

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**November 18, 2002 4:30 P.M.**

**SPECIAL PRESENTATIONS - 4:15 P.M.:**

Bulgarian Visitors

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

Hunger and Homelessness Awareness Week

**INVOCATION:** Pastor Tony Thurston, College Avenue Christian Church

02-2665 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-2666 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2667 3. APPROVING CONSENT AGENDA - items 3 through 50: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

02-2668 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0. Council Member Brooks declares a conflict of interest and abstains from voting on Item 4(2).**

**RENEWAL APPLICATIONS**

(1) Happy Joes Pizza & Ice Cream, 4743 SE 14th Street, B Beer.

(2) B & B Super Market, 2001 SE 6th Street, C Beer.

(3) Hy Vee Food Store #2, 2540 E Euclid Avenue, C Beer.

**WITHDRAWN (4) ~~Smoke Shop, 1918 SE 14th Street, C Beer.~~**

- (5) Air Lanes, 4200 Fleur Drive, C Liquor.
- (6) Bistro 43, 4345 Hickman Rd., C Liquor.
- (7) Club 2000, 422 Indianola Avenue, C Liquor.
- (8) Fiesta Cancun Mexican Restaurant, 5118 SE 14th Street, C Liquor.
- (9) Ginos Restaurant & Lounge, 2809 6th Avenue, C Liquor.
- (10) Liza's Bar & Grill, 509 E 25th Street, C Liquor.
- (11) Park Avenue Pub, 1101 Park Avenue, C Liquor.
- (12) Royal Mile, 210 4th Street, C Liquor.
- (13) Rustys, 2565 Wedgewood Rd., C Liquor.
- (14) Sleepy Hollow Sports Park, 4051 Dean Avenue, C Liquor.
- (15) Sudsuckers, 1511 E Army Post Rd., C Liquor.
- (16) Tin Alley Grill, 4345 Merle Hay Rd., C Liquor.
- (17) Hy Vee Food Store #2, 2540 E Euclid Avenue, B Wine.

**WITHDRAWN** ~~(18) Smoke Shop, 1918 SE 14th Street, B Wine.~~

**WITHDRAWN** ~~(19) Smoke Shop, 1918 SE 14th Street, E Liquor.~~

(19I) La Tapatia, 1440 Des Moines Street, NEW E Liquor

02-2669 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2670 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

02-2671 7. Approving Grant Agreement with Iowa Department of Transportation for construction of an Airfield Maintenance Storage Building, Terminal Lobby Security Improvements, Expanded South Cargo Building, Field Maintenance Trades Building and the Sand Storage Building at the Commercial Air Service Airports - \$391,532. [\(Council Communication No. 02-598\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2672 8. Resolution Ordering Construction of Franklin Avenue and North Side Library Reroofing, Receiving of Bids, (12-10-02), and Setting Date of Hearing, (12-16-02). (Construction Estimate - \$175,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2673 9. Authorization to proceed on Holcomb Avenue, a.k.a. Polar Bear Way, paving from 6th Avenue west to the dead end. ([Council Communication No. 02-585](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2674 10. Approving Change Order No. 1 with Reilly Construction Co., Inc. for additional work in conjunction with Easter Lake Retention Basins-Phase 2 contract. ([Council Communication No. 02-586](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2675 11. Approving Change Order No. 4 with Western Waterproofing Co. Inc. for concrete beam repair work at the 8th & Mulberry Parking Garage to be completed by Change Order to 4th & Grand Garage Renovation Phase 2 contract in amount of \$28,057. ([Council Communication No. 02-587](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2676 12. Approving completed construction of E. 20th Street Trunk Sanitary Sewer Relining - Cleveland Avenue to E. Washington Avenue with Lametti & Sons, Inc. (V. G. Lametti, President, Hugo, MN) and approving payment of \$76,593.46 now and \$45, 511.24 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2677 13. Approving Supplemental Agreement No. 1 for Consultant Services Agreement for Operational Unit No. 1 Modification Evaluation at the DICO facility portion of the M.L. King Jr. Parkway Project. ([Council Communication No. 02-588](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2678 14. IDOT Agreement for Resurfacing IA 28 (63rd Street from University to Hickman, and Merle Hay Road from Hickman to Madison) and US 6 (Hickman Road from Merle Hay to west City limits). ([Council Communication No. 02-584](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2679 15. Approving private construction contract between Hansen Company, Inc. (Craig W. Hansen, President, Contractor) and Water Street Brownstones, LLC (George E. Sherman, President, Owner) for construction of paving, sanitary sewer, and storm sewer improvements on Vine Street from 1st Street to 3rd Street and also Alley replacement between 1st Street and 2nd Avenue for the Vine Street Lofts/Water Street Brownstones, \$230,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2680 16. Approving private construction contract between Hart Meyer, Inc. (Neal K. Meyer, President) and Central Presbyterian Church (Douglas A. Wells, Chairman Building and Grounds) for street improvements for a drop-off lane and sidewalk at east side of 39th Street to serve Central Presbyterian Church at 3829 Grand Avenue, \$25,900. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

