

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 9, 2003, 4:30 P.M.
CLOSED SESSION - 3:30 P.M.
REGULAR SESSION - 4:30 P.M.

03-1243 I. (a) 3:30 - Roll Call. **Present: Daniels, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Brooks.**

03-1244 (b) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by McPherson to adopt. Motion Carried 6-1.**

03-1245 (c) Closed Session.

03-1246 (d) Terminate closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 6-1.**

03-1247 (e) Setting Date of Hearing on request to approve an amended "R-5" Preliminary Plan for property on the west side of the 6900 block of Indianola Avenue, (6-23-03). **Moved by Coleman to adopt. Motion Carried 5-2. Absent: Brooks and McPherson.**

PROCLAMATIONS - 4:15 P.M.:

- (a) Juneteenth
- (b) National Home Ownership Month and Presentation of Awards
- (c) National Dairy Month and Recognition of Jim Erickson
- (d) Recognition of Charles Wittmack

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

03-1248 1. ROLL CALL: **Present: Daniels, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Brooks.**

03-1249 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.**

03-1250 3. APPROVING CONSENT AGENDA - items 3 through 66: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

03-1251 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(1) Plaza Pub, 6202 Douglas Avenue, C Liquor.

RENEWAL APPLICATIONS

(2) Beggars Banquet, 2306 University Avenue, B Beer.

(3) Original Coney Island, 501 Locust Street, B Beer.

(4) Romance Cafe, 1454 2nd Avenue, B Beer.

(5) Drugtown Wine and Spirits, 4100 University Avenue, C Beer.

(6) Git-N-Go Store #7, 1829 6th Avenue, C Beer.

(7) QuikTrip #554, 901 SW 63rd Street, C Beer.

(8) Southside Tobacco, 2432 SW 9th Street, C Beer.

(9) Beegs Lounge, 3418 E 14th Street, C Liquor.

- (10) CJS II, 316 E 30th Street, C Liquor.
- (11) Court Avenue Brewing Company, 309 Court Avenue, C Liquor.
- (12) Creative Croissants, 5800 Fleur Drive, C Liquor.
- (13) Des Moines Community Playhouse, 831 42nd Street, C Liquor.
- ~~(14) Hickman Pub, 2335 Hickman Rd., C Liquor.~~
- (15) Okoboji Grill, 200 Army Post Rd., C Liquor.
- ~~(16) Polk County Convention Center, 501 Grand Avenue, C Liquor.~~
- ~~(17) Veterans Memorial Auditorium, 833 5th Avenue, C Liquor.~~
- (18) Four Point by Sheraton, 1810 Army Post Rd., B Liquor.
- (19) Savery Hotel and Spa, 401 Locust Street, B Liquor.
- (20) Drugtown Wine and Spirits, 4100 University Avenue, B Wine.
- (21) Git-N-Go Store #7, 1829 6th Avenue, B Wine.
- (22) QuikTrip #554, 901 SW 63rd Street, B Wine.
- (23) Savery Hotel and Spa, 401 Locust Street, B Wine.
- (24) Drugtown Wine and Spirits, 4100 University Avenue, E Liquor.

OUTDOOR SERVICE APPLICATIONS

- (25) 801 Steak and Chop House, 801 Grand Avenue, C Liquor. Adding permanent outdoor service to current Class C Liquor License.
- (26) Hoyt Sherman Place, 1501 Woodland Avenue, C Liquor. Adding permanent outdoor service for summer events.

SPECIAL EVENTS APPLICATIONS

- (27) Embassy Suites, 25 E Court Avenue, B Beer. Five Day License for Booth D at the Des Moines Arts Festival on June 27, 28 and 29, 2003. Subject to building and electrical inspections.
- (28) Embassy Suites, 25 E Court Avenue, B Beer. Five Day License for Booth C at the Des Moines Arts Festival on June 27, 28 and 29, 2003. Subject to building and electrical inspections.

(29) Embassy Suites, 25 E Walnut Avenue, B Beer. Five Day License for Booth A at the Des Moines Arts Festival on June 27, 28 and 29, 2003. Subject to building and electrical inspections.

