

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 27, 2003

CLOSED SESSION - 3:30 P.M.
REGULAR SESSION - 4:30 P.M.

03-106 I. (a) 3:30 - Roll Call. **Present: Daniels, Cownie, Hensley, McPherson and Vlassis.**
Absent: Coleman and Brooks.

03-107 (b) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-108 (c) Closed Session.

03-109 (d) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

PROCLAMATIONS - 4:15 P.M.:

- (a) Character Development
- (b) Family Financial Stability Month

INVOCATION: Reverend Tim Diebel

First Christian Church

03-110 1. ROLL CALL: **Present: Daniels, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Brooks.**

4:30 I. Neighborhood Based Service Delivery Presentation

03-111 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

***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.**

03-112 3. APPROVING CONSENT AGENDA - items 3 through 75: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 6-1. Absent Brooks.**

LICENSES AND PERMITS:

Approving

03-113 4. The following Beer/Liquor Applications: **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

NEW APPLICATIONS

- (1) Mi Hoanh Thanh, 1022 E 12th Street, B Beer.
- (2) Porkys Diner, 4444 Douglas Avenue, B Beer.
- (3) Flying Mango, 4345 Hickman Rd., C Beer/Wine.
- (4) Des Moines Botanical Center, 909 E Riverside Drive, C Liquor.
- (5) Papon, 2718 Douglas Avenue, C Liquor.

RENEWAL APPLICATIONS

- (6) Caseys General Store #2244, 2150 E Army Post Rd., C Beer.
- (7) Fareway Store #900, 100 E Euclid Avenue, C Beer.
- (8) Git N Go Store #18, 6501 SE 14th Street, C Beer.
- (9) Git N Go Store #27, 1240 Keosauqua Way, C Beer.
- (10) Git N Go Store #28, 3274 E University Avenue, C Beer.

- (11) Git N Go Store #29, 4900 Urbandale Avenue, C Beer.
- (12) Nat Food Mart, 1443 2nd Avenue, C Beer.
- (13) Tobacco Outlet Plus #521, 2601 E Euclid Avenue, C Beer.
- (14) Waheguru Citgo, 2701 Ingersoll Avenue, C Beer.
- (15) Bobs Sports Bar & Grill, 918 E Euclid Avenue, C Liquor.
- (16) Cooneys Tavern, 3708 Beaver Avenue, C Liquor.
- (17) El Vaquero, 3211 Indianola Avenue, C Liquor.
- (18) Plaza Lanes, 2701 Douglas Avenue, C Liquor.
- (19) Plaza Mexico Mexican Restaurant, 3841 E 14th Street, C Liquor.
- (20) Sambettis, 1430 2nd Avenue, C Liquor.
- (21) Southport Sports Bar, 1101 Army Post Rd., C Liquor.
- (22) Yee Ho Garden, 520 Army Post Rd., C Liquor.
- (23) Fareway Store #900, 100 E Euclid Avenue, B Wine.
- (24) Git N Go Store #27, 1240 Keosauqua Way, B Wine.

TRANSFER TO NEW LOCATION

- (25) Depot, 3000 E Grand Avenue, B Beer. Temporary transfer of license to Cattle Barn from February 10, 2003 to February 16, 2003 for the Beef Expo.

SPECIAL EVENTS APPLICATIONS

- (26) Seniom Sed, 555 Walnut Street, B Beer. For Skywalk Golf Open on February 1, 2003 at the Kaleidoscope at the Hub. Subject to submission of acceptable Building inspection.

03-114 5. Tonys Touch of Class, 1016 University Avenue, C Liquor. Deferred from January 6, 2003 Council Meeting. (Recommendation from Zoning to **DENY** license). **Moved by McPherson to deny the license; applicant has not satisfied the zoning requirements of the Des Moines Municipal Code Section 134-1377 and Section 82-206 and the Rules and Regulations thereof. The electrical inspection has not been completed, and would be**

required if this license is approved. Motion Carried 6-1. Absent: Brooks.

