

***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '03-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 22, 2003 4:30 P.M.

**Reception in the City Hall Great Hall 2:30 – 4:30 P.M.
for Mayor Preston Daniels and Council Member Mike McPherson**

SPECIAL PRESENTATIONS - 4:10 P.M.

Recognition of Council Member Mike McPherson

Recognition of Mayor Preston Daniels

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

- 03-2842 1. **ROLL CALL: Present: Daniels, Coleman, Cownie, Hensley, McPherson, Brooks and Vlassis.**
- 03-2843 I. Presentation of Robert D Ray Drive street sign
- 03-2844 II. Approving naming of tennis court complex at Birdland Park to “Mike McPherson Tennis Complex”. ([Council Communication No. 03-619](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2845 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Brooks to adopt. Motion Carried 7-0.**

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***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.**

03-2846

- 3. APPROVING CONSENT AGENDA – items 3 through 55: **Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

03-2847

- 4. Approving the following Alcoholic Beverage License applications: **Moved by Brooks to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	RANCHO ALEGRE	3308 INDIANOLA AVE	B Beer
(B)	TEQUILA MEXICAN RESTAURANT	2824 EASTON BLVD	C Liquor

RENEWAL APPLICATIONS

(C)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(D)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(E)	AMERICAN LEGION HISPANIC POST	1511 S UNION ST	C Liquor
(F)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(G)	CLUB STATIK	215 E 2ND ST	C Liquor
(H)	DAHLS FOODS	1320 E EUCLID AVENUE	C Beer
(I)	DAHLS FOODS	1320 E EUCLID AVENUE	B Wine
(J)	DAHLS FOODS	1819 BEAVER AVE	C Beer
(K)	DAHLS FOODS	1819 BEAVER AVE	B Wine
(L)	GIT N GO STORE #24	1142 42ND ST	C Beer
(M)	GIT N GO STORE #29	4900 URBANDALE AVE	C Beer
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(P)	JESSES EMBERS	3301 INGERSOLL AVE	C Liquor
(Q)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVENUE	C Liquor
(R)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(S)	LA CRUZ	4007 SE 13TH ST	C Beer
(T)	MEZZODIS	4519 FLEUR DR	C Liquor
(U)	MR V'S	206 INDIANOLA AVE	C Liquor
(V)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY AVE	C Liquor
(W)	OASIS WINE AND SPIRITS	1401 BUCHANAN ST	C Beer
(X)	OASIS WINE AND SPIRITS	1401 BUCHANAN ST	E Liquor
(Y)	OASIS WINE AND SPIRITS	1401 BUCHANAN ST	B Wine
(Z)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(AA)	TOBACCO OUTLET PLUS #521	2601 E EUCLID AVE	C Beer
(BB)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor

03-2848

- 5. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion**

Carried 7-0.

- 03-2849 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 03-2850 7. Approving IDOT Agreement for SE 14th Street and East Indianola Avenue Intersection Improvements. ([Council Communication No. 03-628](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

- 03-2851 8. Approving Supplemental No. 1 with Stanley Consultants, Inc. (Gregs Thomopulos, President, Muscatine) for archaeological investigation and framework flow modeling for the Des Moines River Outfall & Overflow Project - \$68,860. ([Council Communication No. 03-627](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

9. Accepting completed construction and approving final payment for the following:

- 03-2852 (A) Southwest Outfall Relief Sewer, Phase 12, Segment 1, Van Hauen & Associates, Inc., \$58,715.86 is now due and \$91,217.06 is to be paid at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 03-2853 (B) E. 16th Street and E. Walnut Street Footing Drain Sewer, Elder Corporation, \$7,701.99 is now due and \$2,715.64 is to be paid at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 03-2854 (C) E. 20th Street Trunk Sanitary Sewer Relining-Jefferson Avenue to Dixon Street, \$41,327.85 is now due and \$131,032.65 is to be paid at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 7-0.**

10. Approving completion and recommending acceptance of the following Private Construction Contracts:

- 03-2855 (A) Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Brook Run, L.C., (Tom Gratias, President, Waukee, Owner) for construction of Paving Improvements for Brook Run Village Plat 3, \$35,715. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 03-2856 (B) National Concrete Services, (John Gillotti, President, Des Moines, Contractor) and MidAmerican Energy Company, (Ron W. Stepien, President, Urbandale, Owner) for construction of Street Improvements to construct paved concrete roadway on East County Line Road, \$124,700.