(30) Embassy Suites, 25 E Walnut Avenue, B Beer. Five Day License for Booth B at the Des Moines Arts Festival on June 27, 28 and 29, 2003. Subject to building and electrical inspections.

(31) Embassy Suites, 2101 Fleur Drive, B Beer. Five Day License for Nitfall on the River at Grays Lake on June 25 and 26, 2003. Subject to building and electrical inspections.

(32) Raccoon River Brewing Company, 25 E Court Avenue, C Liquor. For the Des Moines Arts Festival June 27, 28 and 29, 2003. Subject to building and electrical inspections.

03-1252 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1253 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:

03-1254 (A) WRF Buildings 20/21/93 Roof Replacement, Receiving of Bids, (07-01-03), and Setting Date of Hearing, (07-14-03). (Construction Estimate- \$44,880). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1255 (B) 2003 PCC Pavement Resurfacing Program, Receiving of Bids, (07-01-03), and Setting Date of Hearing, (07-14-03). (Construction Estimate - \$376,210). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1256 (C) 2003 City-Wide PCC Pavement Restoration Program, Receiving of Bids, (07-01-03), and Setting Date of Hearing, (07-14-03). (Construction Estimate - \$155,800). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1257 (D) Durable Pavement Markings - 2003, Receiving of Bids, (07-01-03), and Setting Date of Hearing, (07-14-03). (Construction Estimate - \$114,373.90). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Brooks.**

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

03-1258 (A) Avenue F. M. Hubbell Widening at E. 33rd Street, \$9,663.97 is due now and remaining balance of \$24,675.94 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1259 (B) Southeast Community Center Roof Replacement, \$16,967 is now due and remaining balance of \$893.00 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1260 (C) Court Avenue Bridge over Des Moines River Railing Repairs, \$16,669.45 remaining balance to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1261 (D) 15th Street & Woodland Avenue Emergency Sewer Repair, \$1,550 remaining balance to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1262 (E) 4th & Grand Parking Garage Renovation, \$34,283.94 remaining balance to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1263 9. Approving Schedule of Street Cut Restoration fees for street restoration work performed by the Public Works Department effective July 1, 2003. ([Council Communication No. 03-247](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

03-1264 10. Waive interest on assessment paid in full, Schedule No. 1995-07, Certificate No. 03-16795-00, \$402 against property at 4525 SE 16th Street. **Moved by Hensley to adopt. Motion Carried 6-1.**

11. Deletion of the following NAC-Emergency Order Assessments for the following:

03-1265 (A) Schedule 2003-27, Certificate 00-10001-00 - \$195 against property at 2044 Capitol Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1266 (B) Schedule 2003-27, Certificate 00-09999-00 - \$145 against property at 2125 Maple Street. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1267 (C) Schedule 2003-78, Certificate 00-10167-00 - \$145 against property at 3829 - 39th Street. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1268 12. Deletion of NAC-Emergency Order Assessment Schedules on property at 1824 Jefferson Avenue on the following: **Moved by Hensley to adopt. Motion Carried 6-1.**

(1) Schedule 2003-28, Certificate 00-10107-00, \$195.00.

(2) Schedule 2003-05, Certificate 00-10058-00, \$719.76.

(3) Schedule 2003-03, Certificate 00-09580-00, \$399.51.

(4) Schedule 2002-10, Certificate 00-09400-00, \$342.68.

03-1269 13. Deletion of NAC-Emergency Order Assessment Schedules on property at 1802 Jefferson Avenue on the following: **Moved by Hensley to adopt. Motion Carried 6-1.**

(1) Schedule 2003-54, Certificate 00-10134-00, \$124.50.

(2) Schedule 2003-05, Certificate 00-10059-00, \$379.01.

(3) Schedule 2003-01, Certificate 00-09582-00, \$424.21.

(4) Schedule 2003-50, Certificate 00-09718-00, \$131.00.

(5) Schedule 2003-25, Certificate 00-09664-00, \$145.00.