03-115 6. Bolero Coffee Shop, 5801 Hickman Rd., C Beer/Wine. (Recommendation from Zoning to **DENY** license). **Moved by Vlassis to deny the license; applicant has not satisfied the zoning requirements of the Des Moines Municipal Code Section 134-1377 and Section 82-206 and the Rules and Regulations thereof. The electrical and fire inspections have not been completed, and would be required if this license is approved. Motion Carried 5-1-1. Nays: Coleman. Absent: Brooks.**

03-116 7. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Brooks.**

03-117 8. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Brooks.**

PUBLIC IMPROVEMENTS

03-118 9. Approving preconstruction agreement with IDOT for the Keo Way (Birds Run) Phase 1 Storm Sewer Outlet Project. ([Council Communication No. 03-046](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-119 10. Approving agreement with IDOT to allow the use of University Avenue and Merle Hay Road as a temporary detour route during resurfacing project on 63rd Street (Iowa 28) between University Avenue and Hickman Road. ([Council Communication No. 03-047](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-120 11. Approving private construction contract between Palmer Plumbing LLC (Robert S. Palmer, Operating Manager, Clive) and 2901 Grand Condominiums LLC (Craig Mattille, Member, Cedar Rapids) to install a storm sewer manhole to service storm water runoff for 2901 Grand Avenue, \$2,600. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-121 12. Approving professional services agreement with Barker Lemar Engineering Consultants (Tracy S. Lemar, CEO) to provide design and construction phase services for the WRA Metro Solid Waste Biosolids Storage Area Project, not to exceed \$82,900. ([Council Communication No. 03-044](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-122 13. Approving Change Order Nos. 1, 2 and 3 with J.F. Edwards Construction Co. (John Edwards, President, Genesco, IL) for additional work in conjunction with the IDOT Combined Traffic Signal Interconnect Program, not to exceed \$175,559.08. ([Council Communication No. 03-049](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

14. Resolution Ordering Construction of the following:

03-123 (A) Central Place Sanitary Sewer Televising Program, Receiving of Bids, (2-18-03), and Setting Date of Hearing, (2-24-03). (Construction Estimate - \$74,250). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-124 (B) Ingersoll Avenue Traffic Signals - 28th Street to 42nd Street, Receiving of Bids, (2-18-03), and Setting Date of Hearing, (2-24-03). (Construction Estimate - \$359,000). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-125 (C) Market Street Sanitary Sewer Relocation - SW 3rd Street to SW 4th Street, Receiving of Bids, (2-18-03), and Setting Date of Hearing, (2-24-03). (Construction Estimate - \$135,000). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

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

03-126 (A) Argonne Armory Drainage Corrections, \$2,375 is now due and \$2,541.08 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-127 (B) Fort Des Moines Cabin Restoration, \$2,374.50 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-128 (C) Hubbell Avenue Bridge over Four Mile Creek, \$1,392 is now due and \$30,000 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-129 (D) Laurel Hill Basketball Court Improvements, \$12,206.55 is now due and \$2,688.95 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-130 (E) Merle Hay Road Widening at University Avenue, \$12,683.56 is now due and \$3,350.31 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-131 (F) Park Avenue Widening at SW 42nd Street, \$5,445 is now due and \$15,524.77 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-132 (G) Waveland Clubhouse Window and Door Replacement, \$4,088.30 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-133 (H) WRF Variable Frequency Drive Replacement, \$15,427.85 is now due and \$5,332

remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-134 (I) 401 SE 6th Street Chemical Removal (Irwin Chemical Building), \$32,623.33 is now due and \$4,047.19 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

SPECIAL ASSESSMENTS

16. Resolution Levying Assessments for Costs of Nuisance Abatement -NAC Emergency Orders (Community Development) for the following:

03-135 (A) Schedule No. 2003-01. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-136 (B) Schedule No. 2003-25. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-137 (C) Schedule No. 2003-50. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-138 (D) Schedule No. 2003-75. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