Moved by Brooks to adopt. Motion Carried 7-0.

11. Approving completion and recommending acceptance of the following Private Construction Contracts for Stanton Acres Development:

- 03-2857 (A) Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Cooper Homes, (James Cooper, President, Des Moines, Owner) for construction of Street Improvements, \$59,562. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2858 (B) Corell Contractor, Inc., (Steve Corell, President, WDM, Contractor) and Cooper Homes, (James Cooper, President, Des Moines, Owner) for construction of Sanitary Sewer Improvements, \$79,072. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2859 (C) Corell Contractor, Inc., (Steve Corell, President, WDM, Contractor) and Cooper Homes, (James Cooper, President, Des Moines, Owner) for construction of Storm Sewer Improvements, \$69,314.10. **Moved by Brooks to adopt. Motion Carried 7-0.**

12. Approving completion and recommending acceptance of the following Private Construction Contracts for Woods on the River Plat 5:

- 03-2860 (A) McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Clarke Company, Ltd., (John J. Clarke, Partner/Owner) for construction of Sanitary Sewer Improvements, \$172,220. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2861 (B) McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Clarke Company, Ltd., (John J. Clarke, Partner/Owner) for construction of Storm Sewer Improvements, \$127,031.78. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2862 (C) Sternquist Construction, (Britt Sternquist, President, Indianola, Contractor) and Clarke Company, Ltd., (John J. Clarke, Partner/Owner) for construction of Street Improvements, \$138,157.80. **Moved by Brooks to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

13. Deletion of the following NAC – Emergency Order Assessments (Ownership of property has transferred):
- 03-2863 (A) Schedule 2003-57, Certificate 00-10702-00, 1113 Fremont St. for \$110. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2864 (B) Schedule 2003-08, Certificate 00-10622-00, 2928 E. Washington Ave. for \$428.02. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2865 (C) Schedule 2003-30, Certificate 00-10676-00, 2505 Logan Ave. for \$150. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2866 (D) Schedule 2003-01, Certificate 00-09533-00, 1012 E. 8th Street for \$254.36. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2867 14. Approving Division Assessment Schedule for SE 22nd Street Paving, Schedule 1991-04 for certification to Polk County. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2868 15. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for November 2003 for certification to Polk County. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2869 16. Approving refund of unused special assessment default fund; Refund Schedule No. 2003-02. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2870 17. Authorizing the Engineering Department to correct delinquent Solid Waste/Stormwater utility and/or Sewer Rental Credits for November 2003. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 03-2871 18. Approve and accept Real Estate Documents for permanent easement for public sidewalk at 1612 31st Street. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2872 19. Approve and establish Fair Market Value, acquisition of property and authorize relocation for a portion of 126 Clark Street in conjunction with Clark Street Pump Station Project - \$15,100 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