03-1270 14. Authorizing Engineering Department staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for May 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1271 15. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility Fees for the month of May 2003 for certification to the Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

03-1272 16. Approving reduction of Bond No. IAC 251657 in amount of \$23,920 from Merchants Bonding Company for cost of sidewalks and erosion control improvements be reduced to \$18,005 as security for satisfactory completion of remaining sidewalks in EASTER LAKE POINT PLAT 1. [\(Council Communication No. 03-257\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1273 17. Approving "timely-filed" application for tax abatement for 6001 Creston Avenue, Unit 36, Riverview Townhomes for 2002. [\(Council Communication No. 03-258\)](#). **Moved by Hensley to adopt, and to specifically request that Polk County apply the tax abatement retroactively as if the application had been forwarded by the City to the County prior to March 1, 2003. Motion Carried 6-1.**

03-1274 18. Establishing fair market value and authorizing acquisition of property at 1001 SE 26th Court for the WRA Biosolids Storage Facility Project, \$95,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1275 19. Establishing fair market value and authorizing acquisition of property for the

Guthrie Avenue Business Park Project, \$69,400. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1276 20. Approve and accept real estate documents for property at 800 Morton Avenue, for the Upper Union Park Sewer Separation Project-Phase II, \$105 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1277 21. Approve and accept real estate documents for property at 3611 Arthur Avenue, for the Gay Lea Wilson Recreational Trail Project, \$250 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1278 22. Approve and accept real estate documents for property at 2538 SE 43rd Street, for the Agrimergent Technology Park Storm Water Pump Station Project, \$4,350 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1279 23. Approve and accept real estate documents for property at 2505 Mann Avenue, for the Closes Creek Storm Water Improvement Project, \$3,032 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-1280 23-I Communication from Marvin Kingery advising of his resignation from the Zoning Board of Adjustment (Seat 4) effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for service. Motion Carried 6-1.**

03-1281 (A) Recommendation of Council Member Tom Vlassis to appoint LeaAnn Walker to Seat 4 on the Zoning Board of Adjustment for a five year term commencing April 1, 2001 to expire April 1, 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1282 24. Recommendation of Council Member Chris Coleman to reappoint Irene Hardisty to Seat 3 on the Public Housing Board for a three-year term commencing June 30, 2003 to expire June 30, 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1283 25. Recommendation of Mayor Preston Daniels to reappoint Loyd Ogle to Seat 2 on the Park and Recreation Board for a four year term commencing June 30, 2003 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 6-1.**

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

WITHDRAWN 03-1284 (A) Council Member Mike McPherson for John Fitzgibbon (Seat 5) for a four year term commencing June 30, 2003 to expire June 30, 2007.

WITHDRAWN 03-1285 (B) Council Member Christine Hensley for Sam Kalainov (Seat 6) for a four year term commencing June 30, 2003 to expire June 30, 2007.

WITHDRAWN03-1286 (C) Mayor Preston Daniels for Fred Wiesshaar (Seat 1) for a four year term commencing June 30, 2003 to expire June 30, 2007.

STREET CLOSURES

03-1287 27. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Coleman to adopt. Motion Carried 6-1.**

(1) Doug Romig, representing City of Des Moines, requesting permission to close E. River Drive from Sec Taylor (SW 1st Street) to Court Avenue on Friday, June 20, 2003 from 12:00 PM to 7:30 PM for parking for the SNICKERS U.S. Youth Soccer Championship opening ceremony.

(2) Kerri Gearhart, representing E. Rose Avenue Block Party, requesting permission to close E. Rose Avenue from SE 19th Street to SE 20th Street on Saturday, June 21, 2003 from 12:00 PM to 11:00 PM for a neighborhood block party.

(3) Margaret Durbala, representing Kenway Drive Block Party, requesting permission to close Kenway Drive from Beavercrest Drive to Maryland Pike on Saturday, June 28, 2003 from 4:00 PM to 10:00 PM for a neighborhood block party.

(4) Patricia Westin, representing Northwest Drive Block Party, requesting permission to close Northwest Drive from 44th Street to the 4300 Block of Northwest Drive on Saturday, June 21, 2003 (Raindate of Sunday, June 22, 2003) from 4:00 PM to 8:53 PM for a neighborhood block party.