LAND/PROPERTY TRANSACTIONS

03-139 17. Approving final Subdivision Plat entitled BROADWAY BUSINESS PARK PLAT 2 in vicinity of Highway 65 and NE Broadway subject to receipt and approval by Polk County. ([Council Communication No. 03-032](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-140 18. Approving final Subdivision Plat entitled HILLSBORO PLAT 2 located in vicinity of East Luster Lane and East 23rd Street. ([Council Communication No. 03-024](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-141 19. Release of Subdivision Bond No. IAC 28010 from Merchants Bonding Company (Mutual) in amount of \$11,473 as security for completion of required sidewalk improvements for AIRPORT COMMERCE PARK WEST PLAT 3. ([Council Communication No. 03-043](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-142 20. Release of certified Check No. 028052392 from West Bank in amount of \$5,841 as security for completion of required sidewalks and erosion control for SOUTHERN MEADOWS PLAT 2. ([Council Communication No. 03-030](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-143 21. Approving reduction of Subdivision Bond No. IAC 25954 from Merchants Bonding Company, (Mutual), from \$149,952 to \$74,976, for estimated cost of completing required sidewalk and erosion control, as security for satisfactory completion of remaining improvements for EASTER LAKE POINTE PLAT 2. ([Council Communication No. 03-059](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-144 22. Approving reduction of Bond No. IAC 24392 in amount of \$96,384 from Merchants Bonding Company for estimated cost of completing the required sidewalk improvements and erosion control be reduced to \$15,881 as security for remaining sidewalks to be constructed for AIRPORT COMMERCE PARK WEST PLAT 1. ([Council Communication No. 03-031](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-145 23. Approving reduction of Subdivision Bond No. IAC 29985 in amount of \$67,645 from Merchants Bonding Company (Mutual) for estimated cost of completing required sidewalk improvements be reduced to \$26,280 as security for satisfactory completion of remaining sidewalk improvements for MEADOWLANDS PLAT 1. ([Council Communication No. 03-053](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-146 24. Approving reduction of Subdivision Bond No. IAC 25953 in amount of \$48,950 from Merchants Bonding Company (Mutual) for cost of completing required sidewalk and final erosion control improvements be reduced to \$29,425 as security for satisfactory completion of remaining improvements for EASTER LAKE ESTATES PLAT 5. ([Council Communication No. 03-036](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-147 25. Approving Tax Abatement Application for value added by improvements made during 2000 to 6817 Star View Street. ([Council Communication No. 03-033](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-148 26. Conditionally grant prior approval of tax abatement for a new residence at 6160 SE 19th Street for William and Kristopher Dehart. ([Council Communication No. 03-042](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-149 27. Replacement Quit Claim Deed for a portion of East Seventh Street between Fremont and Filmore Streets and a portion of Filmore Street between East Sixth Avenue and East Seventh Street to Des Moines Independent Community School District. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Brooks. Council Member McPherson declares a conflict of interest and abstains from voting.**

03-150 28. Establish revised fair market value for 200 SW 16th Street (DICO, INC.) in conjunction with the Martin Luther King, Jr. Parkway Project, \$181,000 plus closing costs. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Brooks.**

03-151 29. Establish fair market value and authorize acquisition for properties located at 1716 & 1804 SE 35th Street and 1604-1724 SE 37th Street for the Agrimergent Technology Park Project by gift, negotiation, or condemnation, \$96,600 plus closing costs. **Moved by McPherson to**

adopt. Motion Carried 6-1. Absent: Brooks.