20. Approving condemnation award for acquisition of the following properties in conjunction with the Agrimergent Technology Park Project:
- 03-2873 (A) 3444 Vandalia Road, \$147,000 plus Sheriff's fees and jury expenses. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2874 (B) 1804 SE 35th Street, \$18,000 plus Sheriff's fees and jury expenses. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2875 21. Approving Tax Abatement applications for additional value added by improvements made during 2003 (180 applications on file in City Clerk's Office). ([Council Communication No. 03-611](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 03-2876 22. Recommendation of At-Large Council Member, Frank Cownie to appoint Kathie Andriano-Narber to fill the unexpired term of Kristopher Klop, (Seat 5) on the Sister Cities Commission, to expire April 28, 2006. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2877 23. Recommendation of At-Large Council Member, Frank Cownie to appoint Jill M. Fulitano-Avery to the Access Advisory Board (Seat 9) for a four year term, to expire June 15, 2006. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2878 23-I. Recommendation of At-Large Council Member, Frank Cownie to appoint Jon S. Thyberg to the Licensing and Appeals Board (Seat 9) to expire April 1, 2006. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2879 24. Communication from Beth Muenchrath advising of her resignation from the Sister Cities Commission (Seat 18) – Windsor Heights representative, effective January, 2004. **Moved by Brooks to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 03-2880 25. Regarding request from the City Engineer and Public Works Director to permanently close Riverside Drive from Court Avenue to SW Water Street, in conjunction with the Gray's Lake Trail and Des Moines River Outfall Project. **Moved by Brooks to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 03-2881 26. On Lease Agreement with the Boys and Girls Club of Central Iowa for the use of Logan Community Center, 1740 East Garfield Avenue, (1-12-04). ([Council Communication No. 03-618](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2882 27. On lease of Archie Brooks Community Center to Polk County for use by the State of Iowa Department of Human Services Site offices, (1-12-04). ([Council Communication No. 03-620](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
28. NUMBER NOT USED.
29. NUMBER NOT USED.
- 03-2883 30. On Council-initiated request to rezone property in the 1600 block of 6th Avenue from “C-1” (Neighborhood Retail Commercial) to Ltd “NPC” (Neighborhood Pedestrian Commercial), subject to conditions, (1-12-04). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2884 31. On assessment of \$300 penalty to Southridge Amoco, 6300 SE 14th Street, for violation of Iowa Cigarette Laws, (1-12-04). **Moved by Brooks to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 03-2885 32. Approving payment of \$7,140.16 to Hall & Associates for services related to National Pollution Discharge Elimination System (NPDES) permit. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2886 33. Approving payment of \$2,458.91 to Ahlers & Cooney, P.C. for services related to Supplement Nos. 11, 12 and 13 of the Master Lease Program. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2887 34. Approving payment of \$2,706.06 to Spiegel & McDiarmid Law Firm for services in conjunction with the Riverpoint West Redevelopment, Brownfields Showcase Community. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2888 35. Approving payment of \$1,440.65 to Nyemaster, Goode, Voigts, West, Hansell & O’Brien for representation regarding the case of Maria Garces v. Gerald Roger Lovejoy, et al. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2889 36. Approving payment of \$6,418.75 to George Dickey for workers’ compensation claim. **Moved by Brooks to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 03-2890 37. Submitting traffic regulation changes for “Police Only” parking in front of 611 Forest Avenue. ([Council Communication No. 03-626](#)) **Moved by Vlassis to defer to 1-12-04. City Manager to provide a report regarding parking in this area. Motion Carried 7-0.**
- 03-2891 38. Submitting traffic report and traffic regulation changes for Aurora Avenue between Beaver Avenue and Merle Hay Road, (Hoover High School area). ([Council Communication No. 03-622](#)) **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation, as amended; speed limit on Aurora between Beaver and 53rd will be 25 mph. After a 4-way stop is in place, the Council will reconsider this change. Motion Carried 7-0.**

APPROVING

39. Applications for Enterprise Zone Benefits for a project in the Des Moines Gateway Enterprise Zone for the following:
- 03-2892 (A) Court Avenue Partners I, L.P. for construction of 51 apartment units at 310 Court Avenue. ([Council Communication No. 03-599](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 03-2893 (B) Court Avenue Partners II, L.P. for construction of 104 apartment units at 4th Street and Court Avenue. ([Council Communication No. 03-602](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 03-2894 (C) East Village Partners, L.L.C. for construction of 31 condominium units and 4 apartment units at East 4th and East Locust Street. ([Council Communication No. 03-600](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 03-2895 (D) Hubbell Tower, L.P. for rehabilitation of 73 apartments at 904 Walnut Street. ([Council Communication No. 03-601](#)) **Moved by Brooks to approve. Motion Carried 7-0.**
- 03-2896 40. Correction in legal description of documents relating to the Iowa State Bank Holding Company Economic Development Project at 601 East Locust. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 03-2897 41. Satisfaction of Agreements with Iowa Department of Transportation and Color Converting, Inc. ([Council Communication No. 03-610](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

