

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 23, 2003 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Recognition of new Drake Basketball Coaches

Amy Stevens - Women's Basketball

Dr. Tom Davis - Men's Basketball

INVOCATION: Rev. Susan Bowman

First United Methodist Church

03-1400 1. ROLL CALL: **Present: Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Daniels.**

03-1401 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1402 3. APPROVING CONSENT AGENDA - items 3 through 71: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

03-1403 4. The following Beer/Liquor Applications: **Moved by Vlassis to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(I) LaMie Bakery and Restaurant, 841 42nd Street, C Beer/Wine.

RENEWAL APPLICATIONS

(1) Dahls Foods, 4121 Fleur Drive, C Beer.

- (2) Fareway Store #975, 3000 SE 22nd Street, C Beer.
- (3) H & A Mini Mart, 145 University Avenue, C Beer.
- (4) Hy Vee Food Store #4, 4707 Fleur Drive, C Beer.
- (5) Hy Vee Food Store #5, 1107 E Army Post Rd., C Beer.
- (6) La Favorita, 1700 E Grand Avenue, C Beer.
- (7) QuikTrip #530, 2300 E 14th Street, C Beer.
- (8) QuikTrip #534, 2945 E University Avenue, C Beer.
- (9) Tavern South Pizza, 1106 Army Post Rd., C Beer/Wine.
- (10) Art House on Ingersoll, 2809 Ingersoll Avenue, C Liquor.
- ~~(11) Generations, 319 Court Avenue, C Liquor.~~
- ~~(12) Hickman Pub, 2335 Hickman Rd., C Liquor.~~
- (13) Hilltop Lounge and Restaurant, 2820 Hubbell Avenue, C Liquor.
- (14) House of Bricks, 3839 Merle Hay Rd., C Liquor.
- (15) Kelleys, 3606 Beaver Avenue, C Liquor.
- (16) Palmers Pub, 1030 E 9th Street, C Liquor.
- (17) Polk County Convention Center, 501 Grand Avenue, C Liquor.
- (18) Racing Corner, 2956 E Grand Avenue, C Liquor.
- (19) Splash Seafood Bar & Grill, 303 Locust Street, C Liquor.
- (20) Veterans Memorial Auditorium, 833 5th Avenue, C Liquor.
- (21) Wakonda Club, 3915 Fleur Drive, A Liquor.
- (22) Airport Holiday Inn, 6111 Fleur Drive, B Liquor.
- (23) Hotel Fort Des Moines, 1000 Walnut Street, B Liquor.
- (24) Dahls Foods, 4121 Fleur Drive, B Wine.

- (25) Fareway #975, 3000 SE 22nd Street, B Wine.
- (26) Hy Vee Food Store #4, 4707 Fleur Drive, B Wine.
- (27) Hy Vee Food Store #5, 1107 E Army Post Rd., B Wine.
- (28) QuikTrip #530, 2300 E 14th Street, B Wine.
- (29) QuikTrip #534, 2945 E University Avenue, B Wine.

SPECIAL EVENTS APPLICATIONS

- (30) Chucks Restaurant, 3612 6th Avenue, B Beer. Five Day License for the Annual Chuck's Street Party on August 2, 2003.
- (31) Chucks Restaurant, 3612 6th Avenue, B Beer. Five Day License for the Annual Highland Park Sweet Corn Feed on July 12, 2003.
- (32) Concession Spot 23, 3000 E Grand Avenue, B Beer. Fourteen Day License from 8-7-03 thru 8-21-03 for Iowa State Fair.
- (33) Seniom Sed, 25 E Court Avenue, B Beer. Five Day License for Booth A for Taste of Des Moines on July 18 and July 19, 2003. Pending Building, Electrical, Fire and Zoning inspections.
- (34) Seniom Sed, 25 E Court Avenue, B Beer. Five Day License for Booth B for Taste of Des Moines on July 18 and July 19, 2003. Pending Building, Electrical, Fire and Zoning inspections.
- 03-1404 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:

- 03-1405 (A) Closes Creek Watershed-Bennett Avenue Storm Water Improvements, Receiving of Bids, (07-22-03), and Setting Date of Hearing, (07-28-03). (Construction Estimate - \$1,115,058). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 03-1406 (B) Fleur Drive Resurfacing McKinley Avenue to Army Post Road, Receiving of Bids, (IDOT), and Setting Date of Hearing, (07-28-03). (Construction Estimate - \$452,166.95). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- 03-1407 7. Approving execution of Iowa Department of Transportation agreement for Merle Hay

