

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 8, 2003

Regular Meeting - 4:30 P.M.

Closed Session - 3:30 P.M.

Closed Session

03-2046 I. ROLL CALL-3:30 P.M. **Present: Coleman, Cownie, Hensley, and Vlassis. Absent: Daniels, McPherson and Brooks.**

03-2047 (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 4-3.**

03-2048 (b) Closed Session to discuss matters of pending litigation.

03-2049 (c) Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 4-3.**

03-2050 (1) Approving payment of \$105,000 to Estate of Timothy Allen, \$20,000 to Lori Webb (Mother of Timothy Allen), \$22,000 to Todd Maples and \$400,000 to Ashley Englebrecht for settlement of claims related to an automobile accident. **Moved by Hensley to adopt. Motion Carried 4-3.**

03-2051 (2) Approving Dale Knoshaug and law firm of Hanson, Bjork & Russell, LLP for representation in lawsuit entitled Richard and Christine Summy, Plaintiffs vs. City of Des Moines, et al, Defendants, at an hourly rate of \$95 per hour, plus out of pocket expenses. **Moved by Vlassis to adopt. Motion Carried 4-3.**

03-2052 (d) Motion to recess and reconvene at 4:30 P.M. **Moved by Vlassis to adjourn at 4:10 P.M. Motion Carried 4-3.**

SPECIAL PRESENTATIONS - 4:15 P.M.:

Recognition of DMPD "HANDS" Unit

INVOCATION: Council Member Mike McPherson

03-2057 1. ROLL CALL: **Present: Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Daniels.**

03-2058 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

03-2059 3. APPROVING CONSENT AGENDA - items 3 through 56: **Moved by Vlassis to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

03-2060 4. The following Beer/Liquor Applications: **Moved by Vlassis to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(1) Some Place Else, 1833 Hubbell Avenue, C Liquor.

RENEWAL APPLICATIONS

(2) Caseys General Store #4, 4560 E 14th Street, C Beer.

(3) Tobacco Outlet Plus #510, 4821 SW 9th Street, C Beer.

(4) India Star, 3620 Beaver Avenue, C Beer/Wine.

(5) Number 1 Chinese Restaurant, 2414 University Avenue, C Beer/Wine.

(6) Carlos O'Kellys Mexican Restaurant, 4371 Merle Hay Rd, C Liquor.

(7) Chi Chis Mexican Restaurant, 1201 E Army Post Rd., C Liquor.

(8) Frathouse, 508 Clifton, C Liquor.

(9) Cigar Source, 3305 Ingersoll Avenue, B Wine.

(10) Wine Etc., 555 Walnut Street, B Wine.

OUTDOOR SERVICE APPLICATIONS

(11) B & B Wine Bar, 2712 Beaver Avenue, C Liquor. Temporary outdoor service from 9-19-03 to 9-20-03 in conjunction with the Beaverville Fall Festival. Pending approval of the Fire Department.

(12) Blazing Saddle, 416 E 5th Street, C Liquor. Temporary outdoor service area in conjunction with Historic East Village Event on September 12, 2003. Pending approval of Building, Electrical, Zoning and Fire Departments.

(13) Dally's Pub and Emporium, 430 E. Locust Street, C Liquor. Temporary outdoor service area in conjunction with Historic East Village Event on September 12 and 13, 2003. Pending approval of Building, Electrical, Fire and Zoning Departments.

03-2061 4-I. City Clerk to issue Cigarette and Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

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

03-2062 (A) Fire Station No. 6, \$22,068.80 remaining balance to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2063 (B) Franklin Avenue and North Side Library Reroofing, \$7,648.30 remaining balance to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 6-1.**

6. Approving Private Construction Contracts between the following:

03-2064 (A) Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Erickson Development, Inc., (Tim Erickson, President, Bondurant, Owner) for construction of paving improvements for proposed Three Lakes Estates Plat #5 in vicinity of Sweetwater Drive and Brockway Drive, \$184,157.50. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2065 (B) Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Brook Run L.C., (Tom Gratiias, President, Clive, Owner) for construction of street improvements for proposed Brook Run Village Plat #9 in vicinity of Village Run Drive and East Douglas Avenue, \$86,937.50. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2066 (C) Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Brook Run L.C., (Tom Gratiias, President, Clive, Owner) for construction of street improvements for proposed Brook Run Village Plat #10 in vicinity of Village Run Drive and East Douglas Avenue, \$95,887. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2067 6-I. Approving contract for emergency Scott Street Siphon repair with VanHauen & Associates, Inc., Mark VanHauen, Vice President/CEO, Clive, \$565,000. **Moved by Vlassis to**

adopt. Motion Carried 6-1.