- 03-2898 42. Development Agreement with Wells Fargo Financial for new office building in downtown Des Moines. ([Council Communication No. 03-629](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 03-2899 43. Receive and file request from Paul Drey on behalf of Ladco Development to consider extending provisions for tax abatement area around Mercy Hospital. **Moved by Hensley to receive, file and refer to Plan and Zoning Commission to review zoning in this corridor; refer tax abatement issue to the City Manger for review and recommendation. Motion Carried 6-1. Pass: Vlassis.**
- 03-2900 44. The King Irving Neighborhood Plan and adopting the plan as an amendment to the Des Moines 2020 Community Character Plan. ([Council Communication No. 03-612](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 03-2901 45. Agreement with Downtown Community Alliance for Enhanced Parking System Customer Services and related programs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2902 46. Contract negotiation with Greater Des Moines Community Foundation for administration of the Public Arts Program. ([Council Communication No. 03-615](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2903 47. Report by Veenstra & Kimm, Inc. regarding combined sewer overflow long-term control strategy, in compliance with terms of National Pollutant Discharge Elimination System (NPDES) permit. ([Council Communication No. 03-623](#)) **Moved by Brooks to receive and file the report. Motion Carried 7-0.**
- 03-2904 48. One year extension of contract with the Department of Navy for loan of the ship model USS Des Moines-CA134 on public display in the Great Hall of City Hall. **Moved by Brooks to adopt. Motion Carried 7-0.**
- WITHDRAWN**
- 03-2905 49. Amending ICMA-RC Money Purchase Retirement Plan. ([Council Communication No. 03-617](#)).
- 03-2906 50. Insurance Agent/Broker Services Contract with Jester Insurance Services, Inc. effective March 1, 2004. ([Council Communication No. 03-606](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2907 51. Contract with Professional Account Management, LLC for collection of delinquent accounts, three-year term, with two one-year renewal options. ([Council Communication No. 03-605](#)) **Moved by Brooks to adopt. Motion**

Carried 7-0.

52. Bids for the following:

- 03-2908 (A) Erickson Machine Tool (Story City, IA) for an engine lathe for the Wastewater Reclamation Facility Maintenance Shop, \$34,790. (Eight bids mailed, two bids received). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2909 (B) Charles Gabus Ford for replacement vehicles for the Fire Department, \$88,012.56. (Ten bids mailed, three received). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2910 (C) Bob Brown Chevrolet, \$18,448.60 and Charles Gabus Ford, \$23,613.56 for replacement vehicles for the Public Works Department at a total cost of \$42,062.16. (Ten bids mailed, three bids received). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 03-2911 (D) Charles Gabus Ford, \$30,946.24 and Mid-States Ford (Waukee), \$15,887.75 for replacement vehicles for the Park & Recreation Department at a total cost of \$46,833.99. (Ten bids mailed, four bids received). **Moved by Brooks to adopt. Motion Carried 7-0.**

03-2912 53. Civil Service Entrance Lists for Community Action Site Supervisor, and Sewer Maintenance Worker and Promotional Lists for Sewer Maintenance Worker, Budget Analyst II and Police Sergeant. **Moved by Brooks to receive and file. Motion Carried 7-0.**

03-2913 54. Authorizing Finance Director to issue checks on the registers of December 24, 2003 and January 1 and January 8, 2004; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of December 22 and December 29, 2003 and January 5, 2004; and to draw checks for biweekly payroll due on December 24, 2003 and January 9, 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

