

SUMMARY OF DES MOINES CITY COUNCIL MEETING

**April 21, 2003 4:30 P.M.**

**PROCLAMATIONS - 4:15 P.M.:**

- (A) Administrative Professionals Week/Administrative Professionals Day
- (B) Arbor Day
- (C) Holocaust Survivor Day
- (D) National Volunteer Week
- (E) Personal Information Protection Week & Clean Out Your Files Week
- (F) Rebuilding Together Day
- (G) Youth Service Day

**INVOCATION:** Rev. William Steward, Grace United Methodist Church

03-841 1. ROLL CALL: **Present: Coleman, Cownie, Hensley, McPherson, and Vlassis.**  
**Absent: Daniels and Brooks.**

03-842 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-843 3. APPROVING CONSENT AGENDA - items 3 through 63: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

03-844 4. The following Beer/Liquor Applications: **Moved by Vlassis to adopt. Motion Carried 5-2.**

### **NEW APPLICATIONS**

- (1) Davis Concessions, 2601 Hubbell Avenue, B Beer.
- (2) Sidhu Food Mart, 4503 Fleur Drive, C Beer.
- (3) Snaco, 3000 SW 9th Street, C Beer.
- (4) Sands Volleyball Club, 6214 Grand Avenue, C Liquor.

### **RENEWAL APPLICATIONS**

- (5) Kum & Go #130, 2930 Hickman Rd., C Beer.
- (6) La Tapatia, 1440 Des Moines Street, C Beer.
- (7) Last Stop Beverage Shop, 2839 E University Avenue, C Beer.
- (8) QuikTrip #515, 1421 Ingersoll Avenue, C Beer.
- (9) Barattas Restaurant, 2320 South Union, C Liquor.
- (10) Bourbon Street, 500 Army Post Rd., C Liquor.
- (11) Des Moines Art Center Restaurant, 4700 Grand Avenue, C Liquor.
- (12) Des Moines Yacht Club, 2617 Ingersoll Avenue, C Liquor.
- (13) Genes Place, 2117 E University Avenue, C Liquor.
- (14) Gerris, 232 E 30th Street, C Liquor.
- (15) Papas Planet, 206 3rd Street, C Liquor.
- ~~(16) R & R Lounge, 1018 E 12th Street, C Liquor.~~
- (17) Scornovaccas Pizza, 1930 SE 14th Street, C Liquor.
- (18) Tim Flanagans Restaurant, 2120 Ingersoll Avenue, C Liquor.

(19) Last Stop Beverage Shop, 2839 E University Avenue, B Wine.

(20) QuikTrip #515, 1421 Ingersoll Avenue, B Wine.

(21) Hy Vee Food Store #2, 2540 E Euclid Avenue, E Liquor.

(22) Last Stop Beverage Shop, 2839 E University Avenue, E Liquor.

## **OUTDOOR SERVICE APPLICATIONS**

(23) Des Moines Botanical Center, 909 E Riverside Drive, C Liquor. Adding outdoor service area to existing license.

(24) Peggys Tavern, 3020 Forest Avenue, C Liquor. Temporary outdoor service area effective May 9 and May 10, 2003. Pending Building, Electrical and Fire inspections.

(25) Court Avenue Brewing, 309 Court Avenue. Temporary outdoor service area for the Blues Challenge on May 17, 2003. Pending Building, Electrical, Zoning and Fire inspections.

## **PUBLIC IMPROVEMENTS**

5. Resolution Ordering Construction of the following:

03-845 (A) WRF Skylights Replacement, Receiving of Bids, (5-13-03), and Setting Date of Hearing, (5-19-03). Construction Estimate, \$90,830. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-846 (B) 2002/2003 Sidewalk Program, Receiving of Bids, (5-13-03), and Setting Date of Hearing, (5-19-03). Construction Estimate, \$103,653. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-847 6. Approving agreement with Iowa Department of Transportation for 30th Street and Hickman Road Traffic Signal Replacement. ([Council Communication No. 03-180](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

7. Approving professional services agreements with the following:

03-848 (A) Kirkham Michael Consulting Engineers (Ronald D. Less, President, Omaha, NE) for Clark Street Sanitary Pump Station, \$269,951.21. ([Council Communication No. 03-187](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-849 (B) Brown & Caldwell Environmental Engineers & Consultants (Craig A. Goehring, CEO, St. Paul, MN) for the WRA Secondary Treatment Aeration System Improvements preliminary design, \$81,280. ([Council Communication No. 03-188](#)). **Moved by Vlassis to adopt; subject to Legal Department review of contract document. Motion Carried 5-2.**