Road and Aurora Avenue Traffic Signal Upgrade, \$45,000. ([Council Communication No. 03-295](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

8. Approving Professional Services Agreements with Veenstra & Kimm, for Corridor Preservation Study Services-WRA System Improvements:

03-1408 (A) Southwest Area Diversion Facility, Southwest Equalization Basin to Norwalk, \$1,573,242. ([Council Communication No. 03-298](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1409 (B) West Des Moines South Outfall, First Street to S. 16th Street, \$117,429. ([Council Communication No. 03-300](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1410 9. Professional Services Agreement with Public Financial Management Inc., in conjunction with WRA Two-Tier Utility Proposal-Financing of WRA Improvements. ([Council Communication No. 03-299](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1411 10. Communication regarding Highland Park Streetscape Improvements and Self-Supporting Municipal Improvement District (SSMID). **Moved by McPherson to receive, file and approve recommendation in the Council Communication. Motion Carried 6-1.**

03-1412 (A) Resolution ordering construction of the Arch and Historical Marker, Receiving of Bids, (7-8-03), and Setting Date of Hearing, (7-14-03). ([Council Communication No. 03-293](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1413 (B) Receipt of Petition to Establish the Highland Park Self-Supported Municipal Improvement District and refer to the Plan & Zoning Commission for a report on the merit and feasibility of the petition. **Moved by McPherson to receive and file the petition and to refer to the City Plan and Zoning Commission for evaluation and recommendation on the merit and feasibility of the project. Motion Carried 6-1.**

03-1414 11. Approving Change Order No. 3, in an amount not to exceed \$37,252.09, and Change Order No. 4, in an amount not to exceed \$11,825.08, for additional work in conjunction with the WRA Southwest Outfall Relief Sewer, Phase 12, Segment 1. ([Council Communication No. 03-297](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

12. Approving the following Request For Extension Of Time:

03-1415 (A) M. Peterson Construction Company, (Merlin Peterson, President, DSM, Contractor) for the 2002 Sidewalk Replacement Program Project for an extension of 31 days with completion date of July 31, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1416 (B) Johnson Concrete & Petroleum Construction, Inc., (Robert Johnson, President, DSM, Contractor) for the 2002 Sidewalk Replacement Program-Designated Neighborhoods

Project for an extension to August 31, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1417 13. Communication from Hooyer Construction, Inc. requesting permission to sublet on public improvement project of Westchester Park Playground Improvements. **Moved by Vlassis to adopt. Motion Carried 6-1.**

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

03-1418 (A) 4th and Grand Garage Renovation - Phase 2, \$5,615.10 is now due and remaining balance of \$40,122.03 to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1419 (B) Parking Garage Elevator Renovation, \$41,358.86 is now due and remaining balance of \$18,139.85 to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

15. Approving the following private construction contracts for Park Place Estates Plat 2, E. Park Avenue and SE 24th Ct.:

03-1420 (A) Sanitary Sewer Improvements between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Oaks Development (John C. Kline, Partner, WDM, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1421 (B) Storm Sewer Improvements between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Oaks Development (John C. Kline, Partner, WDM, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1422 16. Approving private construction contract for construction of street improvements for parking modifications along SW 14th Street at 5001 SW 14th Street between Grimes Asphalt & Paving Corp. (Jerald M. Yonker, President, Grimes, Contractor) and Des Moines Independent Community School District (J. Marc Ward, President, DSM, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1423 16-I Approving private construction contract for construction of street improvements for Lakewood Cove Phase 2 located at SE 34th Street and E. Evergreen Drive between Eco-Tech Construction LLC (Steve Gillotti, President, Grimes, Contractor) and VACCO Properties (Vic Vacco, President, WDSM, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

17. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

03-1424 (A) Schedule No. 2003-06. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1425 (B) Schedule No. 2003-55. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