03-2914 55. Amending Chapter 102 of the Municipal Code regarding qualifications of the Skywalk Committee. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 03-2915 56. 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 7-0.**
- (A) Parking Restriction Modifications – Cherry Street between 5th Avenue and 6th Avenue.
- (B) Parking Restriction Modifications – East Jackson Avenue between SE 5th Street and SE 6th Street.
- (C) Downtown School Loading Zone Designation.
- (D) Parking Restriction Extension – North Side of East Grand Avenue East and West of East 22nd Street.
- (E) Traffic Control Modifications at 28th/Cottage Grove and 28th/Kingman.
- 03-2916 (F) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,304. Motion Carried 7-0.**
- 03-2917 57. Amending Chapter 74 of the Municipal Code, deleting responsibility for the operation of the Botanical Center from the Park and Recreation Department. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**
- 03-2918 (A) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,305. Motion Carried 6-1. Nays: Brooks.**

COMMUNICATIONS/REPORTS

- 03-2919 58. From Gloria M. Richardson, 1412 – 14th Street, to speak regarding Zip-N-Food Store located at 1412 – 14th Street. **Moved by Vlassis to receive and file. Ms. Richardson did not appear. Motion Carried 7-0.**

- 03-2920 59. From James Flanagan, 4201 Kingman Blvd, requesting to speak. **Moved by Brooks to receive and file. Mr. Flanagan did not appear. Motion Carried 7-0.**

HEARINGS (Opened at 5:37 P.M.) (Items 60 thru 70)

60. On items regarding the M.L. King Parkway Project:
- 03-2921 (A) Hearing on the M. L. King Jr. Parkway & Fleur Drive Intersection/Bridges Combined Project; and designating lowest responsible bidder as Jensen Construction Co. (Kurt E. Rasmussen, Owner, DM) and United Contractors, Inc.(Gary B. Sandquist, President, Johnston), a joint venture, \$28,183,298.40. ([Council Communication No. 03-624](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2922 (1) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2923 (B) Hearing to REJECT bids on the M. L. King Jr. Parkway – Fleur Drive Intersection and Ramps Grading/Paving. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2924 (C) Hearing to REJECT all bids on the M. L. King Jr. Parkway – North /South Bridge over the Raccoon River. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2925 (D) Hearing to REJECT all bids on the M. L. King Jr. Parkway – East /West Signature Bridge over the Raccoon River. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2926 (E) Hearing to REJECT all bids on the M. L. King Jr. Parkway – East /West Bridge over the Northbound Fleur Drive Ramp. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2927 (F) Hearing on the Removal of Burlington Northern Santa Fe Railroad Bridge; and designating lowest responsible bidder as Jensen Construction Co. (Kurt Rasmussen, Owner, DM), \$159,410. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**
- 03-2928 (1) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and**

Brooks.

- 03-2929 (G) Approving Supplemental Agreement No. 22 with Earth Tech, Inc, (Diane Creel, CEO, Long Beach, CA). ([Council Communication No. 03-625](#))
Moved by Hensley to adopt. City Manager to prepare a report on previous change orders. Motion Carried 4-3. Nays: Coleman, Cownie and Brooks.
- 03-2930 61. On request from Anawim Housing to rezone property at 501-513 Forest Avenue from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One Family, Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) and “R-2A” (General Residential) to allow for a mixed use project involving ground level retail/office and 6 upper-story apartments and 6 two-story row dwellings, and approving rezoning to “NPC” and DENYING rezoning to “R-2A”. **Moved by Vlassis to DENY the proposed rezoning to the “R-2A” District; and, DENY the proposed rezoning to the “NPC” District. Motion Carried 5-2. Nays: Coleman and Cownie.**
- WITHDRAWN**
- 03-2931 (A) First consideration of ordinance rezoning the 6th Avenue frontage to Limited “NPC” District, leaving the balance of the property as presently zoned.
- WITHDRAWN**
- 03-2932 (B) Final consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.
- 03-2933 62. On request from Gary VanEngelenberg, to rezone property at 3836 Beaver Avenue, from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), to allow reuse of the existing dermatology clinic as a holistic veterinary clinic, subject to limitation. **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- 03-2934 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- 03-2935 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis 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, #14,306. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from**

voting.

