

**DES MOINES CITY COUNCIL MEETING**

**May 5, 2003**

CLOSED SESSION - 3:15 P.M.  
REGULAR SESSION - 4:30 P.M.

03-953 I. (a) 3:15 - Roll Call. **Present: Daniels, Hensley, Brooks and Vlassis. Absent: Coleman, Cownie and McPherson. Council Member Coleman entered the meeting at 3:30.**

03-954 (b) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-955 (c) Closed Session.

03-956 (d) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Cownie and McPherson. Council recessed until 4:30 P.M.**

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

- (a) Asian and Pacific American Heritage Month
- (b) Bike To Work Day 2003
- (c) National Home Remodeling Month
- (d) Salvation Army Week
- (e) Special Recognition of John and Janis Ruan III

**INVOCATION:** Father Peter Cade, Greek Orthodox Church of St. George

03-957 1. ROLL CALL: **Present: Daniels, Coleman, Hensley, McPherson, Brooks, and Vlassis. Absent: Cownie.**

03-958 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**

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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.**

03-959 3. APPROVING CONSENT AGENDA - items 3 through 56: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.**

#### **LICENSES AND PERMITS:**

Approving

03-960 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 6-1.**

#### **NEW APPLICATIONS**

(1) Long John Silvers, 3006 SE 14th Street, B Beer.

#### **RENEWAL APPLICATIONS**

(2) Depot, 3000 E Grand Avenue, B Beer.

(3) Duds N Suds, 2552 Hubbell Avenue, B Beer.

(4) Loco Joes Nickel Arcade, 6550 SE Bloomfield Rd., B Beer.

(5) Git N Go Store #3, 100 Watrous Avenue, C Beer.

(6) Kum & Go #114, 2919 E 14th Street, C Beer.

(7) Kum & Go #120, 101 Army Post Rd., C Beer.

(8) Kum & Go #142, 4140 Park Avenue, C Beer.

(9) Kum & Go #195, 5000 SW 9th Street, C Beer.

(10) Kum & Go #743, 3733 Easton Blvd., C Beer.

(11) Southgate Amoco, 3401 SE 14th Street, C Beer.

(12) Olympic Flame Restaurant, 514 E Grand Avenue, C Beer/Wine.

- (13) B & B Que, 2712 Beaver Avenue, C Liquor.
- (14) Brew Haus Lounge, 830 McKinley Avenue, C Liquor.
- (15) Donnas Lounge, 4424 SE 14th Street, C Liquor.
- (16) Evys Lounge, 1119 Grand Avenue, C Liquor.
- (17) Garfields Restaurant, 1111 E Army Post Rd., C Liquor.
- (18) J Benjamins, 5800 Franklin Avenue, C Liquor.
- (19) Noahs Ark Restaurant, 2400 Ingersoll Avenue, C Liquor.
- (20) Peggys Tavern, 3020 Forest Avenue, C Liquor.
- (21) R & R Lounge, 1018 E 12th Street, C Liquor.
- (22) Stranded By the Tracks, 1922 Hubbell Avenue, C Liquor.
- (23) Best Inn & Suites, 6221 Army Post Rd., B Liquor.

#### **OUTDOOR SERVICE APPLICATIONS**

- (24) Court Avenue Brewing Company, 309 Court Avenue, C Liquor. Temporary outdoor service area for City View's Anniversary Celebration on June 21, 2003.
- (25) Sambettis, 1430 2nd Avenue, C Liquor. Temporary outdoor service area on June 1, 2003 for a Jimmy Buffet Mardi Gras Party. Pending Building, Electrical, Zoning and Fire Inspections.

#### **SPECIAL EVENTS APPLICATIONS**

- (26) Des Moines Jaycees, 2101 Fleur Drive, Five Day License. Temporary B Beer Application for Special Event at Grays Lake Terrace on May 24, 2003 in conjunction with Loop the Lake Run. Pending approval of Building.
- (27) Winefest Des Moines, 600 E Locust Street, B Wine. Temporary license for Winefest silent auction on May 16, 2003. Pending approval of Vice Narcotics.