(5) Paulette Wiley, representing Willkie House Inc., requesting permission to close 17th Street from Crocker Street to Olive Street on Thursday, June 19, 2003 from 7:30 AM to 4:00 PM for Playground Build Day.

(6) Genaro Mata, representing Capitol East Neighborhood, requesting permission to close E. 18th Street from Des Moines Street to Lyon Street on Saturday, June 14, 2003 from 11:00 AM to 5:00 PM for a multicultural Festival.

CITY PLAN COMMISSION RECOMMENDATIONS

03-1288 28. Regarding preliminary subdivision plat for Albaugh Industrial Park Plat 3, in the vicinity of NE 22nd Street and NE 54th Street in Polk County, within the City's two mile extraterritorial review area. **Moved by Hensley to receive and file. Motion Carried 6-1.**

03-1289 29. Regarding request from David Miller for vacation and conveyance of the east/west alley between East Edison Avenue and Columbus Park from SE 2nd Street to SE 2nd Court, subject to reservation of easements. **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

03-1290 30. On assessment of \$1,500 penalty and 30 day suspension for Krueger's Amoco #2, 630 SW 9th for violation of Iowa's Cigarette laws, selling to minors, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1291 31. On approval to enter into a five year agreement with an additional five year renewal option with the Des Moines Metro BMX Club to maintain and operate a bicycle motto-cross track at Ewing Park, (6-23-03). [\(Council Communication No. 03-249\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1292 32. On conveyance of a portion of the Hubbell Tract by grant to Iowa Primate Learning Sanctuary, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1293 33. On License Agreement with Riteway Cleaners for City-owned property located east of Indianola Avenue and north of East Hillside Avenue, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1294 34. On conveyance of property at 1100 Cherry Street to Wells Fargo Financial, Inc., \$300,000, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1295 35. On voluntary annexation of 4331 NW 44th Street and approving agreement for immediate connection to the City sewer system, (7-28-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1296 36. On Council-initiated request to rezone property at 1904 Forest from "C-2" (General Retail and Highway Oriented Commercial) to a Limited "NPC" (Neighborhood Pedestrian Commercial), (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1297 37. On request from Harry Leopold to rezone property at 3009 SW 9th Street from "C-1" (Neighborhood Retail Commercial) to Limited "C-2" (General Retail and Highway-Oriented Commercial) allowing expansion of use d/b/a Mid-Iowa Environmental, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1298 38. On vacation and conveyance of the northern most east/west alley in the block bounded by Olinda and Davis Avenues and South Union and SW 1st Streets, (6-23-03). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1299 39. On proposed issuance of not to exceed \$9,800,000 General Obligation Refunding Bonds, (essential Corporate Purpose), to refund Series 1996C, (6-23-03). [\(Council](#)

[Communication No. 03-248](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-1300 40. Approving payment of \$51,873 to Stephen Dyer for settlement of a workers compensation claim from an injury sustained during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1301 41. Approving payment of \$11,092.35 to Spiegel & McDiarmid Law Firm for services in conjunction with the Riverpoint West Redevelopment and related projects. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1302 42. Approving payment of \$5,823.48 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters involving airport parking garages. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1303 43. Approving payment of \$2,732.63 to Myers & Jenkins and \$11.20 Tishler & Wald, Ltd. for outside counsel retained for Trans World Airlines, Inc. bankruptcy, and UAL Corporation bankruptcy, (\$2,743.83). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1304 44. Approving payment of \$1,138.90 to Ahlers Law Firm for representation of City in conjunction with environmental contaminated properties for acquisition of DICO, and Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1305 45. Approving payment of \$2,345.13 to Spiegel & McDiarmid Law Firm for consultation and representation in conjunction with City's response to FAA concerns regarding the City's Airport PILOT charge. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1306 46. Approving payment of \$2,356 to law firm of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway L.L.P. for representation of City in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. **Moved by Hensley to approve payment. Motion Carried 6-1.**

03-1307 47. Approving payment of \$237.50 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in case Maria Garces v. Gerald Roger Lovejoy, et al. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

