of ordinance rezoning property to Amended Limited “C-1”.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
84. On 7th and Grand Parking Garage Elevator Replacement Project: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and submission of bids.
- (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.
85. On the WRA West Des Moines South Outfall Phase 1 – 1st Street to 4th 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.
- (A) Approving contract and bond, and permission to sublet.
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.
- (A) Approving contract and bond and permission to sublet.

[\(Council Communication No. 03-597\)](#)

APPROVING

87. Diminution of positions in the consolidation plan for the Community Development Department’s site offices.

[\(Council Communication No. 03-570\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Court Authority to abate the public nuisance at the following locations:
 - (A) 510 Davis Avenue (vacant), Titleholder: Joan Knight.
 - (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.
 - (C) 1421 Garfield Avenue (vacant), Titleholder: Bank One.
 - (D) 2513 Logan Avenue (vacant), Titleholder: The Provident Bank.
 - (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.
 - (F) 2024 Washington Avenue (garage), Titleholder: Evelyn B. Cortez; Tax Certificate Holder: Brian Kay d/b/a Ninth Inning Properties, LLC.
 - (G) 3206 Woodland Avenue (garage), Titleholder: Wells Fargo Home Mortgage, Inc.
 - (H) 2207 E. 14th 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.
2. The Engineering Department to remove the following structures:
 - (A) 1425 4th Street, Titleholder: Halemah S. Ebrahim.
 - (B) 1543 9th Street, Titleholder: 2221 Carpenter Ave, LLC; Contract Buyer: Cash Consultants, LC; Tax Certificate Holders: John and Virginia Regan.
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.

4. Release of demolition cost reserve held by State Farm under claims number 15-E066-595 regarding property known as 1227 E. 36th Street insured by Lawrence Yates and Vicky Purdy.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003