03-1426 18. Approving final subdivision plat entitled THE MEADOWLANDS PLAT 2 in vicinity of 7400 Indianola Avenue. ([Council Communication No. 03-282](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1427 19. Authorization to proceed with right-of-way acquisition for the Des Moines River Outfall and Overflow Project, \$500,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1428 20. Authorization to proceed with Professional Appraisal Services for the Western Gateway Project between 13th and 15th and between Grand and Locust, not to exceed \$45,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1429 21. Approve and accept real estate documents for property at 2301 Hickman Road for the Good Samaritan Urban Ministries Youth Center Storm Sewer Project, \$1 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1430 22. Authorize payment of Condemnation Award for property at 200 SW 16th Street (DICO, Inc.) for the Martin Luther King Jr. Parkway Project, \$181,000 plus Sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

03-1431 23. Approve and accept real estate documents for property for the SW 9th Street Bridge over Yeader Creek Project, (902 Hackley Avenue & 5015 SW 9th Street), \$7,488 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1432 24. Approve and accept real estate documents for property at 2514 Sheridan Avenue for the Closes Creek Storm Water Improvement Project, \$151 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1433 25. Approving Replacement Special Warranty Deed to Nationwide Mutual Insurance Company for the block bounded by 12th, 13th, Locust and Walnut Streets to correct an error in the legal description of the original deed. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

26. Recommendations for reappointment of the following to the Des Moines International Airport Board:

03-1434 (A) Council Member Mike McPherson for John Fitzgibbon (Seat 5) for a four year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Vlassis to adopt. Motion**

Carried 5-1-1. Pass: Brooks. Absent: Daniels.

03-1435 (B) Council Member Christine Hensley for Sam Kalainov (Seat 6) for a four year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Daniels.**

03-1436 27. Recommendation of Council Member Christine Hensley to appoint Jennifer Smyser to Seat 13 on the Sister Cities Commission for a five year term commencing April 28, 2001 to expire April 28, 2006. **Moved by Vlassis to adopt. Motion Carried 6-1.**

28. Recommendations from Council Member Frank Cownie for appointment of the following to the Neighborhood Revitalization Board:

03-1437 (A) Michael E. Gibson (Seat 1) for a three year term commencing June 30, 2002 to expire June 30, 2005. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1438 (B) Mike L. Kinter (Seat 12) for a three year term commencing June 30, 2002 to expire June 30, 2005. **Moved by Vlassis to adopt. Motion Carried 6-1.**

28-I Recommendations from Council Member Archie Brooks for the following:

03-1439 (A) Reappointment of Rebecca Morelock for the City Plan Commission (Seat 15) for a five year term commencing July 1, 2003 to expire July 1, 2008. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1440 (B) Reappointment of John Rector for the Park and Recreation Board (Seat 13) for a four year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Vlassis to adopt. Motion Carried 6-1.**

STREET CLOSURES

03-1441 29. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Vlassis to adopt. Motion Carried 6-1. Council Member Brooks voted "no" on Item 3.**

(1) Linda Bisignano, representing Parks Area Foundation, requesting permission to close 6th Avenue from Euclid Avenue to Douglas Avenue on Saturday, August 2, 2003 from 3 PM to 9 PM for Annual Car Show and Celebration.

(2) Bill Wheeler, representing Highland & Oak Park Neighborhood, requesting permission to close 6th Avenue from Euclid Avenue to Douglas Avenue on Saturday, July 12, 2003 from 1 PM to 9 PM for 4th Annual Parks Area Sweet Corn Feed.

(3) Cathy Erickson requesting permission to close E 1st-Walnut Bridge to South side of Court Bridge; Court-E 1st to 1st thru intersection; Walnut-E 1st to 1st; 1st-Walnut to south side of Court and south 100 ft. of Riverside Drive From Thursday, July 17 at 6 PM to Sunday, July 20, 2003 at Noon for Taste of Des Moines Festival.

(4) Kelly Logan representing 33rd Street Block Party, requesting permission to close 33rd Street from Hickman Road to Sheridan on Friday July 4, 2003 from 8 AM to 1 PM for neighborhood childrens parade.

(5) Carol Kuehnhoff, representing Children and Family Urban Ministries, requesting permission to close College Avenue from 8th Street to 9th Street on Saturday, July 12, 2003 from 1 PM to 5:30 PM for Back to School Health Fair.

(6) Veronica Henderson, representing Thompson Avenue Neighbors, requesting permission to close Thompson Avenue from E 42nd Street to Dead End on Friday, July 4, 2003 from 4 PM to 10 PM for Neighborhood Block Party.

(7) Debby Snitkey, representing 8th Place Neighborhood, requesting permission to close 8th Place from Seneca to Douglas on Saturday, July 5, 2003 from 3 PM to 8:52 PM for neighborhood block party.