#### **PUBLIC IMPROVEMENTS**

5. Resolution Ordering Construction of the following:

03-961 (A) Central Place Sanitary Sewer Relining Program, Receiving of Bids, (5-27-03), and Setting Date of Hearing, (6-9-03). Construction Estimate, \$669,625. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-962 (B) Highland Park Streetscape, (IDOT Project): Setting Date of Hearing, (6-9-03). Construction Estimate, \$1,061,540.72. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-963 (C) SW 9th Street Widening at Porter Avenue, (IDOT Project): Setting Date of Hearing, (6-9-03). Construction Estimate, \$1,793,323.50. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-964 (D) 15th Street Widening Locust Street to Ingersoll Avenue, (IDOT Project): Setting Date of Hearing, (6-9-03). Construction Estimate, \$1,359,500. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-965 (E) Central Business District (CBD) Traffic Signal Upgrade, (IDOT Project): Setting Date of Hearing, (6-9-03). Construction Estimate, \$2,245,500. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-966 6. Approving and authorizing agreement with MidAmerican Energy for installation of necessary underground electric distribution system facilities to serve the Leetown Creekway-Easton Boulevard Detention Basin Project, \$16,933.69. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-967 7. Approving and authorizing the execution of agreement with MidAmerican Energy Company for replacement of overhead utility poles and wires with an underground distribution system along 15th Street between Walnut Street and Grand Avenue as part of the 15th Street Widening Project, \$16,197.59. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-968 8. Approving and adopting Addenda No. 1 and 2 to the Urban Design Standards for Public Improvements, 2001 Edition, and Addenda No. 3 and 4 to the Urban Standard Specifications for Public Improvements, 1998 Edition. ([Council Communication No. 03-208](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

9. Approving the following private construction contracts for Carman Estates Plat 1:

03-969 (A) Storm Sewer Improvements between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Silver Oak, LLC (Ron Grubb, President, Urbandale, Owner). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-970 (B) Sanitary Sewer Improvements between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Silver Oak, LLC (Ron Grubb, President, Urbandale, Owner). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-971 (C) Street Improvements for paving between Manatt's Inc. (Bradford Manatt, President, Johnston, Contractor) and Jerry's Homes (Ron Grubb, President, Urbandale, Owner). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-972 10. Rescinding previous private construction contract approval between Hart Meyer Inc. and Central Presbyterian Church and approving new private construction contract between Graham Construction Co.(George Milligan, President, DSM, contractor) and Central Presbyterian Church (James Wallace, Pastor, DSM, owner) for construction of Street Improvements for a drop-off lane and sidewalk at east side of 39th Street to serve Central Presbyterian Church at 3829 Grand Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-973 11. Accepting completed construction and approving final payment on the Martin Luther King, Jr. Parkway Paving at SW 7th Street, \$9,454.55 is due at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

### **SPECIAL ASSESSMENTS**

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

03-974 (A) Schedule No. 2003-04. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-975 (B) Schedule No. 2003-27. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-976 (C) Schedule No. 2003-53. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-977 (D) Schedule No. 2003-77. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-978 13. Deletion of NAC - Emergency Order Assessment on Schedule No. 2003-75 in the amount of \$110.00 against property at 1421 Dean Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-979 14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of April 2003 for certification to the Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-980 15. Authorizing the Engineering Department staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for April 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

### **LAND/PROPERTY TRANSACTIONS**

03-981 16. Approve and accept real estate documents for the Closes Creek Storm Water Improvement Project, \$3,753 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-982 17. Approve and accept real estate documents for property at 5411 SW 9th Street for the SW 9th Street Widening at Porter Avenue Project, \$396 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-983 18. Approve and accept real estate documents for property at 3401 Hull Avenue and 3325 Hubbell Avenue for the Gay Lea Wilson Recreational Trail Project, \$5,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-984 19. Approve and accept real estate documents for the SW 9th Bridge at Yeader Creek Project, \$1,075 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

**WITHDRAWN** 03-985 20. Release of Easement for Sanitary Sewer Right-of-Way within a portion of Brook Run Village Plat 4 in the vicinity of 5221 Village Run Avenue.