03-2068 7. Approving Agreement for mutual release of claims, and accepting completed construction and approving final payment, in conjunction with the Sec Taylor Field Replacement Project. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2069 7-I. Communication from various contractors requesting permission to sublet items on three public improvement projects, (Central Business District Traffic Signal Upgrade, SW 9th Street Widening at Porter/Avenue and Fleur Drive Resurfacing McKinley Avenue to Army Post Road). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

03-2070 8. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility fees for August 2003 for certification to Polk County. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2071 9. Authorizing Engineering Department staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental credits Schedule for August 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

03-2072 10. Approve and accept real estate documents for property for the Gay Lea Wilson Recreational Trail Project, (3208, 3300, 3304, 3314, 3114, and 3014 East 35th Street), \$4,650 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2073 11. Establish fair market value and authorize acquisition of property at 3626 Vandalia Road for the Agrimergent Technology Park Project, \$36,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

03-2074 12. Communication from Kathleen Little advising of her resignation from the Urban Design Review Board (Seat #11) effective August 25, 2003. **Moved by Vlassis to receive, file, and accept resignation with appreciation for service. Motion Carried 6-1.**

03-2075 13. Appointments replacing Regular and Alternate Member Representatives to the Des Moines Area Metropolitan Planning Organization to the MPO Transportation Technical Committee (TTC). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2076 13-I Recommendation of Mayor Preston Daniels to appoint Scott Allen to the Urban Design Review Board (Seat #1) to expire June 30, 2005. **Moved by Vlassis to adopt. Motion Carried 6-1.**

STREET CLOSURES

03-2077 14. Approving recommendation of Street Use Team to close the following streets:

Moved by Vlassis to adopt. Motion Carried 6-1.

(1) Marty Albert, representing Meredith Corporation, requesting permission to close Water Street from Market to Martin Luther King Parkway on Thursday, September 25, 2003 from 4 PM to 9 PM for Designs on Downtown (Employee Event Hosting Community Leaders).

(2) Shannon Boswell, representing Historic East Village Inc., requesting permission to close E. 5th Street from Grand Avenue to Walnut Street; E. Locust Street from E. 4th Street to E. 6th Street from 12 PM on Friday, September 12, 2003 to 8 PM on Saturday, September 13, 2003 for "Fame on 5th" Festival.

(3) Angela Van Riessen, representing Allied Insurance DMRO, requesting permission to close Walnut from 10th to 12th Street on Friday, September 12, 2003 from 10 AM to 3 PM for Associate Tailgate Party.

(4) Tracey Bruner-Rayhons, representing Science Center of Iowa, requesting permission to close SW 4th Street from Court Avenue to Market Street (Raindate of Sunday, October 12, 2003) for a Family Festival and Laser Show.

(5) Richard McCabe, representing 515 Alive, requesting permission to close 4th Street from Court Avenue to Walnut Street on Saturday, September 27, 2003 from 2 PM to 2 AM for an Urban Music and Art Festival.

(6) Roberta Conrad, representing 40th Place Neighborhood, requesting permission to close 40th Place from Franklin Avenue to Hickman Road on Sunday, September 21, 2003 from 12 PM to 6 PM for a neighborhood block party.

(7) Erica Buckwalter, representing 40th Place Neighborhood, requesting permission to close 40th Place from Rollins Avenue to Crocker Street on Saturday, September 27, 2003 (Raindate of Saturday, October 4, 2003) from 6 PM to 9 PM for a neighborhood block party.