- 03-2936 63. On petition to continue and expand the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID). ([Council Communication No. 03-614](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2937 64. On sale of City property at 5821 Winona Avenue to Russ Severson, \$1,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2938 65. On proposed renaming of a portion of Tuttle Street and the Park Road, north of Sec Taylor Stadium as “Line Drive”. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2939 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis**
- 03-2940 (B) Final passage of ordinance above. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted upon 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, #14,307. Motion Carried 6-1. Absent: Vlassis.**
- 03-2941 66. On lease of parking lot on the northeast corner of E. 4th and Grand, to Nelson Development, L.L.C., for 160 parking spaces, \$4800 per month for 5 years. ([Council Communication No. 03-603](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2942 67. On US 69 and County Line Road Left Turn Lanes and Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Iowa Signal & Electric Co., (Ronald R. Johnsen, President, DM), \$209,346.85. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2943 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2944 68. On 2003 Skywalk Directories and Overhead Signs: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as ASI-Modulex, (Thomas B. Latimer, President/CEO, Grinnell), \$34,325. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

- 03-2945 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2946 69. On City Hall Cooling Tower Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Central Iowa Heating Co., (Larry Goode, Jr., President, DM), \$66,300. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2947 (A) Approving contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 03-2948 70. On assessment of \$1,500 penalty and 30-day suspension of alcoholic beverage license/permit for Git-N-Go convenience Store, 4900 Urbandale Avenue. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

END HEARINGS AT 6:44 P.M.

APPROVING

71. Diminution of positions at the following:
- 03-2949 (A) Des Moines Botanical Center. ([Council Communication No. 03-613](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Nays: McPherson, Brooks and Vlassis.**
- 03-2950 (B) Community Development Department site offices. ([Council Communication No. 03-607](#)) **Moved by Hensley to adopt. City Manager to report on process for discussion and review of hours for the site offices. Motion Carried 4-3. Nays: McPherson, Brooks and Vlassis.**

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.

- 03-2951 1. Receive and file the City of Des Moines Comprehensive Annual Financial Report for the fiscal year ended June 30, 2003. **Moved by Brooks to receive and file.**

Motion Carried 7-0.

1.

2. BOARD OF HEALTH

03-2952 MOTION TO CONVENE **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

03-2953 (A) 1315 Lewis Avenue (vacant), Titleholders: Kathryn Marasco and Michael A. Marasco; Contract Buyers: Craig Rummelhart, James J. Ellis and Janice Ellis; Mortgage Holder: State Federal Savings & Loan Association of Des Moines. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-2954 (B) 804 E. Madison Avenue (vacant), Titleholders: Alvino Andrighetti and Rosie Connolly **Moved by McPherson to adopt. Motion Carried 7-0.**

03-2955 (C) 2051 Maple Avenue (vacant), Titleholders: Bonnie Maier and Steven Maier. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-2956 (D) 1367 Porter Avenue (vacant), Titleholders: Robert Romine and Christine Romine; Mortgage Holders: Green Tree Servicing LLC f/k/a Conseco Finance Serving Corporation and Peoples Finance Company. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN

03-2957 (E) 2420 Tomlin (vacant), Titleholder: Todd R. Mueller; Mortgage Holder: Bank of American.

03-2958 (F) 1328 21st Street, (vacant), Titleholders: Steven C. Christensen and Fawnie Christensen. **Moved by McPherson to adopt. Motion Carried 7-0.**

2. The Engineering Department to remove the following structures: **Moved by McPherson to adopt. Motion Carried 7-0.**

03-2959 (A) 1716 Franklin Avenue, Titleholder: Bert Y. Kelly Estate. **Moved by McPherson to adopt. Motion Carried 7-0.**

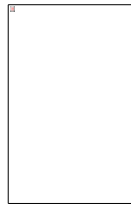
03-2960 (B) 1513 E. Park Avenue, Titleholder: Ironwood Funding; Legal Interest Holder: Christine Frank d/b/a Tax 254. **Moved by McPherson to adopt. Motion Carried 7-0.**

03-2961 (C) 1045 19th Street, Titleholder: Billie Barker. **Moved by McPherson to adopt.**

Motion Carried 7-0.

03-2962 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:26 P.M. Motion Carried 7-0.**

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