03-1308 48. Submitting out-of-state travel for Preston A. Daniels and Tina Kalar. [\(Council Communication No. 03-260\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

03-1309 49. Execution of IDOT Amended Agreement for Unified Certification Program (UCP) for Disadvantaged Business Enterprises. ([Council Communication No. 03-263](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1310 50. Execution of IDOT Property Lease Agreement for rental of bridge inspection vehicle, not to exceed \$4500. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1311 51. Accepting ownership of the Gray's Lake Park Southwest Corner Boat Dock from the Greater Des Moines Community Foundation (GDMCF). ([Council Communication No. 03-251](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1312 52. Communication from Park and Recreation Department regarding recommendations related to trail use at Gray's Lake Park. ([Council Communication No. 03-250](#)). **Moved by Hensley to receive and file. Motion Carried 6-1.**

53. Authorizing and providing for issuance of the following General Obligation Bonds, and levying a tax to pay:

03-1313 (A) \$19,140,000, Series 2003C. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1314 (B) \$11,860,000 Series 2003D (Urban Renewal). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1315 54. Authorization to negotiate Agreement with Greater Des Moines Community Foundation for administration of the Public Arts Program. ([Council Communication No. 03-265](#)). **Moved by Hensley to adopt; refer to City Manager for recommendation on adding one Council Member to the Committee. Motion Carried 4-1-1-1. Nays: Coleman. Pass: Vlassis. Absent: Brooks.**

55. Communication from Downtown Community Alliance requesting approval of the following banner designs and displays:

03-1316 (A) On behalf of Meredith Corporation, 8 banners in downtown on Locust Street starting in June. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 6-1.**

03-1317 (B) On behalf of the Blood Center of Iowa, 50 banners in downtown on Locust Street starting in June. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 6-1.**

56. NUMBER NOT USED.

03-1318 57. Drake University and Iowa State University Certifications of Consistency with the City's EZ/EC Strategic Plan and 2003 HUD Consolidated Plan for HUD New Directors Grant Program. ([Council Communication No. 03-253](#)). **Moved by Hensley to adopt; refer to City**

Manager to review City expenses for this project. Motion Carried 5-1-1. Pass: Vlassis. Absent: Brooks.

03-1319 58. AMPCO System Parking Contract for management of the Municipal Parking Facilities extended for second one-year option for FY 2003-04, \$18,475. ([Council Communication No. 03-259](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1320 59. Reggie's Place Program Project with Iowa Homeless Youth Centers for downtown youth services for period June 1 to December 31, 2003, (\$40,000). ([Council Communication No. 03-256](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1321 60. 2002-2003 Weed & Seed Grant award of \$175,000 from the Executive Office for Weed & Seed (EOWS). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1322 61. Agreement for Professional Services with the Conservation Design Forum (CDF), Inc. for development of Smart Growth Computer Model related to Des Moines Brownfields Revitalization, \$45,000. ([Council Communication No. 03-255](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

62. Bids for the following:

03-1323 (A) Sun Turf (Dan Miller, President, Waukee) for two fairway mowers for use by Waveland and Grandview Golf Courses, \$54,800. (Eight bids mailed, four received). ([Council Communication No. 03-252](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1324 (B) James W. Bell (Dave Bengford, President, Altoona) for two asphalt recyclers, \$45,976 and Eddy-Walker Equipment Company (Don Eddy, President, 4044 E. 14th Street) for four two-ton asphalt hot boxes, \$54,050 to be used by the Public Works Department, at a total cost of \$100,026. (Four bids mailed, two received). ([Council Communication No. 03-244](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1325 (C) Freightliner of Des Moines (Carl Schwab, President, Altoona) for two 25,000 GVW Trucks to be used by the Sewer Maintenance Division, \$143,676. (Eight bids mailed, two received). ([Council Communication No. 03-246](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1326 (D) Elliott Equipment Company (Phil Allen, President, Grimes) for a vacuum catch basin clearance truck body, \$85,694 and O'Halloran International (Jim O'Halloran, President) for a truck cab and chassis, \$77,065 to be used by the Sewer Maintenance Division, at a total cost of \$162,759. (Thirteen bids mailed, six received). ([Council Communication No. 03-245](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

63. Civil Service Entrance and Promotional Lists for the following:

03-1327 (A) Entrance - Housing Services Administrative Secretary. **Moved by Hensley to**

receive and file. Motion Carried 6-1.