(8) Shirley Brunk, representing Maryland Pike Neighborhood, requesting permission to close Maryland Pike from Beaver Crest to Holland Drive on Saturday, September 27, 2003 from 12 PM to 10 PM for a neighborhood block party.

(9) Cecilia Benetti, representing 46th Street Neighborhood, requesting permission to close 46th Street from Kingman Boulevard to University Avenue on Saturday, September 20, 2003 from 5:30 PM to 10 PM for a neighborhood block party.

(10) Lisa Martin-Hansen, representing 43rd Street Neighbors, requesting permission to close 43rd Street from University to Forest on Saturday, September 27, 2003 from 11 AM to 4 PM for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATION

03-2078 15. Regarding preliminary subdivision plat for "Shoreline at Easter Lake" in the vicinity of 5646 SE 36th Street. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

16. NUMBER NOT USED

SETTING DATE OF HEARINGS

03-2079 17. On vacation and sale of the east/west alley between E. Granger and E. Dunham from SE 3rd to SE 4th to 9 abutting property owners, (9-22-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2080 18. On sale of City-owned property at 223, 225, 301, 305, and 309 East Holcomb Avenue, \$24,750, (09-22-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2081 19. On sale of alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9th Street, to 5 abutting property owners, (9-22-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2082 20. On sale of property at 6217 Edwards and 6220 Welker to R.M. Madden Construction, Inc., \$20,030, (9-22-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2083 21. On sale of alley right-of-way between North Union and East 8th Street south of Wisconsin to 3 abutting property owners, (9-22-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2084 22. On request from Eleanor Bates to rezone property at 229 Franklin Avenue from "R-3" (Multiple-Family Residential) and "FW" (Floodway) to "C-2" (General Retail and Highway Oriented Commercial), (Plan and Zoning Commission recommends DENIAL), (9-22-03). **Moved by Cownie to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

03-2085 23. On request from Mercy College to rezone property at 928 6th Avenue from "C-2" (General Retail and Highway Oriented Commercial) to "C-3A" (Central Business District Support Commercial) to allow expansion of the main campus building, subject to conditions, (9-22-03). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2086 24. On 10th Amendment to the Omnibus Urban Renewal Plan Amendment to the Model City Prime Service Area, (sever property from City View Plaza Urban Renewal Plan), (10-06-03). ([Council Communication No. 03-437](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2087 25. On authorization of a Loan Agreement and issuance of not to exceed \$2,500,000 General Obligation Capital Loan Notes, (9-22-03). ([Council Communication No. 03-444](#)). **Moved by Cownie to adopt. City Manager to report at the time of hearing on the status of**

the City's bonding limit. Motion Carried 5-2. Absent: Daniels and McPherson.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

03-2088 26. Approving payment of \$14,072.56 to Kimberly Piper for worker's compensation claim for an injury during course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2089 27. Approving payment of \$21,708.93 to Howard Kernes for workers' compensation claim for an injury during course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2090 28. Approving payment of \$20,111.85 to Maurice Nichols for worker's compensation claim for an injury during course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2091 29. Approving payment of \$17,455.69 to Ronald Hudnall for worker's compensation claim from an injury during course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2092 30. Approving payment of \$1,301.42 to Ahlers & Cooney, P.C. for outside bond counsel for services related to Supplements of the Master Lease Program. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2093 31. Approving payment of \$94.50 to Ahlers & Cooney, P.C. for environmental law counsel services in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2094 32. Approving retention of Chester C. Woodburn III at \$95 per hour from Hansen, McClintock & Riley for representation of former Fire Chief Ron Wakeham in federal district court lawsuit Barbara A. Rodgers v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Absent: Daniels. Nays: Brooks.**

CITY MANAGER COMMUNICATIONS

03-2095 33. Submitting various traffic regulation changes as follows: ([Council Communication No. 03-448](#)). **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

(1) Designation of Handicapped Parking Meters--East and West Sides of 6th Avenue, North of Walnut Street.

(2) Corner Clearance--North Side of East Locust Street, West of Pennsylvania Avenue.

(3) Loading Zone--North Side of Locust Street, East of 2nd Avenue.

(4) Loading Zone--North Side of Raccoon Street, East of SE 8th Street.