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

02-2681 (A) Schedule No. 2002-10. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2682 (B) Schedule No. 2002-31. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2683 (C) Schedule No. 2002-57. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2684 (D) Schedule No. 2002-79. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2685 18. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility Fees for the month of October, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2686 (A) Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater utility and/or Sewer Rental Credits Schedule for October, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

19. Delete NAC - Emergency Order Assessments that Community Development Department already received payment in full for the following properties:

02-2687 (A) 2928 Logan Avenue, Schedule No. 2002-08, Certificate No. 00-09072-00 - \$1,502.13. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2688 (B) 1360 - 22nd Street, Schedule No. 2002-09, Certificate No. 00-09309-00 - \$471.42. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2689 (C) 1502 - 22nd Street, Schedule No. 2002-09, Certificate No. 00-09292-00 - \$327.83. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

02-2690 20. Establishing fair market value and authorizing acquisition of 1700 & 1732 SE 35th Street, 1615 SE 35th Street, 1500 SE 37th Street, 1500 SE 38th Street, 1710 & 1722 SE 38th Street, and 1601 SE 35th Street, \$202,000 plus closing costs and relocation for the Agrimergent Technology Park Project. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2691 21. Establishing fair market value and authorizing acquisition for various properties, 5608 SW 9th, 5602 SW 9th, and 925 Porter Avenue for the SW 9th Street widening at Porter Avenue Project by gift, negotiation, or condemnation. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2692 22. Approval to proceed with acquisition of property located at 6620 SW 30th Street and 6490 SW 28th Court for the Airport Expansion Project. **Moved by Hensley to adopt.**

**Motion Carried 7-0.**

02-2693 23. Approving waiver of final review for DEER RUN ESTATES PLAT V located in unincorporated Polk County, in vicinity of NE 11th Court and South of NE 70th Avenue, and in favor of Ankeny review. ([Council Communication No. 02-595](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2694 24. Approval of final subdivision plat entitled BROOK RUN VILLAGE PLAT 8 located in vicinity of East Douglas Avenue and Brook Run Drive. ([Council Communication No. 02-596](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

02-2695 25. Communication from Traffic Safety Committee, requesting that the seat of Marian Thomas be declared vacant. **Moved by Hensley to adopt. Motion Carried 7-0.**

**STREET CLOSURES**

02-2696 26. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Kelly Foss, representing Downtown Community Alliance, requesting permission to close E. 1st Street-Court Avenue to Walnut Street from 7:00 PM to 7:15 PM; Riverside Drive from 8:00 AM to 10:00 PM; Court Avenue Bridge from 8:00 AM to 10:00 PM; 1st Street-Court Avenue to Walnut Street from 4:00 PM to 8:00 PM; Court Avenue-2nd Avenue to 1st Street from 4:00 PM to 8:00 PM on Saturday, December 7, 2002 for Fire In The Sky fireworks.