(8) Jim Wallace, representing Central Presbyterian Church, requesting permission to close 39th Street (South Half) from Grand to Ingersoll Avenue on Wednesday, July 16, 2003 from 6:30 PM to 8:30 PM for Jazz in July.

(9) Rod Ryan, representing Crestmoor Block Party, requesting permission to close 48th Street from Bel-Aire to Crestmoor Drive and Crestmoor Drive from 48th Street to 50th Street on Friday, July 4, 2003 from 10 AM to 11 AM for childrens parade.

CITY PLAN COMMISSION RECOMMENDATIONS

03-1442 30. Regarding City Manager initiated request for vacation and conveyance of the dead end segment of Market Street running west of SW 5th Street, subject to the retention of necessary easements. **Moved by Vlassis to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

03-1443 31. Regarding request from Tammy Ruby, 2423 SE 8th Street, for vacation and conveyance of the south 130' of a dead end segment of north/south alley, running south from E. Lacona Avenue, between SE 8th Street and SE 8th Court, subject to the retention of all necessary easements. **Moved by Vlassis to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

03-1444 32. Regarding preliminary subdivision plat for Airport Crossroads, 7600 Fleur Drive, northwest of the intersection of Fleur Drive and County Line Road. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

03-1445 32-I Regarding request for amendment to the preliminary subdivision plat for "Carman Estates" Phase II revising the location of an east/west street between Indianola Avenue and SE 24th Street and conversion of 8 bi-attached townhome lots to be assembled with the future lot for row-type townhome subject to conditions. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

03-1446 33. On City Council initiated request to rezone several properties fronting Forest Avenue between M.L. King Jr. Parkway and 25th Street from the "C-2" General Retail and Highway Oriented Commercial District to the "NPC" Neighborhood Pedestrian Commercial District, (7-14-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1447 34. On request from St. Andrew's Group for a second amendment to the "Carman Estates" PUD Concept Plan to allow for an additional 83 units of row-type townhomes with rear loading attached garages within a 6.9 acre area previously approved for residential density at 12 units per acre, subject to conditions, (7-14-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1448 35. On vacation and conveyance of alley to the Massman Group for use in renovation of 110 and 112 10th Street into residential units, \$17,424, (7-14-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1449 36. On sale of City owned property at 2103 Ingersoll Avenue, former Stew Hansen site, to Knapp Properties, \$655,740, (7-14-03). ([Council Communication No. 03-304](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1450 37. On Supplement No. 13 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$550,000, for acquiring 4 automated refuse trucks, (7-14-03). ([Council Communication No. 03-289](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1451 38. On proposed Seventh Amendment to the Metro Center Urban Renewal Plan, incorporates design guidelines for Eastern Gateway, updates text regarding neighborhood organization located in the area and revises Financial Condition Report, (7-28-03). ([Council Communication No. 03-275](#)). **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1452 39. On Tenth Amendment to the Omnibus Urban Renewal Plan Amendment to the Model City Prime Service Area for the City View Plaza Rehabilitation/Redevelopment Program, to terminate the Urban Renewal Plan, (7-28-03). ([Council Communication No. 03-274](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-1453 40. Approving payment of \$31,973.40 to Cynthia Clark for settlement of workers' compensation claim from an injury during course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1454 41. Approving payment of \$8,581.92 to James C. Wine for claim as the result of an auto accident on May 9, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1455 42. Approving Settlement Agreement and Covenant Not To Sue with Black & Veatch Corporation and Howard R. Green Company in settlement of a claim made in connection with the Biosolid Storage Facility, \$275,000. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

03-1456 43. Retention of William Bartine and the Belin Law Firm to perform legal services in connection with acquisition of railroad property for various City Projects not to exceed \$1,000 plus out of pocket expenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1457 44. Approving payment of \$21,496.70 to Ahlers Law Firm regarding legal services in connection with Series 2003A general obligation bonds; Series 1993B and 1994A refunding bonds; and Series 2003B revenue bonds. **Moved by Vlassis to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

03-1458 45. Submitting out-of-state travel for Eric A. Anderson, Dani Stookey, Larry Rogers, Tony Knox, Stewart Drake, and Eric Nevins. ([Council Communication No. 03-270](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1459 46. Requesting Council-initiated amendment to the comprehensive plan and rezoning of a portion of the Riverpoint West area to facilitate reuse for residential and commercial uses, and the DICO Superfund site be rezoned to "SO" (Study Overlay) on an interim basis. ([Council Communication No. 03-285](#)). **Moved by Hensley to receive and file, initiate the proposed rezoning, and refer the proposed rezoning to the City Plan and Zoning Commission for report and recommendation. Motion Carried 6-1.**

03-1460 47. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-294](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

(1) Corner Clearance--East Side of 28th Street, North of Grand Avenue.