03-986 20-I Approve and accept real estate documents for property at 3714 Merle Hay Road for the Merle Hay Road at Douglas Avenue Traffic Signal Project, \$4,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

21. Approving Tax Abatement Applications for the following:

03-987 (A) 6640 Indianola Road. **Moved by Hensley to adopt and to specifically request that Polk County apply the tax abatement retroactively to commence with the taxes payable in fiscal year 2003/04, as if the application had been forwarded by the City to the County prior to March 1, 2002. Motion Carried 6-1.**

03-988 (B) 3101 Titus. **Moved by Hensley to adopt, and to specifically request that Polk County apply the tax abatement retroactively to the January 1, 2003, valuation date, as if the application had been forwarded by the City to the County prior to March 1, 2003. Motion Carried 6-1.**

03-989 22. Establishing fair market value and authorizing acquisition of property for the WRA Biosolids Storage Facility Project. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-990 23. Establishing fair market value and authorizing acquisition of property at 1813 SE 35th Street and 1708 SE 39th Street for the Agrimergent Technology Park Project. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-991 24. Authorize payment of Condemnation Award for the acquisition of property at 5602 SW 9th Street for the SW 9th Widening at Porter Avenue Project, \$32,000 plus sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-992 25. Authorization to proceed with Right-of-Way acquisition for Agrimergent Technology Park Stormwater Improvement Projects. ([Council Communication No. 03-211](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

03-993 26. Recommendation of Mayor Preston Daniels to appoint James Ernest O'Daye II to Seat 1 on the Human Rights Commission for a three year term commencing April 1, 2003 to expire April 1, 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-994 26-I Recommendation of Mayor Preston Daniels to reappoint Wayne R. Graham to Seat 2 on the Civil Service Commission for a four year term commencing April 1, 2003 to expire April 1, 2007. **Moved by Hensley to adopt. Motion Carried 6-1.**

## **STREET CLOSURES**

03-995 27. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Hensley to adopt. Motion Carried 6-1.**

(1) Marty Albert, representing Meredith Corporation, requesting permission to close 17th Street from Grand to Locust on Thursday, May 15, 2003 from 7:00 PM to 11:00 PM for music and dancing.

(2) Tom Vlassis, representing St. George Greek Orthodox Church, requesting permission to close Cottage Grove from 35th Street, west to east side of Church driveway on Sunday, June 1, 2003 from 10:00 AM to 9:00 PM for annual Greek Food Fair.

(3) Tyrone Anderson, representing Hawkeye Elks Lodge, requesting permission to close Walker Street from Johnson Ct. to E. 14th Street on Saturday, May 10, 2003 (Raindate of Saturday, May 17, 2003) from 8:00 AM to 6:00 PM for Fire and Safety Day.

(4) Mo Dana, representing Des Moines Arts Festival, requesting permission to close Locust Street from 2nd Avenue to E. 1st Street from Wednesday, June 25 at 8:30 AM to 6:00 AM on Monday, June 30; Walnut Street from 2nd Avenue to E. 2nd Street from Wednesday, June 25 at 9:00 AM to 6:00 AM on Monday, June 30; Court Avenue from 1st Street to E. 2nd Street from Wednesday, June 25 at 9:00 AM to 6:00 AM on Monday, June 30; 1st Street from Court Avenue to Walnut Street from Wednesday, June 25 at 9:00 AM to 6:00 AM on Monday, June 30; E. 1st Street from Court Avenue to Walnut Street from Wednesday, June 25 at 9:00 AM to 6:00 AM on Monday, June 30 and West Riverside Drive from 1st Street to Court Avenue from Wednesday, June 25 at 9:00 AM to 6:00 AM on Monday, June 30, 2003 for the annual Des Moines Arts Festival.