03-152 30. Purchase of 411-423 East Grand Avenue in the Eastern Gateway from Neighborhood Improvement Corporation, not to exceed \$249,631.68 plus closing costs. ([Council Communication No. 03-058](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-153 31. Purchase of 1021 Locust & 1100 Grand Avenue in the Western Gateway from Des Moines Development Corporation and Neighborhood Improvement Corporation, \$175,001 plus closing costs. ([Council Communication No. 03-052](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-154 32. Approve and accept real estate documents for 5405 SW 9th and 5706 SW 9th for the SW 9th Street Widening at Porter Avenue Project, \$2,286 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-155 33. Approve and accept real estate documents for 4720 Fleur Drive for the Northeast Runway Protection Zone for Runway 5/23 Project, \$290,000 plus closing costs and relocation costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-156 34. Approve and accept real estate documents for the Upper Union Park Sewer separation project, closing costs only. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-157 35. Authorization to proceed with necessary activities to acquire by purchase, gift or condemnation the necessary right-of-way for the Upper Union Park Sewer Separation Project - Phase II. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-158 36. Recommendation of Council Member Archie Brooks to appoint Nick Iaria to the vacated seat of John Mauro on the City-County Consolidation Charter Commission. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-159 37. Communication from Mark L. Smith submitting his resignation from the Central Iowa Employment and Training Consortium (CIETC) and a recommendation from Council Member Vlassis to appoint Dan Albritton. **Moved by McPherson to accept the resignation and appoint Dan Albritton. Motion Carried 6-1. Absent: Brooks.**

03-160 38. Recommendation of Council Member Archie Brooks to appoint Kathleen Little to Seat 11 on the Urban Design Review Board for a term to expire June 20, 2004. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-161 39. Recommendation of Council Member Christine Hensley to appoint Micheleen Maher to Seat 14 on the Access Advisory Board for a two year term commencing April 16, 2001 to expire June 15, 2003. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-162 (A) Recommendation of Council Member Coleman to appoint Mary Louise McGee to Seat 3 on the Access Advisory Board for a four year term commencing June 15, 2002 and expiring June 15, 2006. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-163 39-I Communication from Board Clerk submitting resignation of Tim Gracey from the Access Advisory Board (Seat #3) effective immediately. **Moved by McPherson to receive, file and declare the seat vacant. Motion Carried 6-1. Absent: Brooks.**

03-164 40. Recommendation of Council Member Chris Coleman to appoint Irene Hardisty to Seat 3 on the Public Housing Board for a three year term commencing June 30, 2000 to expire June 30, 2003. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-165 41. Receipt of City Boards and Commissions Attendance Reports. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

03-166 42. Appointment of John Ruan III and Chris Greenfield as Alternates, and Dave Caris as a Regular Member to the Metropolitan Planning Organization (MPO). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Vlassis and Brooks.**

CITY PLAN COMMISSION RECOMMENDATIONS

03-167 43. Regarding request from Kim Flippo, 2706 E. 35th Street for vacation and conveyance of E. Sheridan Avenue from E. 35th to E. 36th, (Plan and Zoning Commission recommends DENIAL). **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Brooks.**

SETTING DATE OF HEARINGS

03-168 44. On request from Imagine Homes Inc. to rezone property at 6300 SW 12th Street from "R1-60" (One Family Low Density Residential District) to "R-2" (One and Two Family Residential District), (2-10-03). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-169 45. On request from Science Center of Iowa, to rezone property generally between SW 3rd and SW 5th, north of SW Martin Luther King Jr. Parkway, and south of Market Street, from "C3-R" (Central Business District Mixed-Residential) to "PUD" (Planned Unit Development), and approval of the PUD Conceptual Plan subject to modifications, (2-10-03). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-170 46. On request from Neighborhood Development Corporation to rezone property at 601 Forest Avenue from "C-1" (Neighborhood Retail Commercial District) to Ltd. "NPC"

(Neighborhood Pedestrian Commercial District) subject to conditions, (2-10-03). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-171 47. On conveyance of property in the vicinity of 2808 E. 35th Street, to Jodine Kingery, as part of the negotiated agreement for property interests required for the Gay Lea Wilson Recreational Trail, (2-10-03). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-172 48. On vacation and conveyance of N/S alley adjoining 802 Gray Street to Bonnie Sullivan for \$25, (2-10-03). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-173 49. On issuance of Stormwater Management Utility Revenue Bonds not to exceed \$10,000,000 -- to be used for construction of storm water detention basin south of Easton Boulevard at East 26th Street, related beautification and landscaping amenities, associated access-related improvements to East 26th Street and improvements within the Closes Creek watershed system, (3-10-03). ([Council Communication No. 03-051](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-174 50. Approving payment of \$27,000 to the Estate of Jerome Mozee for settlement of claim. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-175 51. Approving payment of \$20,809.80 to Michael Conner for settlement of a workers compensation claim for injuries sustained during course and scope of his employment. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-176 52. Approving payment of \$30,000 to Steven Lundberg for settlement of a workers compensation claim for injuries sustained during course and scope of his employment. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-177 53. Approving payment of \$2,994.06 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for environmental law counsel services to the City in conjunction with the acquisition and litigation regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway project (DICO). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-178 54. Approving payment of \$2,142.17 to Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in case of Joyce Wilson and Val Wilson, Jr. as Administrators of estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 6-1. Absent: Brooks.**