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

02-2697 27. Approving payment of \$1,018.99 to Jane McAllister of Ahlers Law Firm for resolution of various issues associated with acquisition of environmental contaminated properties for the Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2698 28. Approving payment of \$542.28 to Jane McAllister of Ahlers Law Firm for legal assistance in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2699 29. Approving payment of \$3,435.92 to Ahlers Law Firm for bond counsel services related to Supplement Nos. 6 and 7 of Master Lease Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2700 30. Approving payment of \$5,541.04 to Wright Chevrolet, Inc., \$714.85 to Enterprise Rent-A-Car, and \$79.50 to Regency Manor Mobile Home Court, (\$6,335.39) for payment of property damage, truck rental and towing as result of an auto accident on October 17, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2701 31. Approving payment of \$142.50 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in Maria Garces v. Gerald Roger Lovejoy, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

02-2702 32. Submitting various traffic regulations as follows: [\(Council Communication No. 02-579\)](#). **Moved by McPherson to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Petition to Restrict Parking--Both Sides of Morton Avenue from Idaho Street east to the Dead End.

(2) Loading Zone--West Side of 38th Street, North of Ingersoll Avenue.

#### **APPROVING**

02-2703 33. Receipt of proposed Revisions to Airport Regulation No. 02-39 regarding adoption of International Fire Code, 2000, as the Des Moines International Airport's Fire Code, effective February 1, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2704 34. Findings and recommendations of City's Environmental Review Committee, publishing Notice of Intent to Release Funds and execution of Request for Release of Funds and Certification for projects included in 2003 HUD Consolidated Plan for Community Development Block Grant, Emergency Shelter Grant, Section 108 Loan Guarantee and HOME programs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2705 35. Reallocation of \$135,000 of 2003 CDBG funding from Des Moines Public Schools (DMPS) New Horizons Program to Community Housing Development Corporation (CHDC), Inc. [\(Council Communication No. 02-577\)](#). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest and abstains from voting.**

02-2706 36. Preliminary approval of a \$50,000 Des Moines Action Loan Fund Loan to Vaudeville Mews L.L.C., 214-4th Street. [\(Council Communication No. 02-597\)](#). **Moved by Hensley to approve. Motion Carried 7-0.**

02-2707 37. Issuance of the Certificate of Completion for the renovation of Kenyon Building located at 301 Grand Avenue. [\(Council Communication No. 02-606\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2708 38. Submission of a Community Economic Betterment Account (CEBA) Application to the State of Iowa in the amount of \$250,000 for Wausau Benefits, Inc. [\(Council Communication No. 02-607\)](#). **Moved by Hensley to approve. Motion Carried 7-0.**

02-2709 39. Approving Partial Release of Mortgage upon a portion of vacated 7th Street granted

in error by SNAG, L.L.C. to the City to secure loan for purchase of site for the new grocery store at 8th and University. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2710 40. Negotiation of a contract with Weyerhaeuser Company for the receipt, processing and marketing of Des Moines recyclables. ([Council Communication No. 02-601](#)). **Moved by Brooks to amend and accept the RFP submitted by Mid-America Recycling and authorize the City Manager to negotiate and sign a contract with Mid-America Recycling in accordance with terms and conditions of the RFP. Motion Carried 6-0. Council Member Coleman declares a conflict of interest and abstains from voting.**

41. Bids for the following:

02-2711 (A) Dewey Ford, (Mark Vukovich, President, Ankeny) for 19 patrol cars, \$393,338; Karl Chevrolet, (Carl Moyer, President, Ankeny) for 3 emergency utility vehicles, \$63,333 and 1 radio shop vehicle, \$20,567; Mid-States Ford, (Marv Perry, President, Waukee) for 5 mid-size four door sedans, \$73,682.50; Quality Ford, (Franklin Greene, President, WDM) for 1 animal control vehicle, \$22,241.25; Charles Gabus Ford, (Charles Gabus, President) for 1 cargo van, \$15,721 and 1 small pick-up truck, \$15,679.69 to be used by the Police Department at a total cost of \$604,562.44. (Eleven bids mailed, nine bids received). (Deferred from November 4th meeting). ([Council Communication No. 02-581](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-2712 (B) Road Machinery and Supplies, (Mike Sill II, President) for street sweepers to be used by the Public Works Department, \$236,230. (Seven bids mailed, one received). ([Council Communication No. 02-605](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2713 (C) Mid-States Ford Truck Sales, (Marv Perry, President) for a slurry truck to be used by the Public Works Department, \$159,519. (Eight bids mailed, four bids received). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2714 (D) RTL Equipment, (Rob Bonnstetter, President, Grimes) for an industrial loader to be used by the Public Works Department, \$71,282. (Eight bids mailed, seven received). ([Council Communication No. 02-604](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2715 (E) O'Halloran International Inc., (Jim O'Halloran, President) for 56,000 GVW trucks to be used by the Public Works Department, \$308,868. (Seven bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2716 42. Civil Service Entrance List for Neighborhood Inspector. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2717 43. Quarterly Treasurer's Report as of September 30, 2002. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2718 44. City of Des Moines Financial Report for the quarter ended September 30, 2002. ([Council Communication No. 02-600](#)). **Moved by Hensley to receive and file. Motion Carried**