## **CITY PLAN COMMISSION RECOMMENDATIONS**

03-996 28. Regarding request from Thomas A. Ballard, 1009 Virginia, for vacation and conveyance of a 280' undeveloped dead end stub of Broad Street, running east of SW 12th between Virginia and Creston, including an additional piece between the end of the developed portion of Broad and the requested portion. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

29. Regarding requests from Drake University for vacation and conveyance of the following:

03-997 (A) North/south alley between 30th and 31st, running north of Carpenter. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

03-998 (B) North/south alley between 31st and 32nd Street from Forest to Carpenter. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

#### **SETTING DATE OF HEARINGS**

03-999 30. On assessment of \$300 penalties to eight (8) cigarette permittees for selling to minors, first offense, (5-19-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1000 31. On Council-initiated request to rezone property proposed for voluntary annexation between 80th Avenue and 85th Avenue, north of Beardsley Street, Warren County, from "A-1" (Agricultural) to "R1-70" (One-Family Low-Density Residential), (5-19-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

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

03-1001 32. Approving payment of \$252.64 to Grefe & Sidney, PLC for representation of Officer Joseph Morgan in the case of Joyce Wilson and Val Wilson Jr. as Administrators of the Estate of Jerome Leroy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 6-1.**

03-1002 33. Approving payment of \$641 to Ahlers Law Firm for environmental services in connection with the acquisition of the DICO property for the Martin Luther King Jr. Parkway project. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

03-1003 34. Approving payments of \$2,228.11 to law firm of Myers & Jenkins and \$337 to law firm of Tishler & Wald, Ltd. for outside counsel retained for Trans World Airlines, Inc. bankruptcy and in the UAL Corporation bankruptcy, (\$2,565.11). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1004 35. Approving payment of \$673.44 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages. **Moved by Hensley to**



**adopt. Motion Carried 6-1.**

## **CITY MANAGER COMMUNICATIONS**

03-1005 36. Submitting out-of-state travel for William Stowe, Lester Choate, and Judy Bradshaw. ([Council Communication No. 03-199](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

## **APPROVING**

03-1006 37. Weed & Seed project agreement with the Parks & Recreation Department for the Weed & Seed Graffiti Removal project, \$12,560. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1007 38. 2002 Shelter Plus Care Agreement with HUD for supplemental funding for local homeless program to address service gaps, \$701,976. ([Council Communication No. 03-198](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1008 39. Qwest's application to Iowa Department of Economic Development for Enterprise Zone Benefits regarding project in Gateway Enterprise Zone (925 High Street). ([Council Communication No. 03-196](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

03-1009 40. Iowa State Fair request for temporary head-in parking along north side of Dean Avenue from E. 31st Street to E. 34th Street; temporary fencing to curb along Dean Avenue from E. 31st Street to E. 30th Street; and "No Parking" signs in the area east of E. 34th Street (Gate 7) and Grand Avenue both north to University and south to Walnut Street during the fair. **Moved by Hensley to receive, file and grant the request; defer the additional request to use two City lots to the City Properties Administrator to negotiate a contract. Motion Carried 6-1.**

03-1010 41. Communication from Drake Area Business Association on behalf of the Drake Area Farmers' Market, requesting permission to display a banner over University Avenue, west of 25th Street for the months of June through September 2003. **Moved by Hensley to receive, file and approve the banner design as submitted. Motion Carried 6-1.**

03-1011 42. Campfire Boys and Girls and the Urban Environmental Partnership to mark storm drain intakes with "No Dumping" plaques. ([Council Communication No. 03-210](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1012 43. Second Amendment to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing and Capital, LLC to increase the authorized amount from \$6,000,000 to \$9,000,000. ([Council Communication No. 03-212](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1013 44. Removal of the Capitol View South Neighborhood Association from the list of

recognized Neighborhood Associations. ([Council Communication No. 03-213](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1014 45. Selection of Conservation Research Institute (CRI) as consultant to develop Smart Growth computer model related to Des Moines Brownfields Revitalization and negotiation of a contract for professional services. ([Council Communication No. 03-197](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