03-2096 34. Submitting out-of-state travel for Susan Minks, Robert Schulte, and Kris Tuttle. ([Council Communication No. 03-433](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

03-2097 35. Extension of Child Care Center Operational Agreement with Drake University to operate its Head Start Program in Child Care Center located above Fifth Street and Watson Powell, Jr. Way parking garage to June 30, 2004. ([Council Communication No. 03-447](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2098 36. Cooperative Agreement between the City and the United States Department of Housing and Urban Development (HUD) for the Des Moines Human Rights Commission, \$64,800. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2099 37. First Amendment to Real Estate Mortgage, Assignment of Leases and Rents and Subordination Agreement with Woodland Avenue Partners, L.P. for the Woodland Avenue Brickstone Apartment project. ([Council Communication No. 03-443](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2100 38. Authorizing staff to negotiate terms of redevelopment proposals for proposed East Village Square Development for Disposition Parcel No. 02-A1 in the Metro Center Urban Renewal Project Area. ([Council Communication No. 03-438](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

03-2101 (A) Proposed East Village, L.L.C. on a site within the Eastern Gateway District Area "1" in Metro Center Urban Renewal Project Area. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

03-2102 39. Extension of closing date to December 1, 2003 for sale of former Stew Hansen Site at M L King Jr. Pkwy. and Ingersoll to Knapp Properties. ([Council Communication No. 03-436](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2103 40. Acceptance of contract with Public Financial Management, Inc. to provide the City's Financial Advisory Services, three year term with two one-year renewals. ([Council Communication No. 03-441](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2104 41. Reimbursement Agreement with Transportation Security Administration for Law Enforcement Services at the Airport. ([Council Communication No. 03-445](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2105 42. Public Works Department's status report on automated/semi-automated solid waste collection. ([Council Communication No. 03-449](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2106 43. Documents related to the Police Department's participation in the Project Safe Neighborhood Grant Program. ([Council Communication No. 03-435](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2107 44. City of Des Moines 2003 Equal Opportunity Report and the Affirmative Action Annual Work Plan by the Human Resources Department. ([Council Communication No. 03-432](#)). **Moved by Coleman to receive, file and adopt. Motion Carried 6-1.**

03-2108 45. Waveland Park Neighborhood Plan as an amendment to the Des Moines 2020 Community Character Plan. ([Council Communication No. 03-434](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-2109 46. Execution of a Letter Agreement and of a First Amendment to Electric Service Agreement with MidAmerican Energy Company in conjunction with the City's request that selected streetlights along arterial and collector streets be turned off. ([Council Communication No. 03-452](#)). **Moved by Vlassis to adopt. City Manager to provide the current list of street lights proposed, and notify Council in the future, prior to any additional lights being shut off. Motion Carried 5-1-1. Nays: Cownie. Absent: Daniels.**

03-2110 47. License Agreement with Wellmark, Inc. for the installation and operation of a fiber optic communications system in City Skywalks. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2111 48. Second Amendment of the Gas Transmission Pipeline Relocation and Reimbursement Agreement with MidAmerican, increasing the maximum "not-to-exceed" reimbursable amount to \$467,970. ([Council Communication No. 03-451](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

49. NUMBER NOT USED

03-2112 50. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the City Primary Election to be held Tuesday, October 7, 2003. **Moved by Vlassis to approve. City Clerk will notify the City Properties Administrator, and the Municipal Housing Department to arrange access to the buildings. Motion Carried 6-1.**

03-2113 51. 2004 City Council Schedule of meeting dates. **Moved by Vlassis to receive, file and approve. Motion Carried 6-1.**

03-2114 52. Civil Service Entrance Lists for Housing Services Application Specialist, Systems Operations Administrative Coordinator, Intermediate Clerk Typist, and Electronic Technician. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

03-2115 53. Authorizing Finance Director to issue checks on registers of September 11 and September 18, 2003; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 8 and September 15, 2003; and to draw checks for biweekly payroll due on September 19, 2003. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

03-2116 54. On vacation of a portion of the North/South alley between 30th Street and 31st Street and the North/South alley between 31st Street and 32nd Street. **Moved by Vlassis that this ordinance do now pass, [#14,272](#). Motion Carried 6-1.**