03-1328 (B) Entrance - Housing Services Case Manager. **Moved by Hensley to receive and file. Motion Carried 6-1.**

03-1329 (C) Promotional - Senior Police Officer and Street Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 6-1.**

03-1330 64. Authorizing Finance Director to issue checks on the registers of June 13 and June 20, 2003; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 9 and June 16, 2003; and to draw checks for biweekly payroll due on June 13, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

03-1331 65. 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 that this ordinance do now pass, [#14,240](#). Motion Carried 6-1.**

03-1332 66. On vacation of a portion of the Kingman Boulevard street right-of-way. **Moved by Hensley that this ordinance do now pass, [#14,241](#). Motion Carried 6-1.**

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

****Council considered Hearing Items 74 thru 84 next****

ORDINANCES - FIRST CONSIDERATION

03-1333 67. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

- (1) Two-Way Traffic Operation--Locust Street between 2nd Avenue and E. 7th Street.
- (2) Parking Restriction--North Side of E. Washington Avenue from East of E. 33rd Street.
- (3) Corner Clearance--West Side of E. 21st Street, south of Maple Street.
- (4) Corner Clearance--South Side of Ingersoll Avenue, East and West of 29th Street.
- (5) Corner Clearance--North Side of East Shawnee Avenue, West of Cornell Street.

- (6) Corner Clearance--East Side of 4th Street, South of Aurora Avenue.
- (7) Corner Clearance--West Side of 21st Street, South of Franklin Avenue.
- (8) Corner Clearance--East Side of E. 9th street, South of Buchanan Street.
- (9) Removal of Loading Zone on the East Side of 9th Street, North of Walnut Street.
- (10) Corner Clearance--North Side of Ingersoll Avenue, East and West of 19th Street.

COUNCIL REQUESTS

03-1334 68. From Council Member Vlassis to discuss four-way stop signs at 46th & Twana. **Moved by Vlassis to receive and file and refer to Legal Department for preparation of proper legislation. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

COMMUNICATIONS/REPORTS

03-1335 69. From Joe & Linda Riccio, 1924 SE Thornton Court, to speak regarding various parking issues. **Moved by Hensley to receive, file and grant request to speak; refer to City Manager for a report at the June 23rd meeting regarding moving parking to the opposite side of the street. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1336 70. From Peter Rose, 668 - 48th Street, to speak regarding Polk County consolidation issues and current housing and homeless situation in Des Moines. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1337 71. From Des Moines Area Community College, requesting Council initiate actions on various requests for properties near the Urban Campus, 1100 7th Street. **Moved by Vlassis to receive, file and refer to Plan & Zoning Commission, Legal Department and appropriate Neighborhood Associations for review and recommendation. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

INFORMAL HEARINGS (Opened at 6:21 P.M.) (Items 72 thru 73)

03-1338 72. To receive citizen comments regarding proposed budget changes. **Moved by Vlassis to receive, file and refer to the City Manager. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1339 73. On appeal from Kenneth McGregor, Sr. dba United Youth Careers, 1420 University

regarding denial of application for Solicit Funds License. **Moved by Hensley to uphold the denial. This organization may reapply in 6 months, and must provide 1) Current Articles of Incorporation, 2) Current Tax Exempt Certificate from the IRS, and 3) Full financial disclosure statement following generally accepted accounting principles. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

****Council considered Item 67 thru balance of agenda next****

HEARINGS (Opened at 5:48 P.M.) (Items 74 thru 84)

****Council considered Hearing Item 84 first****

03-1340 74. On proposed vacation and conveyance of a portion of east/west alley extending from E. 4th between E. Grand Avenue and E. Locust Street adjoining Betts Hardware site to SOHO Development, L.L.C., not to exceed \$31,200. **Moved by Coleman to continue to June 23rd meeting at 5:30 P.M. Motion Carried 6-1.**

WITHDRAWN 03-1341 (A) First consideration of ordinance above.