03-179 55. Approving payment of \$1,405.23 to William Jenkins and the law firm of Myers &

Jenkins for outside counsel retained to represent the City in the Trans World Airlines, Inc. bankruptcy and in the UAL Corporation bankruptcy. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-180 56. Approving payment of \$285 to Hedberg, Owens & Hedberg, P.C. for representation of Officer Brent Hommer in a Grand Jury investigation. **Moved by McPherson to approve payment. Motion Carried 6-1. Absent: Brooks.**

03-181 57. Approving payment of \$465.50 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien P.C. for services relating to collective bargaining. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

CITY MANAGER COMMUNICATIONS

03-182 58. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-048](#)). **Moved by McPherson to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1. Absent: Brooks.**

(1) Corner Clearance--East Side of 32nd Street, North of University Avenue.

(2) Two-Sided Parking Restriction--Both Sides of Washington Avenue between 9th Street and 10th Street.

(3) One-Sided Parking Restriction--East Side of 26th Street between Kingman Boulevard and University Avenue.

(4) Temporary Traffic Control Devices-Crocker Street at 6th Avenue and 7th Street.

03-183 59. Submitting out-of-state travel for Bruce Bergman, Thomas Turner, Keith Ellis, Phil Koundakhian, Roger Craig, Bill Miller, Linda Main, Robert Kraft, Larry Davey, Tim Luloff, David Keenan, Rick Moody, James Grant, Kathy Kahoun and Larry Hulse. ([Council Communication No. 03-026](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

APPROVING

03-184 60. Approving Agreement with RDG Crose Gardner Shukert, Inc. for consulting services in coordination and preparation of the revised Zoning Ordinance. ([Council Communication No. 03-050](#)). **Moved by Cownie to adopt. Motion Carried 6-1. Absent: Brooks.**

61. Acceptance of the following Skywalk Bridges and Corridors:

03-185 (A) Skywalk Bridges 7C-8C over Eighth Street and 8B-8C over Mulberry Street and Skywalk Corridors through Wells Fargo Financial, Inc. Building. **Moved by McPherson to**

adopt. Motion Carried 6-1. Absent: Brooks.

03-186 (B) Skywalk Corridor through Employers Mutual Casualty Company Building. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-187 (C) Skywalk Corridors through The Hubbell Building. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-188 (D) Skywalk Corridors through the Federal Home Loan Bank of Des Moines property. ([Council Communication No. 03-045](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-189 62. First one-year renewal option with The CBE Group, Inc. for extension of collection services contract until March 1, 2004. ([Council Communication No. 03-056](#)). **Moved by Hensley to adopt, refer to City Manager and City Finance Director to report on amount collected. Motion Carried 6-1. Absent: Brooks.**

03-190 63. Authorization to proceed with RFP for vendor services to receive, recycle, dispose and demanufacture appliances collected by the Public Works Department. ([Council Communication No. 03-055](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-191 64. Emergency Historical Resource Development Program Grant for \$4,000 to conduct archaeological excavation on the site of the Science Center of Iowa. ([Council Communication No. 03-034](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-192 65. Certificate of Completion to River Bend Duplexes, L.P. for renovations to disposition parcel 97-A in the Metro Center Urban Renewal Area (1233 and 1243 Seventh Street), and release of Good Faith Deposit of \$750. ([Council Communication No. 03-035](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-193 66. Second Renewal of Insurance Agent/Broker Services Contract with Jester Insurance Services, Inc. for one-year, beginning March 1, 2003 and ending February 29, 2004 in an amount not to exceed \$25,000. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-194 67. Housing Services Disposition Plan Environmental Review, Finding No Significant Impact on the Environment. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-195 68. Receipt of Quarterly Treasurer's Report as of December 31, 2002. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Brooks.**