03-2117 55. On vacation of east/west alley adjoining 112-10th Street. **Moved by Vlassis that this ordinance do now pass, [#14,273](#). Motion Carried 6-1.**

03-2118 (A) Approving Development Agreement with Massman Group, LLC (10th Street Lofts, L.P. for 110-112 - 10th Street) and authorizing conveyance of eastern portion of E/W alley adjacent to subject properties. ([Council Communication No. 03-439](#)). **Moved by Vlassis to approve. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

03-2119 56. Amending Chapter 42 of the Municipal Code deleting the grading permit one-call surcharge. **Moved by Vlassis that this ordinance be considered and given second vote for passage. . Motion Carried 6-1.**

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

COMMUNICATIONS/REPORTS

03-2120 57. Approving recommendation of the Street Use Team regarding request from Helene Neville, representing the Des Moines Marathon to close the following streets for the Des Moines Marathon, Sunday, October 5, 2003: **Moved by Vlassis to receive, file and grant the request. Motion Carried 6-1.**

- (1) 4th Street, South end to Walnut from 5 to 8:30 AM.
- (2) Walnut Street from 4th Street to 10th Street from 7:55 AM to 8:15 AM.
- (3) 10th Street from Walnut Street to High Street from 7:55 AM to 8:15 AM.
- (4) W. River Drive from 6 AM to 7 AM.
- (5) E. 5th Street from Walnut Street to Locust Street from 8:15 AM to 2:30 PM.

(6) E. 5th Street from Locust Street to Grand Avenue from 8:15 AM to 10 AM.

(7) Grand Avenue from 42nd Street to Polk Boulevard from 8 AM to 11:45 AM.

(8) Polk Boulevard from Grand Avenue to Lakeview Drive from 8 AM to 11:45 AM, Sunday, October 5, 2003.

(9) Riverside Drive from Court Avenue to Sec Taylor Stadium on Saturday October 4, 2003 at 8 AM to Sunday, October 5, 2003 at 7:30 PM.

03-2121 57. (A) Request from Des Moines Marathon for approval to hang a temporary banner at the start of the marathon (4th and Court) on October 5, 2003. **Moved by Vlassis to receive, file and grant the request. Motion Carried 6-1.**

****Council considered Extra Item 1 and Board of Health next****

HEARINGS (Opened at 5:40 P.M.) (Items 58 thru 66)

03-2122 58. On vacation and sale of dead end stub of East Hughes Avenue running east of SE 8th Street to the Des Moines Independent School District, \$1, (continued from 8-25-03). [\(Council Communication No. 03-440\)](#). **Moved by Brooks to adopt. Motion Carried 6-1.**

03-2123 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-2124 (B) Final consideration of ordinance above, (waiver requested by Des Moines School District), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,274. Motion Carried 6-1.**

03-2125 59. On sale of City-owned property between E. 15th and E. 16th Street and Walnut and Dean Streets to HOME, Inc. in conjunction with East Walnut Street Redevelopment Project. [\(Council Communication No. 03-442\)](#). **Moved by Brooks to adopt. Motion Carried 5-2.**
Absent: Daniels and Vlassis.

03-2126 60. On request from James Colby Cunningham to rezone 705 SE 6th Street from "R1-60" (One-Family Low-Density Residential) to "M-1" (Light Industrial) to allow new offices and testing laboratory for Team Services engineering and testing, subject to conditions. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

03-2127 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

03-2128 60. (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,275](#). Motion Carried 6-1.**

03-2129 (C) Communication from Plan and Zoning Commission regarding amendment to the Des Moines 2020 Community Character Land Use Plan, to amend the future land use designation from Low/Medium Density Residential to Auto-Oriented Small Scale Strip Commercial, for property at 705 SE 6th Street. **Moved by Brooks to adopt. Motion Carried 6-1.**

03-2130 61. On Non-Commercial Aviation Operation Lease with Principal Life Insurance Company, for construction of a corporate hangar and other facilities, \$59,774.88 per year. ([Council Communication No. 03-446](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-2131 62. On Purchase Agreement for acquisition of 100 E. Second Street and 101-103 E. Second Street from C & C Realty, Ltd. and Charles A. and Carolyn M. Colosimo, \$1,630,000. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