WITHDRAWN 03-1342 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

75. Items regarding request from United Properties Investment Company, L.C. and Raccoon Valley Investment Company to rezone property at 8000 Fleur Drive from the "A-1" (Agricultural) to "C-2" (General Retail and Highway Oriented Commercial), subject to conditions:

03-1343 (A) Recommendation from City Plan & Zoning Commission regarding amendment to Des Moines 2020 Community Character Land Use Plan. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-1344 (B) Hearing on rezoning. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-1345 (C) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-1346 (D) 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, [#14,242](#). Motion Carried 6-1.**

03-1347 76. On Westchester Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hooyer Construction, Inc., (Curt Hooyer, President, Pella), \$68,440. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1348 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1349 77. On 2003 HMA Pavement Milling & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President, DSM), \$1,002,900. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1350 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1351 78. On E. 16th Street and E. Walnut Street Footing Drain Sewer: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Elder Corporation, (Jared Elder, II, Vice President, DSM), \$46,750. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1352 (A) Approving contract and bond and permission to sublet. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1353 79. On Cownie Soccer Complex Improvements: Resolution approving plans, specifications, form of contract documents, Engineers estimate and designating lowest responsible bidder as Concrete Technologies, (Brad Baumler, President, Urbandale), \$309,315. **Moved by Cownie to adopt. Motion Carried 4-3. Absent: Coleman, Brooks and Vlassis.**

03-1354 (A) Approving contract and bond and permission to sublet. **Moved by Cownie to adopt. Motion Carried 4-3. Absent: Coleman, Brooks and Vlassis.**

03-1355 80. On SW 9th Street Widening at Porter Avenue-IDOT Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President, DSM), \$2,088,461.40. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Coleman, Brooks and Vlassis.**

03-1356 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Coleman, Brooks and Vlassis.**

03-1357 81. On Central Place Sanitary Sewer Relining Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Insituform Technologies USA, Inc. (Boyd A. Hirtz, Vice President, Chesterfield, MO), \$468,800. **Moved by Vlassis to adopt. MOTION FAILED 3-2-2. Yeas: Daniels, Cownie and Vlassis. Pass: Hensley and McPherson. Absent: Coleman and Brooks. Will be placed on the June 23, 2003 Council Agenda.**

WITHDRAWN 03-1358 (A) Approving contract and bond and permission to sublet.

03-1359 82. On Central Business District Traffic Signal Update-IDOT Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Waldinger Corporation (Tom Koehn, CEO, DSM), \$1,793,691.70. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1360 (A) Approving permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1361 (B) Approving and authorizing execution of Supplemental Agreement No. 1 with Snyder & Associates, Inc. (Stephen P. Rowe, President, Ankeny) for design work and construction phase services for Downtown Traffic Signal System, not to exceed \$145,820. ([Council Communication No. 03-261](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1362 83. On 15th Street Widening Locust Street to Ingersoll Avenue-IDOT Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company (Duane Burkhardt, President/CEO, DSM), \$1,463,074.95. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1363 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1364 (B) Approving and authorizing execution of Supplemental Agreement No. 1 with Snyder & Associates, Inc., (Stephen P. Rowe, President, Ankeny) for redesign work related to 15th Street from Grand Avenue to Ingersoll Avenue and construction phase services for 15th Street Corridor Improvements, not to exceed \$50,440. ([Council Communication No. 03-262](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

03-1365 84. Resolution to REJECT all bids and close hearing on the Highland Park Streetscape, (2 bids received-over estimate). ([Council Communication No. 03-264](#)). **Moved by McPherson to adopt; refer to City Manager to report on alternatives for the project. Motion Carried 6-1.**

* * END HEARINGS at 6:21 P.M. * *

****Council considered Informal Hearing Items 72 thru 73 next****

APPROVING

03-1366 85. Application for \$875,000 COPS in Schools grant to fund the School Resource Officer program. ([Council Communication No. 03-254](#)). **Moved by Cownie to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1367 (A) Approving Notice of Termination of the School Resource Officer contract with Des Moines Public Schools. **Moved by Cownie to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

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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.