(2) Designation of Des Moines Street as a Through Street.

(3) Move Parking Restriction from South Side to North Side of Thornton Court from SE 20th Street to a point 350 feet West.

APPROVING

03-1461 48. Resolution of support for the Iowa State University COPC Community Futures Demonstration Planning Proposal to HUD for development of a long range regional plan. ([Council Communication No. 03-305](#) and [03-309](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1462 49. HUD Certifications regarding compliance with the City EZ/EC Strategic Plan and 2003 HUD Consolidated Plan for the DMACC HUD Community Outreach Partnership Grant. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1463 (A) HUD Certifications regarding compliance with the City EZ/EC Strategic Plan and 2003 HUD Consolidated Plan for Citizens for Community Improvement (CCI).([Council Communication No. 03-310](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1464 50. Continuum of Care Program application to HUD for Supportive Housing Program (SHP) and Shelter Plus Care (S+C) supplemental funding for local homeless programs to address service gaps, \$3,109,004. ([Council Communication No. 03-272](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1465 51. Additional Grant Agreements with HUD for full funding of 2003 HUD Consolidated Plan allocation (CDBG, HOME and ESG) for period of January 1, 2003 to December 31, 2003, \$4,656,102. ([Council Communication No. 03-269](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1466 52. Emergency Shelter Grant (ESG) Program Grant contract with the Iowa Department of Economic Development for period of July 1, 2003 to June 30, 2004, \$386,837. ([Council Communication No. 03-268](#)).**Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1467 53. Supportive Housing Program (SHP) Grant Agreement for supplemental funding for homeless programs to address service gaps and implementation of the Primary Health Care Enhancement Program, \$768,327. ([Council Communication No. 03-271](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1468 (A) SHP Grant Agreement for implementation of the WDM Transitional Housing Program, \$261,975. ([Council Communication No. 03-306](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

****Council considered Items 72 and 73 next****

03-1469 54. Form of agreement with Polk County Housing Trust Fund for the Dispersal of the Affordable Housing Program Grant for \$250,000. ([Council Communication No. 03-287](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1470 55. Amendment #1 to the 28E Agreement regarding the Polk County Human Services Planning Alliance effective January 1, 2003 to June 30, 2010. ([Council Communication No. 03-279](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1471 56. Grant application to the US Department of Justice Office of Community Oriented Policing Services (COPS) for a Homeland Security Overtime Grant, \$250,000. ([Council Communication No. 03-288](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1472 57. Selection of HOME, Inc. as the developer for the East Walnut Street Residential Redevelopment Project and authorization for Community Development and Legal Departments to negotiate a development agreement, \$909,232.14. ([Council Communication No. 03-286](#)). **Moved by Vlassis to approve. Motion Carried 6-1.**

03-1473 58. Subordination of City mortgage for Scott Street Enterprises, L.C., 500 E. Scott Street and 501 SE Allen. ([Council Communication No. 03-281](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

59. Annual Insurance Renewals for July 1, 2003:

03-1474 (A) Property and Casualty Insurance. ([Council Communication No. 03-307](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1475 (B) Airport Liability Insurance. ([Council Communication No. 03-308](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1476 60. Communication from Downtown Community Alliance on behalf of Iowa Health Systems, to display 40 banners in Downtown on Locust Street and Grand Avenue starting in July 2003. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 6-1.**

03-1477 61. Service fee to provide emergency medical technician students' field experience. ([Council Communication No. 03-277](#)). **Moved by Vlassis to receive and file. Motion Carried 6-1.**