03-196 69. Receipt of City of Des Moines Financial Report for the six months ended December 31, 2002. ([Council Communication No. 03-029](#)). **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Brooks.**

03-197 70. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2003. **Moved by McPherson to receive, file and authorize the City Clerk to transmit the budget to the Polk County Auditor. Motion Carried 6-1. Absent: Brooks.**

03-198 71. Legislative Update for the 80th Iowa General Assembly. **Moved by McPherson to receive and file the report. Motion Carried 6-1. Absent: Brooks.**

72. Civil Service Entrance Lists for the following:

03-199 (A) Radio Technician. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Brooks.**

03-200 (B) Police Chief. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Brooks.**

73. Bids for the following:

03-201 (A) Mid-States Ford (Marvin Perry, President, Waukee) for four emergency response vehicles to be used by the Fire Department, \$80,412.68. (Twelve bids mailed, six received). [\(Council Communication No. 03-025\)](#). **Moved by Hensley to adopt; refer to the Legal Department to report on the "Local Preference" ordinance. Motion Carried 6-1. Absent: Brooks.**

(B) NUMBER NOT USED.

03-202 (C) Helmuth Repair (Floyd Helmuth, President, Kalona) for a bio-spreader to be used by the Wastewater Reclamation Facility, \$26,248. (Ten bids mailed, two received). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-203 (D) Office Depot Business Services Division (Jerry Hoffman, District Manager, WDM) for annual contract with two renewal options for office supplies for City Departments. (Eight bids mailed, six received). **Moved by Hensley to defer to the February 10, 2003 Council Meeting. Motion Carried 6-1. Absent: Brooks.**

03-204 74. Authorizing Finance Director to draw checks on the registers of January 31 and February 7, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 27 and February 3, 2003; and to draw checks for the biweekly payroll due on February 7, 2003. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

ORDINANCES - SECOND CONSIDERATION

03-205 75. Amending Chapter 26 of the Municipal Code regarding real estate installment contract sales inspections. **Moved by McPherson that this ordinance be considered and given**

second vote for passage. Motion Carried 6-1. Absent: Brooks.

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

** Council considered Items 80 through 83 next **

ORDINANCES - FIRST CONSIDERATION

03-206 76. Approving fees for pawnbroker and secondhand goods dealer licenses to be included in the Schedule of Fees. **Moved by Vlassis to defer to the February 10, 2003 City Council Meeting. Motion Carried 6-1. Absent: Brooks.**

03-207 (A) First consideration of ordinance amending chapter 30 of the Municipal Code regarding pawnbrokers and secondhand goods dealer licenses. (Council Communication No. 03-054). **Moved by Vlassis to defer to the February 10, 2003 City Council Meeting. Motion Carried 6-1. Absent: Brooks.**

03-208 77. Approving an impounding and preservation fee for vehicles impounded by the City, to be included in the Schedule of Fees. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

03-209 (A) First consideration of ordinance amending chapter 114 of the Municipal Code establishing an impound and preservation fee. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.**

03-210 (B) Final consideration of ordinance above, (waiver requested by Police Chief), 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, [#14,203](#). Motion Carried 6-1. Absent: Brooks.**

03-211 78. Amending seat assignment on the Neighborhood Revitalization Board, adding a Neighborhood Development Corporation Board member. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

03-212 (A) First consideration of ordinance amending Chapter 82 of the Municipal Code to amend seat criteria and provide for recommendation of eligible candidates for open positions on the Board. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.**

03-213 79. Amending various traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.**

(1) Corner Clearance--North Side of Franklin Avenue, West of Beaver Avenue.