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

03-850 (A) Des Moines Metropolitan Wastewater Reclamation Facility Grit Handling System Improvements, \$4,568.54 due now and \$170,244.33 at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-851 (B) Masonic Temple Sidewalk Reconstruction, \$2,623.67 due now and \$8,359.81 at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 5-2.**

9. Approving the following private construction contracts for Hillsboro Phase 3:

03-852 (A) Paving Improvements, between Manatt's Inc. (Bradford Manatt, President, Johnston, Contractor) and Jerry's Homes (Ronald R. Grubb, President, Urbandale, Owner). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-853 (B) Storm Sewer Improvements, between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Jerry's Homes (Ronald R. Grubb, President, Urbandale, Owner). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-854 10. Approving completion and recommending acceptance of private construction contract between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Fred Nesbit Distributing Company (Fred Nesbit, President, DSM), Owner for construction of Storm Sewer Improvements at Fitz Gold Company, 1801 DeWolf Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-855 11. Approving contract and bond for a Public Improvement, estimated cost of which is less than \$25,000 - Nahas Aquatic Center Filter Backwash Treatment, (\$4,950). **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **SPECIAL ASSESSMENTS**

03-856 12. Authorizing City Manager to proceed with Sidewalk Program/Request to Repair Driveway petition, waiver signed by one property owner. **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **LAND/PROPERTY TRANSACTIONS**

03-857 13. Authorize payment of Condemnation Award for the acquisition of property located at 1501 Ingersoll Avenue for the 15th Street Corridor Project, \$58,000 and \$5,000 attorney fees plus sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-858 14. Authorize payment of Condemnation Award for the partial acquisition of 5407 SW 9th Street for the SW 9th Street Widening at Porter Avenue Project, \$500 plus sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-859 15. Approve and accept real estate documents for property at 3801 Merle Hay Road, for the Merle Hay Road at Douglas Avenue Traffic Signal Project. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-860 16. Approving real estate Donation Agreement and Warranty Deed from Paul E. Woodward and Betty A. Woodward for land adjacent to Woodland Cemetery located in 900 block of Martin Luther King Jr. Parkway, \$0 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-861 17. Approve and accept real estate documents for property for the WRA Biosolids Storage Facility Project, closing costs only. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-862 18. Approve and accept real estate documents for property located at 6490 SW 28th Court, for the South Cargo Apron Expansion and Storm Water Detention Project, \$131,688 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-863 19. Approve and accept real estate documents for property located at SW 9th Street and Spring Street for the SW 9th Street Bridge at Yeader Creek Project, \$1 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-864 20. Approve and accept real estate documents for property located at 3411 Hubbell Avenue for the Gay Lea Wilson Recreational Trail Project, \$3,375 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-865 21. Approve and accept real estate documents for property for the Closes Creek Storm Water Improvement Project (2329, 2339 Bennett Avenue and 2509 Mann Avenue), \$863 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-866 22. Establishing fair market value and authorizing acquisition of property: (2552, 2550, 2544 & 2546 East Railroad, 901 & 903 SE 25th Court, 2553 Vale Street, 906, 1101 SE 26th Court, 2572 and 2552 Harriett Street) for the WRA Biosolids Storage Facility Project, \$549,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-867 23. Establishing fair market value and authorizing acquisition of property located at 1412 SE 37th Street for the Agrimergent Technology Park Project, \$100,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-868 24. Establishing fair market value and authorizing acquisition of property located at 1613 East 18th Street for the Guthrie Avenue Business Park Project, \$37,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-869 25. Establishing fair market value and authorizing acquisition of property located at 230

and 234 East Grand Avenue for the Gateway East Project, \$550,000 plus closing costs. ([Council Communication No. 03-176](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

03-870 26. Recommendation of Council Member At-Large Frank Cownie to reappoint Dusty Isaacson to Seat 2 on the Citizen Odor Board for a three year term commencing April 1, 2003 to expire April 1, 2006. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-871 27. Recommendation of Mayor Preston Daniels to reappoint Robert G. Riley, Jr. to Seat 4 on the Water Works Board of Trustees for a six year term commencing April 1, 2003 to expire April 1, 2009. **Moved by Vlassis to adopt. Motion Carried 5-2.**