**7-0.**

02-2719 45. Amendment 2 to Banking and Custodial Services Contract with Bankers Trust, reducing services charges and extending contract until September 30, 2005. ([Council Communication No. 02-599](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest and abstains from voting.**

02-2720 46. Authorizing Finance Director to draw checks on check registers of November 22 and November 27, 2002; and for the bills of the Des Moines Municipal Housing Agency for the weeks of November 18 and November 25, 2002; and to draw checks for the biweekly payroll due employees of the City on November 27, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

02-2721 47. On Zoning Ordinance amendment regarding fences allowed on properties designated for single- and two-family use in "PUD" and "R-6" Districts, to clearly require every plan to identify fences allowed. **Moved by Hensley that this ordinance do now pass, [#14,157](#). Motion Carried 7-0.**

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

02-2722 48. 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 7-0. Council Member Brooks registers a No vote on the corner clearance, north side of Lincoln Avenue, west of 9th Street.**

(1) Traffic Control Device for Euclid Avenue Traffic Entering 47th Street.

(2) Corner Clearance--North Side of Lincoln Avenue, West of 9th Street.

02-2723 (A) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,158](#). Motion Carried 7-0. Council Member Brooks registers a No vote on the corner clearance, north side of Lincoln Avenue, west of 9th Street.**

02-2724 49. On vacation of a portion of SW 4th Street and any remaining street and alley within the new Science Center of Iowa site between Vine Street and SW Martin Luther King Jr. Parkway and between SW 3rd and SW 5th Streets. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Brooks.**

02-2725 (A) Final consideration of ordinance above, (waiver requested by applicant), 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, [#14,159](#). Motion Carried 6-1. Nays: Brooks.**

02-2726 50. On request from Sandi Zavalla, to rezone property at 914 Davis Avenue, from "C-1" (Neighborhood Retail Commercial District) to "R1-60" (One-Family Low-Density Residential). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-2727 (A) Final consideration of ordinance above, (waiver requested by applicant), 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, [#14,160](#). Motion Carried 7-0.**

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

## **ORDINANCES - FIRST CONSIDERATION**

02-2728 51. Amending Chapter 114 of the Municipal Code regarding traffic regulations changes as follows: **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

- (1) Corner Clearance--South Side of Mahaska Avenue, East of East 29th Street.
- (2) Removal of Handicapped Parking Space--South Side of College Avenue, West of 8th Street.
- (3) Allied Insurance Building (New Construction)--Parking Restriction Designation.

02-2729 51. (A) Final consideration of ordinance above. **Moved by McPherson 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, [#14,161](#). Motion Carried 6-1. Nays: Brooks.**

## **COMMUNICATIONS/REPORTS**

02-2730 52. From Council Member Christine Hensley requesting authorization for the City Council Legislative Sub-Committee to study and prepare a report on proposed fire and police fees. **Moved by Coleman to receive, file and approve the request. Motion Carried 7-0.**

**WITHDRAWN**02-2731 53. From Virgil Moore, 1815 Park Avenue, regarding purchase of City owned property, North and West of Hartford Avenue and S.E. 19th Street.