03-1478 62. Employment of Spiegel & McDiarmid to consult and perform services to facilitate economic development, community revitalization, homeland security and related projects, \$20,000. ([Council Communication No. 03-301](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1479 63. Acceptance of contributions from three non-profit foundations, Mary Nelson Foundation, Des Moines Park and Recreation Foundation and Greater Des Moines Community Foundation for wages of Junior Counselors for the 2003 Evelyn K. Davis Summer Day Camp Program. ([Council Communication No. 03-302](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1480 (A) Ratification and confirmation of Grant Agreement for acceptance of grant to benefit Evelyn K. Davis Summer Day Camp Program, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1481 64. Request for Proposals for the redevelopment of the former Dewey Ford Showroom in vicinity of E. 4th and Grand Avenue as part of the Metro Center Urban Renewal Project Area. ([Council Communication No. 03-273](#)). **Moved by Vlassis to approve. Motion Carried 6-1.**

03-1482 (A) Communication from Urban Design Review Board regarding the redevelopment. **Moved by Vlassis to receive and file communication from Urban Design Review Board. Motion Carried 6-1.**

03-1483 65. Authorization for one-year renewal of the Service Vendor Agreement (Team Two, Inc.) for Ambulance Billing Services provided to Des Moines Fire Department. ([Council Communication No. 03-276](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1484 66. Twelve month renewal of current contract for Long Term Disability Insurance with Principal Financial Group. ([Council Communication No. 03-291](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1485 67. Renewal of HMO coverage with Coventry Health Care for the Police and Fire Bargaining Units. ([Council Communication No. 03-292](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1486 68. Bid from Polydyne Inc. for annual contract with two additional one year renewal options to furnish liquid and dry polymer for use by the Wastewater Reclamation Facility, \$194,250. (Four bids mailed, four bids received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1487 69. Civil Service Entrance List for Climate Control Technician and Promotional Lists for Cement Finisher and Senior Building Equipment Operator. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

03-1488 70. Authorizing Finance Director to issue checks on the registers of June 27, July 7, and July 11, 2003; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 23, June 30, and July 2, 2003; and to draw checks for biweekly payroll due on June 27 and July 11, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

03-1489 71. 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 6-1.**

- (1) Two-Way Traffic Operation--Locust Street between 2nd Avenue and E. 7th Street.
- (2) Parking Restriction--North Side of E. Washington Avenue from East of E. 33rd Street.
- (3) Corner Clearance--West Side of E. 21st Street, south of Maple Street.
- (4) Corner Clearance--South Side of Ingersoll Avenue, East and West of 29th Street.
- (5) Corner Clearance--North Side of East Shawnee Avenue, West of Cornell Street.
- (6) Corner Clearance--East Side of 4th Street, South of Aurora Avenue.
- (7) Corner Clearance--West Side of 21st Street, South of Franklin Avenue.
- (8) Corner Clearance--East Side of E. 9th street, South of Buchanan Street.
- (9) Removal of Loading Zone on the East Side of 9th Street, North of Walnut Street.
- (10) Corner Clearance--North Side of Ingersoll Avenue, East and West of 19th Street.

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

ORDINANCES - FIRST CONSIDERATION

72. Items regarding the Youth Advisory Board:

03-1490 (A) First consideration of ordinance amending Chapter 2, regarding creation, composition and appointment. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1491 72. (B) Final consideration of ordinance above, (waiver requested by Council Member Vlassis), requires 6 votes. **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, [#14,243](#). Motion Carried 6-1.**

03-1492 (C) Approving amended Procedural Rules. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1493 73. Amending Chapter 10 of the Municipal Code regarding penalties, fees, refunds and

transfers of liquor licenses and permits. **Moved by Vlassis that this ordinance be considered and given first vote for passage. City Council will discuss this ordinance at their workshop on June 24. Motion Carried 5-1-1. Nays: McPherson. Absent: Daniels.**

****Council considered Hearing Items 80 thru 93 next****

03-1494 74. Amending Chapters 22 and 114 of the Municipal Code regarding parking fines. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1495 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,244](#). Motion Carried 6-1.**

03-1496 75. Amending Chapter 102 of the Municipal Code regarding moving of houses and heavy equipment. ([Council Communication No. 03-283](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1497 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,245](#). Motion Carried 6-1.**

03-1498 76. Amending Chapter 114 of the Municipal Code creating a 4-way stop at 46th Street and Twana Drive. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1499 (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis), requires 6 votes. **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, [#14,246](#). Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