28. Recommendation of Mayor Preston Daniels to reappoint the following to the Civil Service Commission:

**WITHDRAWN** 03-872 (A) Wayne R. Graham - Seat 2 for a four year term commencing April 1, 2003 to expire April 1, 2007.

03-873 (B) Michael Tonini - Seat 6 for a four year term commencing April 1, 2003 to expire April 1, 2007. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-874 29. Recommendation of Council Member Mike McPherson to reappoint David Miller to Seat 12 on Licensing & Appeals Board for a three year term commencing April 1, 2002 to expire April 1, 2005. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-875 30. Recommendation of Council Member Tom Vlassis to reappoint Judi Isaacson to Seat 4 on the Citizen Odor Board for a three year term commencing April 1, 2003 to expire April 1, 2006. **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **STREET CLOSURES**

03-876 31. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Vlassis to adopt. Motion Carried 5-2.**

(1) Steve Waymire, representing Des Moines Police Department, requesting permission to close Court Avenue Bridge from E. 1st Street to Riverside Drive from 6:00 AM to 1:00 PM on Saturday, May 17, 2003 for National Police Week Display.

(2) Kelly Foss, representing Downtown Community Alliance, requesting permission to close Court from 1st to 5th Street; 4th from Walnut to The Depot; 2nd from Market to the north side of Court, every Saturday starting May 11, 2003 and ending October 26, 2003 from 5:00 AM to 1:00 PM for the Downtown Farmers Market.

## **SETTING DATE OF HEARINGS**

03-877 32. On a proposal to release an Easement for Sanitary Sewer Right-of-Way upon portion of Lots 1, 2, 3, 5, and 6 in Brook Run Village Plat 4 in vicinity of 5221 Village Run Avenue, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-878 33. On vacation and conveyance of a portion of the Kingman Boulevard street right-of-way, to Loyd W. Ogle, \$50, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

34. On the following items, to correct errors in legal descriptions when previously approved:

03-879 (A) On vacation and conveyance of a portion of E. Court Avenue and E. 7th Street right-of-way to Hamms-Des Moines Company, \$13,620, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-880 34. (B) On vacation and conveyance of a portion of E. Court Avenue right-of-way at 601 E. Court to Blue Plans Credit Union, \$4,250, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-881 35. On request from Todd Adamson, to rezone property at 3210 Hubbell, from "R1-60" (One Family Low Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial) with only "C-0" (Commercial-Residential) uses and other restrictions, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-882 36. On request from Clarke Company Ltd., for amendment to the Riverwoods PUD Concept Plan for property at 2501 SE 22nd Street, to eliminate 300 apartment units planned for Area "C" and to show a maximum of 125 single family lots, each a minimum 50' wide, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-883 37. On request from Property Concepts Group, to rezone property at 2147 High Street, from "R-2A" (General Residential) to "R-4" (Multiple Family Residential) to allow reuse of existing residential structure for a ten-unit elderly living apartment, (Plan and Zoning Commission recommends DENIAL), (5-5-03). **Moved by Hensley to adopt. Motion Carried 5-2.**

03-884 38. On request from Anderson-Erickson Dairy Company, for amendment to the PUD Concept Plan for property at 2230 Hubbell Avenue, to allow expansion of existing cold storage facility subject to conditions, (5-5-03). **Moved by Vlassis to adopt. Motion Carried 5-2.**

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

03-885 39. Approving payment of \$7,913.75 to Spiegel & McDiarmid Law Firm for services in conjunction with the Brownfields Showcase Community, Riverpoint West Redevelopment and related matters. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-886 40. Approving payment of \$1,242 to Sullivan & Ward, P.C. for services related to National Pollution Discharge Elimination System Permit (NPDES), environmental issues in lease and use agreements. **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **CITY MANAGER COMMUNICATIONS**

03-887 41. Submitting out-of-state travel requests for Tom Vlassis, Eric Anderson, Allan Tunks and Garey Bryan. ([Council Communication No. 03-175](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **APPROVING**

03-888 42. Negotiation of Intergovernmental 28E Agreement with Des Moines Public Schools on construction, maintenance and operation of Brody Community School Park. ([Council Communication No. 03-184](#)). **Moved by Hensley to approve. Motion Carried 4-2. Council Member McPherson declares a conflict of interest and abstains from voting.**

03-889 43. Receipt of City of Des Moines Financial Report for nine months ended March 31, 2003. ([Council Communication No. 03-190](#)). **Moved by Vlassis to receive and file. City Manager will provide update on fund balances and a three month report on Mayor/Council expenses. Motion Carried 5-2.**