02-2732 54. From Steven Lathrop, 814 Lyon, regarding his property and the vacation of alley to the State for I-235 denying him access to his property. **Moved by Brooks to receive, file and**

**grant the request to speak; continue to next meeting. Staff to provide a history of the property, right-of-way access and a map. Motion Carried 7-0.**

02-2733 55. From Dreem Kashif, 1155 - 18th Street, to speak regarding tobacco and alcohol sales at the Top Value Super Market at 8th & University. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 60 through 68 next\*\***

02-2734 56. Report from City staff regarding R & R Lounge, 1018 E. 12th Street, in response to citizen communications and petitions. **Moved by McPherson to receive, file and refer to Legal to pursue a nuisance action against this property. Motion Carried 7-0.**

02-2735 57. From Chair of Neighborhood Revitalization Board regarding the House Moving Ordinance. **Moved by Brooks to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

02-2736 58. From Louise Moon, Chair of Board of Water Works Trustees, requesting a waiver of the residency requirement to complete her current term that expires on April 1, 2003. **Moved by Hensley to receive and deny the request. Motion Carried 6-1. Nays: Cownie.**

02-2737 59. From Lee Youde, 1721 East 12th Street, requesting approval to install permanent holiday lights over East 12th Street between Jefferson Avenue and Mattern Avenue. **Moved by McPherson to defer action to December 2; refer to City Manager and Legal to address need for an ordinance amendment, risk/liability issues, potential damage to trees and other items as appropriate. Motion Carried 7-0.**

**\*\*Council considered Item 70 through end of agenda next\*\***

#### **INFORMAL HEARINGS (Opened at 5:33 P.M.) (Items 60 and 61)**

02-2738 60. Submission of Grant Proposal to secure \$2 million in federal funds for assessment, revolving loan fund, and cleanup of Des Moines Brownfields. ([Council Communication No. 02-578](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-2739 61. On Final Consideration of ordinance amending Chapter 26 of the Municipal Code regarding frequency of inspections and fees for inspection of rental dwellings. ([Council Communication No. 02-608](#)). **Moved by Coleman that this ordinance do now pass, #14,162. Motion Carried 5-2. Nays: Cownie and McPherson.**

#### **HEARINGS (Opened at 6:38 P.M.) (Items 62 thru 68)**

02-2740 62. On appeal from Robert Miles Corey, 2867 - 360th Street, Lot 29, Booneville, IA regarding recommended denial of taxicab license. **Moved by Hensley to grant license, for a six month probationary period and beyond, if no additional criminal activity occurs. Motion**

**Carried 7-0.**

63. On First Amendment to Concession Agreement for Food and Beverage Operations at Des Moines International Airport with the following: ([Council Communication No. 02-609](#))

02-2741 (A) GladCo Enterprises to provide for an additional one-year extension option. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

02-2742 (B) The Paradies Shops to provide for three (3) one-year extension options. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

02-2743 64. On vacation and ordering the removal of utilities from the portion of 11th Street and any remaining alley rights-of-way and reserved easements within the three block area between 10th and 13th Streets, and between Locust Street and Grand Avenue for the Public Library and Higher Education Learning Center. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

02-2744 (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: Coleman.**

02-2745 (B) Final consideration of ordinance above, (waiver requested by Board of Library Trustees), 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, #14,163. Motion Carried 6-1. Absent: Coleman.**

02-2746 65. On conveyance of portion of Lyon Street between E. 13th Street and E. 14th Street to State of Iowa for use in reconstruction of Interstate 235 and termination of existing leases of portions of property to East Des Moines Clinic and Des Moines General Hospital. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

02-2747 66. On request from Conlin Equities, LLC, (Owner), represented by Jim Conlin, (Officer), to amend River Oaks Centre PUD Concept Plan for property at 2701 SW 63rd Street. **Moved by Hensley to adopt and approve the amended "PUD" Conceptual Plan. Motion Carried 6-1. Absent: Coleman.**

67. On items regarding the M.L. King Jr. Parkway Combined Project:

02-2748 (A) Approving Plans, Specifications, Form of Contract Documents and Engineer's Estimate of costs. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2749 (B) Resolution on Submission of bids and designating lowest responsible bidder as Reilly Construction Co, Inc., & Affiliates and Corell Contractor, Inc., \$11,919,368.20. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2750 (C) Approving contract and bond and permission to sublet. ([Council Communication No. 02-583](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2751 (D) Resolution rejecting bids on the Grading and Sewer Project. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2752 (E) Resolution rejecting bids on the Grand Avenue Bridge Project. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2753 (F) Ingersoll Avenue to Raccoon River Supplemental Agreement No. 21, for construction phase services, not to exceed \$844,000. ([Council Communication No. 02-582](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2754 68. Closing Hearing and withdrawing City-initiated request to rezone property in the vicinity of NE 43rd Court and E. Douglas Avenue, (Sunrise Estates Plat 3). **Moved by McPherson to close the hearing and withdraw the City initiated proposal to rezone the property described above. Motion Carried 7-0.**