03-1368 1. Communication regarding developer proposal to acquire and develop City-owned property at M.L. King and Ingersoll Avenue. SPONSOR: Hensley. ([Council Communication No. 03-266](#)). **Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations with Knapp Properties, Inc. for the potential sale and development of City-owned property. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

A G E N D A

BOARD OF HEALTH

June 9, 2003

03-1369 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

COMMUNICATION

03-1370 1. Communication regarding demolition cost reserve escrowed for 756 20th Street.

Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.

AUTHORIZING

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

03-1371 (A) 1435 Arlington (vacant) Titleholder: Jean T. Huggins. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1372 (B) 1217 Clark (vacant) Titleholder: Frankie L. Ward, Tax Certificate Holders, Kenneth L. Johnson and Betty Foster. **Moved by Vlassis to adopt. Community Development Department to meet with Curtis White regarding a redevelopment plan for this property. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

WITHDRAWN 03-1373 (C) 3916 Cornell (vacant) Titleholder: Phyllis A. Phoenix.

03-1374 (D) 2130 Lay Street (vacant) Titleholder: R & S Investments, LLC, Mortgage Holder, State Federal Savings and Loan Association of Des Moines. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1375 (E) 1406 2nd Place (vacant) Titleholder: Stephen J. Clark. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1376 (F) 2249 SW 9th Street (occupied) Titleholder: Michael P. Anastasio, Contract Buyers, Gayle C. Knief d/b/a The K Group and Diane Knief d/b/a The K Group. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

WITHDRAWN 03-1377 (G) 922 E. 12th Street, (vacant) Titleholder: James J. Theisen.

03-1378 (H) 1327 E. 14th Street (vacant) Titleholder: Cynthia K. Jones, Legal Interest Holder, United Services of Des Moines, Inc., Tax Certificate Holder, Glendower Corporation. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1379 (I) 7011 SW 16th Street (vacant) Titleholder: Jeanne M. Nemetz, Mortgage Holder, Household Bank, F.S.B. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

WITHDRAWN 03-1380 (J) 720 E. 18th Street (garage) Titleholders:Denny R. Grimm and Louise A. Grimm, Mortgage Holder, Standard Federal Bank.

03-1381 (K) 1246 E. 22nd Street (vacant) Titleholder: Gene Henderson, Mortgage Holder, West Des Moines State Bank. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1382 (L) 824 E. 23rd Court (vacant) Titleholders: Dale A. Johnson and Patricia E. Johnson, Contract Buyer, Dennis W. Pitman. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1383 (M) 712 26th Street (vacant) Titleholder: Z Fin. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1384 (N) 506 E. 29th Street (vacant) Titleholder: R&S Investments, LLC, Contract Buyer, Victoria L. Rousseau a/k/a Victoria L. Bailiff, Mortgage Holder, Action Financial Services, Inc. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

WITHDRAWN 03-1385 2. (O) 101 SE 33rd Street (vacant) Titleholders: Harold E. Young and Carol M. Young.

03-1386 (P) 1548 E. 36th Street (occupied) Titleholders: Cheryl D. Twiss, Patricia L. Bean, Robert L. Willson, and Larry Grady, Tax Certificate holders, John Davis d/b/a Tax 217 and Christine Frank d/b/a Tax 127. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

WITHDRAWN 03-1387 (Q) 1334 46th Street, (garage) Titleholder: Carole Jackson.

WITHDRAWN 03-1388 (R) 1304 48th Street (garage) Titleholders: Roland H. Kruse and Jeanne A. Kruse, Mortgage Holder, US Bank National Association.

03-1389 3. The Engineering Department to cause the removal of 1324 E. 12th Street, Titleholder: Bill Quaintance, Tax Certificate Holder, Destiny 98C. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

03-1390 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:28 P.M. Motion Carried 4-3. Absent: Coleman, McPherson and Brooks.**

Des Moines - City of Skywalks