03-890 44. Receipt of Quarterly Treasurer's Report as of March 31, 2003. **Moved by Vlassis to receive and file. Motion Carried 5-2.**

03-891 45. Temporary suspension of enforcement of the Zoning Ordinance as applied to signage within the area impacted by the closure of Grand Avenue. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-892 46. Authorizing issuance of Certificate of Completion for development of the Masonic Temple Building. ([Council Communication No. 03-177](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-893 47. Authorizing pre-payment of Supplement No. 1 to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC, in conjunction with Stormwater Management Utility Revenue Bonds, Series 2003B. ([Council Communication No. 03-178](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-894 48. Opposition of annexation by the City of Carlisle, of any land west of Highway 65.



**Moved by Vlassis to adopt. Motion Carried 5-2.**

03-895 49. Request from Downtown Community Alliance to display 16 banners in downtown Des Moines on Locust Street on behalf of Meredith Corporation, effective April 2003 and to remain up through the remainder of the year. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 5-2.**

03-896 50. Iowa Department of Cultural Affairs Cultural Enrichment Grant (CEG) to support operations of Botanical Center, \$4,160. ([Council Communication No. 03-185](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-897 51. Communication from City Manager regarding residential rehabilitation project in downtown (94 apartments at 110 and 112-10th Street), proposed by The Massman Group, LLC. ([Council Communication No. 03-183](#)). **Moved by Hensley to receive and file communication and to authorize the City Manager to negotiate the development agreement with The Massman Group. Motion Carried 4-3. Absent: Daniels, Brooks and Vlassis.**

03-898 (A) The Massman Group, L.L.C. application for Enterprise Zone Benefits for a project in the Gateway Enterprise Zone. **Moved by Hensley to approve. Motion Carried 4-3. Absent: Daniels, Brooks and Vlassis.**

03-899 52. Termination of Site Lease and Bill of Sale Agreement with Claircom Communications Group, Inc., d/b/a AT&T Wireless Services, Aviation Communications Division. ([Council Communication No. 03-186](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-900 53. Storefront venues, artists, artwork and artist's compensation for the Storefront Art Project. ([Council Communication No. 03-191](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-901 54. Orchard Place Mural Public Art Commission Project at 8th and High Streets, \$20,000. ([Council Communication No. 03-189](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-902 55. Notice of Funding Availability (NOFA) for Downtown Youth Services for the PY2003 CDBG Action Plan. ([Council Communication No. 03-182](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-903 56. Legislative Update for the 80th Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 5-2.**

03-904 57. Retention of Mercy School of Medical Services, for provision of EMT-P training for Fire Department employees. **Moved by Vlassis to adopt. Motion Carried 5-2.**

58. Approving bids for the following:

03-905 (A) Motorola Inc. (Schaumburg, IL) for radio equipment to be used by the Police Department per State of Iowa Contract number CT1199MV, \$64,646.70. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-906 (B) A+ Lawn & Landscape (Mark Harpenau, President, Ankeny) for an annual contract with two additional one year renewal options to furnish mowing and trimming services at Woodland, Simms and Oak Grove Cemeteries, \$45,360. (Twelve bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-907 (C) A-1 Ready Mix (Pete Peterson, President, 4000 Delaware), American Concrete Products (Scott Temple, President, Johnston) and Norwalk Ready Mix (Jack Bohlender, President) for an annual contract for primary and secondary suppliers to furnish portland cement concrete products. (Six bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-908 59. Authorizing Finance Director to issue checks on the registers of April 25 and May 2, 2003; for the bills of the Des Moines Municipal Housing Agency for the weeks of April 21 and April 28, 2003; and for bi-weekly payroll due on May 2, 2003. **Moved by Vlassis to adopt. Motion Carried 5-2.**

#### **ORDINANCES - FINAL CONSIDERATION**

03-909 60. Amending Chapter 26 of the Municipal Code regarding Neighborhood Inspection Rental Code and Residential Public Nuisance Code. **Moved by Vlassis that this ordinance do now pass, [#14,224](#). Motion Carried 5-2.**

03-910 (A) Approving amendment to the Schedule of Fees. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-911 (B) Approving amendment to the Schedule of Administrative Penalties. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-912 61. On rezoning of property at 6222 SW 12th Street from "R1-60" (One Family Low Density Residential District) to Ltd. "R-2" (One and Two Family Residential), (requires 6 votes for passage). **Moved by Vlassis that this ordinance be continued to the May 5, 2003 Council Meeting. Motion Carried 5-2.**