\* \* END HEARINGS at 6:58 P.M. \* \*

\*\*Council considered Items 56 through 59 next\*\*

## **APPROVING**

**WITHDRAWN**02-2755 69. Contracts with MAXIMUS Consulting Group (MAXIMUS) and Modern Solutions, Inc. (MSI) for Financial/Accounting and Payroll/Human Resources Software Upgrade and Support, \$445,905.

02-2756 70. 28E Agreement between Drake University and the City that establishes the responsibilities and duties of each agency for the operation and shared maintenance of the Drake Municipal Observatory. ([Council Communication No. 02-603](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

71. Support of applications for low income housing tax credits to Iowa Finance Authority by the following:

02-2757 (A) DM/Meadows, LLLP, for new construction of 48 units of large family housing at The Meadows Apartments, Lot 2, in Meadowlands Plat 2. ([Council Communication No. 02-593](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2758 (B) Bethage, a Nonprofit Developer, for new construction of 6 units of scattered site family housing at 2001 SW 9th and 6900 SW 9th. ([Council Communication No. 02-592](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2759 71. (C) Metroplains Development LLC (St. Paul, MN) for rehabilitation of 32 units of family housing at The Crane Building, 1440 Walnut. ([Council Communication No. 02-591](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Nays: Coleman and McPherson.**

02-2760 (D) James C. Conlin for new construction of 24 units of family housing at Deer Ridge III Apartments, 6009 SW Creston Avenue. ([Council Communication No. 02-590](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2761 (E) James C. Conlin for new construction of 54 units of family housing at Parkside East III Apartments, 3560 E. Douglas Avenue. ([Council Communication No. 02-589](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2762 72. Denial of support of application for low income housing tax credits to Iowa Finance Authority by DM/Hawthorn, LLLP, for new construction of 50 units of elderly housing at Hawthorn Grove Apartments, 4287 Hubbell. ([Council Communication No. 02-594](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2763 73. Communication from Council Member Christine Hensley regarding I-235 construction schedule. **Moved by Hensley to adopt the recommendations and authorize the Mayor to send a letter to the Iowa Department of Transportation on behalf of the Council. Motion Carried 7-0.**

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

### **BOARD OF HEALTH November 18, 2002**

02-2764 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 nuisances at the following locations:

02-2765 (A) 2716 SE 18th Street (vacant) Titleholder: Laurie J. Donaldson; and Legal Interest Holders: TMS Mortgage, Inc. dba The Money Store, Attn: Corporation Service Co., Registered Agent, and Dennis Blume. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2766 (B) 1811 21st Street (vacant) Titleholder: Dennis Eppard. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2767 (C) 1209 E. 35th Court (vacant) Titleholder: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent; Contract Buyers: The Wolford Corporation, Attn: Rod Wolford, Registered Agent; Grace Rand and Jason Rand, and Legal

Interest Holders: Mooring Tax Asset Group, LLC, Attn: James P. Meeks, President. **Moved by McPherson to adopt. Motion Carried 7-0.**

2. Engineering Department to remove the following structures:

02-2768 (A) 1891 E. Marion; Titleholder, Kelly Page. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2769 (B) 1120 21st Street; Titleholder, Robert Evans. **Moved by Hensley to defer to December 2 to allow Mr. Evans to provide staff with renovation schedule and financial stability to complete restoration. Motion Carried 6-1. Absent: Coleman.**

02-2770 (C) 1211 21st Street; Titleholder, Anthony Trimmell. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2771 3. Release of demolition cost reserve escrowed under claim number 271-391878 regarding property known as 2808 62nd Street owned by Lila Noble. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

02-2772 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:52 P.M. Motion Carried 6-1. Absent: Coleman.**