03-1015 46. Authorizing City Manager to proceed with planned reductions of seven positions and the required lay off process to implement these reductions. ([Council Communication No. 03-203](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1016 47. Authorizing City Clerk to execute documents relating to tax sale properties. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1017 48. Legislative Update for the 80th Iowa General Assembly. **Moved by Hensley to receive and file th report. Motion Carried 6-1.**

49. Bids for the following:

03-1018 (A) Star Equipment (Max Bowman, President, 1401 2nd Avenue) for an annual contract and two additional one year renewal options to furnish concrete saw blades to be used by the Public Works Department, \$38,367. (Thirteen bids mailed, ten received). ([Council Communication No. 03-216](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1019 (B) Baker Group (BJ Baker, President, 4224 Hubbell Avenue) for sump pump replacement at the Wastewater Reclamation Facility, \$92,993. (Thirteen bids mailed, three bids received). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1020 (C) Per Mar Security Services (Mike Duffy, President, 720 E. 2nd Avenue) for an annual contract with two additional one year renewal options for security guard service at the Blank Park Zoo, \$44,000. (Eleven bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1021 (D) Leotek Electronics (Chen Wu, President, Santa Clara, CA), \$16,700 and General Traffic Controls, (Louis Glover, President, Spencer, IA), \$36,952 for LED Modules to be used by the Signal Shop. (Nine bids mailed, eight received). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1022 50. Authorizing Finance Director to issue checks on the registers of May 9 and May 16, 2003; for the bills of the Des Moines Municipal Housing Agency for the weeks of May 5 and May 12, 2003; and for biweekly payroll due on May 16, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

## **ORDINANCES - FINAL CONSIDERATION**

03-1023 51. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Coleman that this ordinance do now pass, [#14,226](#). Motion Carried 6-1. Council Member Brooks votes no on items 8, 9, 10, 11, 12, 13 and 14.**

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

03-1024 52. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes for Ingersoll Avenue to implement left-turn lanes at 28th, 31st, 35th, and 42nd Streets and an inbound bus lane between 42nd Street and Martin Luther King Jr. Parkway. **Moved by Hensley that this ordinance do now pass, [#14,227](#). Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

03-1025 53. On rezoning of property at 6222 SW 12th Street from "R1-60" (One Family Low Density Residential District) to Ltd. "R-2" (One and Two Family Residential), (requires 6 votes for passage). **Moved by Hensley to continue to May 19, 2003 meeting. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

## ORDINANCES - SECOND CONSIDERATION

03-1026 54. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

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

03-1027 55. Amending Chapter 98 of the Municipal Code regarding proposed fee increase for solid waste collection. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

03-1028 (A) Final consideration of ordinance above, (waiver requested by city staff), requires six 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, [#14,228](#). Motion Carried 6-1.**

03-1029 56. Rezoning of the property at 9201 US Highway 65/69, owned by AmerUs, from "A-1" (Agricultural), to Ltd. "C-2" (General Retail and Highway Oriented Commercial District), to correct error in publication. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

## ORDINANCES - FIRST CONSIDERATION

03-1030 57. Amending Chapter 102 of the Municipal Code to require new and replacement mailboxes be of a breakaway design. ([Council Communication No. 03-215](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-1030-I (A) Final consideration of ordinance above, requires 6 votes. **Moved by Coleman 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, [#14,236](#). Motion Carried 6-1. Absent: Cownie.**

03-1031 57-I Amending Chapter 102 of the Municipal Code to provide fees for issuance, renewal and amendment of licenses for environmental assessment or remediation activities,

including the fee for placement of wells and boring holes on city property, be in the amount set forth in the Engineering Department Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion 5-2. Absent: Cownie and McPherson.**

03-1032 (I-A) Final consideration of ordinance above, (waiver requested by city staff), requires 6 votes. **Moved by Coleman 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, [#14,229](#). Motion Carried 6-1.**

03-1033 (B) Amending the Schedule of Fees. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1034 58. Amending Chapter 102 of the Municipal Code to permit certain flower pots and planters to be placed within the public rights-of-way without a license. ([Council Communication No. 03-209](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1035 (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, [#14,230](#). Motion Carried 6-1.**