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

03-913 62. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes for Ingersoll Avenue to implement left-turn lanes at 28th, 31st, 35th, and 42nd Streets and an inbound bus lane between 42nd Street and Martin Luther King Jr. Parkway. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

03-914 63. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

- (1) One-Sided Parking Restriction--Easter Lake Cove Plat I.
- (2) One-Sided Parking Restriction--Hillsboro Plat I.
- (3) One-Sided Parking Restriction--Stanton Acres Plat II.
- (4) One-Sided Parking Restriction--Woods On The River Plat V.
- (5) One-Sided Parking Restriction--Meadowlands Plat I.
- (6) One-Sided Parking Restriction--Airport Business Park Plat I and II.
- (7) One-Sided Parking Restriction--Airport Commerce Park Plat I.
- (8) Corner Clearance--South Side of Clarkson Avenue, West of Martin Luther King Jr. Parkway.
- (9) Corner Clearance--West Side of 36th Street, South of Douglas Avenue.
- (10) Corner Clearance--North Side of Evans Street, East of SW 13th Street.
- (11) Corner Clearance--South Side of Indiana Avenue, West of 6th Avenue.
- (12) Corner Clearance--West Side of 40th Street, North of Franklin Avenue.
- (13) Allow Parking--South Side of Garfield Avenue, Adjacent to Martin Luther King Jr. Park.
- (14) Allow Two-Hour Parking--North Side of High Street, West of 15th Street.

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

\*\*Council considered Hearing Items 69 thru 72 next\*\*

**ORDINANCES - FIRST CONSIDERATION**

03-915 64. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

(1) Allow Parking on the South Side of MTA Lane near MTA Offices for additional visitor parking.

(2) Prohibition of Left Turns-Iowa Highway 5 at Interchanges of Fleur Drive and Iowa Highway 28.

## COMMUNICATIONS/REPORTS

03-916 65. From Forest Avenue Planning Committee, requesting Council-initiated rezoning of a portion of Forest Avenue between Martin Luther King, Jr. Parkway and 25th Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial). **Moved by Vlassis to receive and file, to initiate consideration of the requested rezoning; and, to refer the proposed rezoning to the City Plan and Zoning Commission for report and recommendation. Motion Carried 5-2.**

03-917 66. From Zoning Board of Adjustment, recommending on-street parking be removed from a segment of Washington Avenue, extending east from E. 33rd Street, adjacent to the medical clinic at 1607 E. 33rd. **Moved by McPherson to receive and file, and refer to the Traffic Safety Committee for their consideration. Motion Carried 5-2.**

03-918 67. From Thomas Mathews, 3808 Kingman Blvd, to speak regarding construction of Martin Luther King Parkway through Water Works Park. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2.**

03-919 68. From Christopher Hill, 2340 E. 38th Street, to speak regarding enforcement activities of the Neighborhood Inspection Division. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 5-2.**

**\*\*Council considered Item 73 thru balance of the agenda next\*\***

## HEARINGS (Opened at 5:41 P.M.) (Items 69 thru 72)

03-920 69. On proposed rezoning of the property at 9201 US Highway 65/69, owned by AmerUs, from A-1 (Agricultural), to Ltd. "C-2" (General Retail and Highway Oriented Commercial District), to correct error in publication. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 5-2.**

03-921 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**WITHDRAWN** 03-922 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

03-923 70. On proposed rezoning of "Hubbell Tract", vicinity of 4200 E. Brooks Drive, from "U-1" (Floodplain) and "R1-80" (One Family Residential), to "PUD" (Planned Unit Development), and approve the PUD Conceptual Plan for the Iowa Primate Learning Sanctuary. **Moved by Vlassis to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 5-2.**

03-924 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**WITHDRAWN** 03-925 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

03-926 71. On WRF Computer Room A/C Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Air-Con Mechanical Corporation (James Shaffer, Sr., President, DSM), \$24,098. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-927 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-928 72. On Grand Avenue Storm Sewer-M.L.King Jr. Parkway to 28th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KRI Company (Warren Rognes, President, Ames), \$284,676. **Moved by Hensley to adopt. Motion Carried 5-2.**