(2) New Intersection Parking Restrictions--Ingersoll Avenue and Martin Luther King Jr. Parkway.

(3) Corner Clearance--South Side of Elm Street, East of SW 2nd Street.

03-214 (A) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,204](#). Motion Carried 6-1. Absent: Brooks.**

COMMUNICATIONS/REPORTS

03-215 79-I From Scott Brunscheen, 4025 Tonawanda Drive, regarding the Greater Des Moines Cultural Alliance. **Moved by Hensley to receive, file and grant the request to speak; and refer to the City Manager to identify any long-standing commitments for Hotel/Motel money, and to discuss the policy at a Council Workshop. Motion Carried 6-1. Absent: Brooks.**

** Council considered Items 84 through 88 next **

HEARINGS (Opened at 5:45 P.M.) (Items 80 thru 83)

03-216 80. On continued lease of parking lot at the northwest corner of E. 33rd and Easton Blvd. to St. Joseph's Church, \$350 per year for 5 years. ([Council Communication No. 03-040](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-217 81. On lease of retail space W-5 in the 7th and Grand Parking Garage to Josefina Orozco and Wendee Griffin d/b/a Ray's Barbershop. ([Council Communication No. 03-041](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

03-218 82. On continued lease of property in the vicinity of 6th Avenue and Holcomb to Consolidated Supply of Des Moines, \$250 for a 5 year term, plus maintenance. ([Council Communication No. 03-039](#)). **Moved by McPherson to adopt. City Manager to report on the levee system near 6th and Holcomb. Motion Carried 6-1. Absent: Brooks.**

03-219 83. On conveyance of entire 19th Street right-of-way between Olive Street and I-235 to the State of Iowa for I-235 reconstruction. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

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

** Council considered Items 76 through 79-I next **

APPROVING

03-220 84. First Amendment to Governmental Lease-Purchase Agreement between the City and Banc of America Leasing and Capital, LLC for an increase of maximum purchase price from \$5,000,000 to \$6,000,000 in conjunction with Supplement No. 8 for financing of nine recycling vehicles for use by Public Works Solid Waste Division. ([Council Communication No. 03-027](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-221 85. Change in procedure to determine interest rate applied to special assessments. ([Council Communication No. 03-028](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

03-222 86. Amendment extending administrative services with Principal Life Insurance Company for the purpose of retiring any open claims by June 30, 2003. ([Council Communication No. 03-038](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

03-223 87. Consulting Contracts with Emerging Solutions (Gregory Lewis, President, Chicago, IL) for upgrade of Financial/Accounting software, \$279,000 and MSI (Mike Lang, President, WDM) for upgrade of Payroll/Human Resources software, \$150,000. ([Council Communication No. 03-057](#)). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Brooks.**

03-224 (A) City Council discussion regarding City/County cooperation for sharing of IT services. **Moved by Hensley to receive, file and refer to the City Manager for review and recommendation. Motion Carried 6-1. Absent: Brooks.**

WITHDRAWN 03-225 88. Recommendation on results of RFP for review and analysis of City's Health Insurance Plan for employees and retirees.

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A G E N D A

BOARD OF HEALTH
January 27, 2003

03-226 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Brooks.**

AUTHORIZING

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

03-227 (A) 737 Hull Avenue, (vacant), Titleholders: Ronald Eshelman, Jr. and Waynetta Eshelman and Legal Interest Holders: Discount Mortgage, Inc., EquiCredit Corporation and Dennis Bloom d/b/a Tax 131. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

03-228 (B) 2602 Logan Avenue, (vacant), Titleholder: Constance Neel and Legal Interest Holder: Mortgage Electronic Registration System, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

03-229 (C) 1253 E. 17th Court, (vacant), Titleholder: William Collier. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

COMMUNICATION

03-230 2. Communication regarding demolition cost reserve escrowed for 843 40th Place. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1. Absent: Brooks.**

03-231 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:16 P.M. Motion Carried 6-1. Absent: Brooks.**

Des Moines - City of Skywalks