03-1036 (B) Amending the Schedule of Fees to waive the annual renewal fees for flower pots and planters, awnings, canopies and marquees. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1037 59. Amending the Municipal Code to reflect the renaming of the Historic District Commission as the Historic Preservation Commission. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1038 (A) Final consideration of ordinance above. **Moved by Coleman 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, [#14,231](#). Motion Carried 6-1.**

03-1039 60. Amending Chapter 2 of the Municipal Code renaming the Youth Advisory Coordinating Board as the Youth Advisory Board. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1040 (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, [#14,232](#). Motion Carried 6-1.**

## **COMMUNICATIONS/REPORTS**

03-1041 61. From Christopher Hill, 2340 E. 38th Street, to speak regarding enforcement activities of the Neighborhood Inspection Division. **Moved by McPherson to receive and file. Motion Carried 6-1. Mr. Hill did not appear.**

03-1042 62. From Fort Des Moines Memorial Park and Education Center requesting two streets connecting to their park be renamed from Chaffee Road to WAAC Road and Dickman/West Streets to Morris Road. **Moved by Brooks to receive, file and refer to the City Manager and appropriate commissions for a recommendation. Motion Carried 6-1.**

**\*\*Council considered Items 76 through Board of Health next\*\***

## **HEARINGS (Opened at 5:40 P.M.) (Items 63 thru 75)**

63. On the following General Obligation Bond: [\(Council Communication No. 03-200\)](#).

03-1043 (A) Not to exceed \$15,805,000 (misc. Essential Corporate Purposes). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1044 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1045 (B) Not to exceed \$11,870,000 (Essential Corporation Purposes - Urban Renewal Projects). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Cownie.**

03-1046 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Cownie.**

03-1047 (C) Not to exceed \$925,000 (General Corporate Purposes - Fire Protection and Library Improvements). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1048 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1049 (D) Not to exceed \$785,000 (General Corporate Purposes- Parks Improvements). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1050 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-**

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03-1051 (E) Not to exceed \$665,000 (General Corporate Purposes - Municipal Building Improvements). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1052 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1053 (F) Not to exceed \$960,000 (General Corporate Purposes - Municipal Building Improvements). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1054 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1055 (G) Directing advertisement for sale of \$19,140,000 General Obligation Bonds, Series 2003C, (5-19-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1056 (H) Directing advertisement for sale of \$11,860,000 General Obligation Bonds, Series 2003D, (5-19-03). **Moved by Vlassis to adopt. Motion Carried 6-1. .**

64. On supplements to the Governmental Lease-purchase Master Agreement with Banc of America Leasing & Capital, LLC:

03-1057 (A) Supplement No. 11, to acquire 3 automated refuse trucks, \$393,690. ([Council Communication No. 03-201](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1058 (1) Authorization for additional action. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1059 (2) Execution and delivery of supplement, \$393,690. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1060 (B) Supplement No. 12, to acquire 55,000 household refuse carts, \$2,200,000. ([Council Communication No. 03-202](#)). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

03-1061 (1) Authorization for additional action. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

03-1062 (2) Execution and delivery of supplement, \$2,190,100. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Cownie.**

65. Items regarding request from Property Concepts Group, to rezone property at 2147 High Street, from "R-2A" (General Residential) to "R-4" (Multiple Family Residential) to allow reuse of existing residential structure for a ten-unit elderly living apartment:

03-1063 (A) Adopt recommendation from City Plan and Zoning Commission to deny amendment to the comprehensive plan needed for rezoning. **Moved by Hensley to deny the proposed amendment to the Des Moines 2020 Community Character Land Use Plan. Motion Carried 5-1-1. Nays: Coleman. Absent: Cownie.**

03-1064 (B) Resolution closing Hearing and denying the rezoning. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Cownie.**

66. Items regarding request from Todd Adamson to rezone property at 3210 Hubbell from "R1-60" (One Family Low Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial) with only "C-0" (Commercial-Residential) uses and other restrictions:

03-1065 (A) Adopt recommendation from City Plan and Zoning Commission to amend Comprehensive Plan to permit the proposed rezoning. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1066 (B) Hearing on rezoning. **Moved by McPherson to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-1067 (C) First consideration of ordinance above, (requires six votes due to sufficient protest). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1068 (D) Final consideration of ordinance above, (waiver requested by applicant), requires six votes. **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, [#14,233](#). Motion Carried 6-1.**

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

03-1069 (A) On vacation and conveyance of a portion of E. Court Avenue and E. 7th Street right-of-way to Hamms-Des Moines Company, \$13,620. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1070 (1) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1071 (2) Final consideration of ordinance above. **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, [#14,234](#) and repealing Ordinance No. 14,028. Motion Carried 6-1.**

03-1072 (B) On vacation and conveyance of a portion of E. Court Avenue right-of-way at 601



E. Court to Blue Plans Credit Union, \$4,250. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-1073 (1) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1074 (2) Final consideration of ordinance above. **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, [#14,235](#) and repealing Ordinance No. 14,037. Motion Carried 6-1.**

03-1075 68. On vacation and conveyance of a portion of the Kingman Boulevard street right-of-way to Loyd W. Ogle, \$50. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1076 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1077 69. On request from Clarke Company Ltd. for amendment to the Riverwoods PUD Concept Plan for property at 2501 SE 22nd Street to eliminate 300 apartment units planned for Area "C" and to show a maximum of 125 single family lots, each a minimum 50' wide. **Moved by Brooks to adopt and approve the amended "PUD" conceptual plan. Motion Carried 6-1.**

03-1078 70. On request from Anderson-Erickson Dairy Company for amendment to the PUD Concept Plan for property at 2230 Hubbell Avenue to allow expansion of existing cold storage facility, subject to conditions. **Moved by McPherson to adopt and approve the amended "PUD" conceptual plan. Motion Carried 6-1.**

03-1079 71. On a proposal to release Easement for Sanitary Sewer Right-of-Way on portion of Lots 1, 2, 3, 5, and 6 in Brook Run Village Plat 4, vicinity of 5221 Village Run Avenue. **Moved by McPherson to adopt. Motion Carried 6-1.**

72. On violations to Iowa Cigarette Laws for the following: **(Continued from March 10, 2003)**

03-1080 (A) On assessment of \$1500 penalty or 30 day suspension for four (4) cigarette permittees for selling to minors, second offense. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-1081 (B) On assessment of \$1500 penalty and 30 day suspension for two (2) cigarette permittees for selling to minors, third offense. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-1082 73. On Laurel Hill Cemetery Maintenance Building: Resolution to reject all bids and close hearing on plans, specifications, form of contract documents, and Engineer's estimate. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-1083 74. On Gay Lea Wilson Trail Phase III-A: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Sheets Excavating Ltd. (Charlie Sheets, President, Montezuma, IA), \$444,417. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Vlassis. Absent: Cownie and McPherson.**

03-1084 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Vlassis. Absent: Cownie and McPherson.**

03-1085 75. On SW 9th Street Bridge over Raccoon River and UPRR Rehabilitation: Designating lowest responsible bidder as Cramer & Assoc., Inc. (Robert Cramer, President/CAO, Saylor Township), \$1,885,451.50. ([Council Communication No. 03-206](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-1086 (A) Approving of contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

03-1087 (B) Approving and authorizing the execution of Supplemental Agreement No. 2 with Shuck-Britson, Inc. (Robert A. Britson, PE, President, 2409 Grand Avenue) for professional services. ([Council Communication No. 03-207](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

\* \* END HEARINGS at 6:17 P.M. \* \*

## **APPROVING**

03-1088 76. Intergovernmental 28E Agreement with the Greater Des Moines Community Foundation (GDSMF) to purchase and install lighting on two fields and three parking lots at the James W. Cownie Soccer Complex and to provide partial funding to the City of Des Moines for construction of stadium seating, field fencing, sidewalks, scoreboard and a press box, at a total estimated cost of \$573,000. ([Council Communication No. 03-214](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1089 77. Intergovernmental 28E Agreement with Blank Park Zoo Foundation, Inc. for operation of the Blank Park Zoo. ([Council Communication No. 03-217](#)). **Moved by Hensley to adopt; refer to City Manager to return on June 9th with a recommendation for funding the \$125,000. Motion Carried 6-1.**