03-2132 63. On the Final Development Plan for property on the west side of 6900 block of Indianola Avenue. **Moved by Brooks to adopt and approve the "R-5" Final Development Plan. Motion Carried 5-2. Absent: Daniels and Vlassis.**

64. On Skywalk 4F-5F Skylight Replacement:

03-2133 (A) Resolution to reject all bids and close hearing on plans, specifications, form of contract documents and Engineer's estimate. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-2134 (B) Resolution ordering construction and fixing a date for hearing (October 6, 2003) and receiving of bids (September 30, 2003). **Moved by Hensley to adopt. Motion Carried 6-1.**

03-2135 65. On Glendale Cemetery HMA Overlay: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp. (J.M. Yonker, President, Grimes), \$45,785. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-2136 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1.**

03-2137 66. On ratifying prior approval of the voluntary annexation of territory in

unincorporated Warren County owned by MidAmerican, Amerus, Colby and Ten Hagen Trusts.
Moved by Brooks to adopt. Motion Carried 6-1.

****Council considered Hearing Items 58 and 60 next****

*** * END HEARINGS at 5:54 P.M. * ***

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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.

03-2138 1. Approving City Manager to negotiate a parking lease with Nelson Development, LLC for parking in vicinity of 412-418 East Grand and 415 Des Moines Street. SPONSOR: Brooks. ([Council Communication No. 03-453](#)). **Moved by Brooks to authorize City Manager to negotiate parking lease with Nelson Development, LLC. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

September 8, 2003

03-2139 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

HEARINGS

03-2140 1. On resolution to demolish and remove dangerous garage structure or to determine appropriate equitable action to be taken at 701 Boyd Street, Titleholders: Larny Hendricks and Shirley R. Branch, Mortgage Holder: West Des Moines State Bank. **Moved by Vlassis to adopt. Motion Carried 6-1.**

AUTHORIZING

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

03-2141 (A) 3510 SW 5th Street (vacant) Titleholders: Regina L. Anderson, Peter J. Acri, Lisa J. Hatch and Christine Burbage. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2142 (B) 1218 34th Street (occupied) Titleholder: Drake University, Contract Buyers: Delta Omicron Chapter Housing Corporation. **Moved by Brooks to adopt. Motion Carried 5-1. Council Member Vlassis declares a conflict of interest and abstains from voting.**

03-2143 (C) 3140 Indianola Road, mobile home unit number 14 (vacant) Titleholder: Richard L. Clark. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2144 (D) 3140 Indianola Road, mobile home unit number 19 (vacant) Titleholder: Richard L. Clark. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2145 (E) 3140 Indianola Road, mobile home unit number 22 (vacant) Titleholder: Richard L. Clark. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2146 (F) 3140 Indianola Road, mobile home unit number 24 (vacant) Titleholder: Richard L. Clark. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2147 (G) 3140 Indianola Road, mobile home unit number 40 (vacant) Titleholder: Richard L. Clark. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2148 (H) 3140 Indianola Road, mobile home unit number 49 (vacant) Titleholder: Richard L. Clark. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2149 (I) 919 Titus (vacant) Titleholders: Joseph L. Coco d/b/a C & E Rentals and Martin J. Ermels d/b/a C & E Rentals, Contract Buyers: James P. Saltzman and Stacey L. Sims. **Moved by Vlassis to adopt. Motion Carried 6-1.**

03-2150 3. The Engineering Department to cause the removal of 3109 38th Street, Titleholder: Randy L. Simonini. ([Council Communication No. 03-450](#)). **Moved by Vlassis to defer to the September 22, 2003 Council meeting. Three stipulations must be met:**

- 1. Financing must be specific to the 38th Street property.**
- 2. Produce a signed contract with a capable builder.**
- 3. Have a firm date for completion. Motion Carried 5-1-1. Nays: Hensley. Absent: Daniels.**

****Council considered Hearing Items next****

03-2151 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:54 P.M. Motion Carried 6-1.**