03-929 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2.**

\* \* END HEARINGS at 5:53 P.M. \* \*

\*\*Council considered Items 64 thru 68 next\*\*

## **APPROVING**

73. Items regarding Solid Waste Collection:

03-930 (A) First consideration of ordinance regarding proposed fee increase. ([Council Communication No. 03-192](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage, to charge \$12.00 per month for a two-year period. Motion Carried 4-1-2. Nays: Coleman. Absent: Daniels and Brooks.**

03-931 (B) Approving purchase of truck chassis and automated solid waste collection bodies, \$393,690. ([Council Communication No. 03-195](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-932 (C) Approving purchase of rotary cart lifters, (flippers), \$37,716.30. ([Council Communication No. 03-193](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-933 (D) Approving purchase of automated municipal solid waste containers. ([Council Communication No. 03-194](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-934 (E) Setting date of hearing on Supplement No. 11 to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire 3 automated refuse trucks, \$393,690, (5-5-03). ([Council Communication No. 03-179](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

03-935 (F) Setting date of hearing on Supplement No. 12 to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire 55,000 household refuse carts, \$2,200,000, (5-5-03). ([Council Communication No. 03-181](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **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.**

03-936 1. Approving resolution consenting to release of covenant requiring a 35 foot front yard setback attached to final plat of Lakewood Cove Plat 1, located in vicinity of Evergreen Avenue and Lakewood Lane. SPONSOR: Brooks. **Moved by McPherson to adopt. Motion Carried 5-2.**

03-937 2. Authorizing negotiation of Intergovernmental 28E Agreement with Greater Des Moines Community Foundation where the Foundation will receive contributions from the Patty and Jim Cownie Charitable Fund and James S. Cownie for construction improvements to the James W. Cownie Premier Soccer Field. SPONSOR: Brooks. **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **A G E N D A**

### **BOARD OF HEALTH**

**April 21, 2003**

03-938 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

## AUTHORIZING

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

03-939 (A) 1618 Arlington Avenue (vacant) TITLEHOLDER: Michael L Wood; and LEGAL INTEREST HOLDERS: ESI 97C, Attn: Darren Wisniewski, and Centex Credit Corporation d/b/a Centex Home Equity Corporation, Attn: Chritine Odom, Assistant Vice President. **Moved by McPherson to adopt. Motion Carried 5-2.**

(B) NUMBER NOT USED.

03-940 (C) 1208 E. Washington Avenue (vacant) TITLEHOLDER: Associates First Capital Mortgage Corp, Attn: C T Corporation System, Registered Agent; and LEGAL INTEREST HOLDERS: R & S Investments, LLC, Attn: Matthew D. Kern, Registered Agent, and Z Fin 14, Attn: John Zajicek. **Moved by McPherson to adopt. Motion Carried 5-2.**

03-941 (D) 3716 SW 12th Street (vacant) TITLEHOLDER: GMAC Mortgage Corporation, Attn: C T Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 5-2.**

03-942 (E) 1238 E. 16th Street (vacant) TITLEHOLDER: R & S Investments, LLC, Attn: Matthew D. Kern, Registered Agent; CONTRACT BUYERS: Randy A and Heather L. Rudolf; and LEGAL INTEREST HOLDERS: First National Acceptance Company of North America, Attn: Prentice Hall Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 5-2.**

03-943 (F) 1901 E. 23rd Street (vacant) TITLEHOLDER: James F. Schaer d/b/a Schaer Investment, Co. **Moved by McPherson to adopt. Motion Carried 5-2.**

03-944 (G) 1211 E. 35th Street (vacant) TITLEHOLDER: Phillip L. Garrison. **Moved by McPherson to adopt. Motion Carried 5-2.**

03-945 (H) 930 39th Street (vacant) TITLEHOLDERS: Jack and Mary Stuart; and LEGAL INTEREST HOLDERS: LI/US Bank, Attn: Chris Newhouse; U. S. Bank National Association f/k/a Firstar Bank f/k/a Mercantile Bank of Western Iowa, Attn: C T Corporation System, Registered Agent; and U. S. Bank National Association f/k/a Mercantile Bank of Western Iowa f/k/a Mercantile Bank of Polk County f/k/a Hawkeye Bank of Des Moines, Attn: C T Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 5-2.**

## COMMUNICATION

03-946 2. Regarding demolition cost reserve escrowed by Leuwerke & Associates, Inc. policy number 51728474 for the structure located on the property at 1430 4th Street. **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 5-2.**

**03-947 MOTION TO ADJOURN. Moved by McPherson to adjourn at 7:20 P.M. Motion Carried 5-2.**