03-1500 77. From Beaverdale Business Coalition, to discuss the Beaverdale Village Conceptual Revitalization Plan. **Moved by Vlassis to receive, file and grant request to speak. City Manager will report back at the August 11 meeting regarding City's involvement in the plan. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1501 78. From Peter Rose, 668 48th Street, requesting to speak regarding budget and

campaign issues. **Moved by Vlassis to receive, file and grant request to speak. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1502 79. Petitions from area residents requesting paving 57th Place from Forest Avenue to Clark Boulevard. **Moved by Vlassis to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 5-2. Absent: Daniels and Cownie.**

****Council considered Extra Items thru end of agenda next****

HEARINGS (Opened at 5:36 P.M.) (Items 80 thru 93)

03-1503 80. On proposed issuance of not to exceed \$9,800,000 General Obligation Refunding Bonds, (Essential Corporate Purpose), to refund Series 1996C. **Moved by Cownie to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-1504 (A) Resolution for additional actions. **Moved by Cownie to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-1505 (B) Directing advertisement for sale of bonds. ([Council Communication No. 03-290](#)). **Moved by Cownie to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-1506 81. On License Agreement with Riteway Cleaners for City-owned property located east of Indianola Avenue and north of East Hillside Avenue. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1507 82. On approval to enter into a five year agreement with additional five year renewal option with the Des Moines Metro BMX Club to maintain and operate a bicycle motto-cross track at Ewing Park. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1508 83. On request from Harry Leopold to rezone property at 3009 SW 9th Street from "C-1" (Neighborhood Retail Commercial) to Limited "C-2" (General Retail and Highway-Oriented Commercial) allowing expansion of use d/b/a Mid-Iowa Environmental. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-1509 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1510 (B) Final consideration of ordinance (waiver requested by applicant), requires six votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,247](#). Motion Carried 6-1.**

03-1511 84. On Council-initiated request to rezone property at 1904 Forest from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial). **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-1512 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1513 (B) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **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, [#14,248](#). Motion Carried 6-1.**

03-1514 85. On vacation and conveyance of the northern most east/west alley in the block bounded by Olinda and Davis Avenues and South Union and SW 1st Streets, to adjoining property owner. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-1515 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-1516 86. On proposed vacation and conveyance of a portion of east/west alley extending from E. 4th between E. Grand Avenue and E. Locust Street adjoining Betts Hardware site to SOHO Development, L.L.C., \$31,200. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1517 (A) City Plan Commission recommendation to deny. **Moved by Brooks to receive and file. Motion Carried 6-1.**

03-1518 (B) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1519 (C) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,249](#). Motion Carried 6-1.**

03-1520 (D) Communications regarding the project. **Moved by Brooks to receive and file. Motion Carried 6-1.**

03-1521 87. On conveyance of property at 1100 Cherry Street to Wells Fargo Financial, Inc., \$300,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1522 88. On conveyance of a portion of the Hubbell Tract, by grant, to Iowa Primate

Learning Sanctuary. ([Council Communication No. 03-303](#)). **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1523 89. On request to approve an amended "R-5" Preliminary Plan for property on the west side of 6900 block of Indianola Avenue, and setting date of hearing on Final Development Plan, (7-28-03). ([Council Communication No. 03-284](#)). **Moved by Brooks to adopt and approve the Preliminary Plan and to schedule a public hearing on the Final Development Plan. Motion Carried 6-1.**

03-1524 90. On construction of the Southeast Ridge Trunk Sanitary Sewer and to acquire agricultural land for the project. **Moved by Cownie to adopt. Motion Carried 6-1.**

03-1525 91. On connection fee ordinance for Northeast Four Mile Trunk Sanitary Sewer System Benefited District. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1526 (A) First consideration of ordinance above, amending the Municipal Code to decrease the per acre connection fee imposed on all properties within the Northeast Four Mile Area Trunk Sanitary Sewer Benefited District, and providing for a slight reduction of lands included in the district. ([Council Communication No. 03-296](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1527 92. On Central Place Sanitary Sewer Relining Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Insituform Technologies USA, Inc. (Boyd A. Hirtz, Vice President, Chesterfield, MO), \$468,800. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Hensley. Absent: Daniels.**

03-1528 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Hensley. Absent: Daniels.**

03-1529 93. On assessment of \$1500 penalty and 30 day suspension to Krueger's Amoco #2, 630 SW 9th Street, for violation of Iowa's Cigarette laws, selling to minors. **Moved by Vlassis to continue to the July 14, 2003 Council meeting at 5:30 P.M. Motion Carried 6-1.**