03-1090 78. Development Agreement with Iowa Primate Learning Sanctuary and conveyance of property known as Hubbell Tract. ([Council Communication No. 03-205](#)). **Moved by Brooks to adopt. Motion Carried 6-1.**

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## **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.**

03-1091 1. Approving Change Order No. 2 with D F Trucking (Mae E. Dillard, Owner, Indianola) for additional work in conjunction with demolition of 1006 Grand Avenue, in an amount not to exceed \$14,000. SPONSOR: Hensley. ([Council Communication No. 03-204](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

## A G E N D A

### BOARD OF HEALTH

MAY 5, 2003

03-1092 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

### HEARINGS

**WITHDRAWN** 03-1093 1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 809 Grandview Drive, TITLEHOLDER: Grover Mundy, LEGAL INTEREST HOLDER: Bankers Trust Company.

**WITHDRAWN** 03-1094 2. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 1249 Stewart, TITLEHOLDERS: Ellis Cooper and Mildred Cooper.

### AUTHORIZING

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

03-1095 (A) 1607 Forest Avenue (vacant) TITLEHOLDER: Jerry Davis and LEGAL INTEREST HOLDER: HMS/US Bank, Attn: Chris Newhouse. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1096 (B) 2340 E. Grand Avenue (vacant) TITLEHOLDERS: Gary J. and Suzanne Oeth. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1097 (C) 1405 Harrison Avenue (vacant) TITLEHOLDER: New Haven Corporation, Attn: Carol Johnson, Registered Agent, and CONTRACT BUYERS: Lucille Fugate and Freddie Haynes, Jr. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Cownie.**

03-1098 (D) 1904 SW 1st Street (vacant) TITLEHOLDER: Joseph R. Rulli, and LEGAL INTEREST HOLDERS: Kenneth L. Johnson and Betty Foster. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1099 (E) 1543 9th Street (vacant) TITLEHOLDER: 2221 Carpenter, LLC, Attn: John Davis, Registered Agent; CONTRACT BUYER: Cash Consultants, LC, Attn: John Davis, Registered Agent; and LEGAL INTEREST HOLDERS: John and Virginia Regan. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Cownie.**

03-1100 (F) 1521 10th Street (vacant) TITLEHOLDER: Edward G. Moss d/b/a Midwest Housing; CONTRACT BUYER: Jamie Flatt; and LEGAL INTEREST HOLDERS: Kenneth L. Johnson and Betty Foster, and Tax 254, Attn: Christine Frank. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-1101 (G) 1443 E. 17th Court (vacant) TITLEHOLDER: Ethel B. Greenlee; and LEGAL INTEREST HOLDER: Midwest Finance, Inc., Attn: David L. Wetsch. **Moved by Vlassis to adopt. Motion Carried 6-1.**

4. The Engineering Department to cause the removal of the following structures and completion of demolition:

03-1102 (A) 507 Hartford, TITLEHOLDER: Eduardo S. Contreras. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1103 (B) 2030 Meek, TITLEHOLDER: The Estate of Leona Gardner, CONTRACT BUYERS: Ric Simonini, Lisa Simonini and Doyle Kasiah. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1104 (C) 801 E. 22nd Street, TITLEHOLDERS: Faye L. Adamson, Donald F. Adamson, Jim Adamson, Wayne E. Adamson and Joy E. Carr. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1105 (D) 654 26th Street, TITLEHOLDERS: the heirs of Mary Dean. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1106 5. The assessment of an emergency action taken to remove the structure located at 1249 4th Street, TITLEHOLDER: Lincoln Allison. **Moved by McPherson to adopt. Motion Carried 6-1.**

**\*\*Council considered Hearing Items 63 through 75 next\*\***

03-1107 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:18 P.M. Motion Carried 6-1.**