* * END HEARINGS at 6:48 P.M. * *

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

03-1530 1. Approving donation of used City Health Clinic medical equipment to Polk County Health Department. SPONSOR: Vlassis. ([Council Communication No. 03-311](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1531 2. Authorizing Mayor to sign project information application form for \$300,000 Save America's Treasurers Grant for architectural planning and design for proposed World Food Prize Center in the old library building, in vicinity of 101 Locust Street. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 4-2. Absent: Daniels and Cownie. Council Member Brooks declares a conflict of interest and abstains from voting.**

A G E N D A

BOARD OF HEALTH

June 23, 2003

03-1532-I MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and Cownie.**

HEARINGS

03-1532 1. On resolution to charge for enforcement costs incurred in bringing administrative removal action to cause the demolition and removal of dangerous fire damaged structure or to determine appropriate equitable action to be taken regarding 3350 Evergreen, Titleholder: Anthony Bradley. **Moved by Brooks to waive the fee. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1533 2. On resolution to demolish and remove fire damaged structure or to determine appropriate equitable action to be taken at 3012 5th Avenue, Titleholder: 2221 Carpenter Ave., LLC, Contract Buyer: Cash Consultants, Legal Interest Holders: John Zajicek d/b/a Z Fin 32 and Dennis Blume d/b/a Tax 135. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1534 3. On resolution to demolish and remove dangerous structure or to determine appropriate equitable action to be taken at 1822 11th Street, Titleholders: Emilio Alas and Maria Alas. **Moved by Vlassis to continue to work with the property owners to properly secure the area, and allow them to demolish the structure in accordance with the demolition permit; (maximum of 60 days). Motion Carried 5-2. Absent: Daniels and Cownie.**

WITHDRAWN 03-1535 4. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 1508 E. 21st Street: Titleholders: Margaret R. Violett and Joey D. Violett.

AUTHORIZING

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

03-1536 (A) 911 E. Bell Avenue (vacant) Titleholder: Falcon Investments, LLC, Legal Interest Holders: Dennis Blume d/b/a Tax 119. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1537 (B) 1405 Jefferson (vacant) Titleholders: Edward Moss and Susan Moss, Tax Certificate Holder: Mooring Tax Asset Group IV, LLC. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1538 (C) 1422 Martin Luther King Jr. Parkway (garage) Titleholder: William A. Boswell, Mortgage Holder: Bank of America f/k/a Plaza State Bank. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1539 (D) 1334 McCormick (vacant) Titleholder: H&F, LLC, Legal Interest Holder, Dennis Blume d/b/a Tax 114. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1540 (E) 1415 University (vacant) Titleholder: Mary K. Fines, Contract Buyers: Augustine Akpan and Inie Clement, Legal Interest Holders: John Zajicek d/b/a Z Fin 7 and Larry West. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1541 (F) 1300 2nd Avenue (vacant) Titleholder, 3624 S. Union, LLC, Contract Buyer: Natale M. Chiodo, Legal Interest Holder, II/US Bank. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1542 (G) 1603 13th Street (vacant) Titleholder: Camaletta G. Smart, Mortgage Holder: Bank of America. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1543 (H) 1510 E. 16th Street, (vacant) Titleholder, Falcon Investments, LLC, Contract Buyers: Harold S. Hickman, Mortgage Holder: State Savings Bank. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1544 (I) 1533 21st Street (vacant) Titleholder: the 1533 21st Land Trust, Legal Interest Holder, John Zajicek d/b/a Z Fin 30. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1545 (J) 2216 E. 35th Street (vacant) Titleholder: Ruth Chase, Contract Buyer: Dorothea S. Leach n/k/a Dorothea S. Pyle and John Pyle, Legal Interest Holder: Christine Frank d/b/a Tax 212. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

6. The Engineering Department to cause the removal of the following:

03-1546 (A) 1339 Forest, Titleholder: 5914 Tonka, Tax Certificate Holder: Albert Wald. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1547 (B) 3136 Raccoon Street, Titleholders: Larry Christensen and Jacklyn Christensen, Mortgage Holder: Commercial Federal Mortgage Corporation. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1548 (C) 2716 SE 18th Street, Titleholder: Laurie Donaldson, Mortgage Holder: TMS Mortgage, Inc. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Cownie.**

03-1549 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:08 P.M. Motion Carried 5-2. Absent: Daniels and Cownie.**