

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 25, 2000 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Alpha Delta Kappa Month
- (b) Italian Heritage Month
- (c) Mental Illness Awareness Week
- (d) National Alcohol & Drug Addiction Recovery Month
- (e) White Cane Safety Day

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Presentation of proceeds from Mayor's Charity Cruise Committee to VSA of Iowa
- (b) Spirit of Des Moines Award to Baratta's

INVOCATION: Rev. Tim Diebel, First Christian Church

00-3740 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-3741 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3742 3. APPROVING CONSENT AGENDA - items 3 through 79: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

00-3743 4. Communication from Legal Department regarding September 25, 2000 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer

00-3744 5. Bad Boys, Inc., Donald L. Davidson, V-President dba Bad Boys, Inc., 2500 Fleur Drive - AIB Activities Center; New 5 day application for event on 10-14-00 - Application submitted 8-31-00. Subject to submission of acceptable building inspection. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3745 6. John & Shani Munoz dba Breadeaux Pizza, 1901 Beaver Avenue; Renewal - Expires 9-28-00 (With Sunday Sales) - Application submitted 9-5-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3746 7. Long John Silver's, Inc., Ronald R. Powell, President dba Long John Silver's, 3314 East 14th Street; Renewal - Expires 9-30-00 (With Sunday Sales) - Application submitted 8-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3747 8. Long John Silver's, Inc., Ronald R. Powell, President dba Long John Silver's, 4500 Fleur Drive; Renewal - Expires 9-30-00 (With Sunday Sales) - Application submitted 8-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer

00-3748 9. Cavan, Inc., Chung Cavan, President dba Des Moines Asian Food, 1623 - 6th Avenue; Renewal - Expired 8-25-00 (With Sunday Sales) - Application submitted 9-13-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer/"B" Wine/"E" Liquor Licenses

00-3749 10. American Drug Stores, Inc., Kevin H. Tripp, President dba Osco Drug Store #532, 3151 Southeast 14th Street; Renewal - Expires 9-24-00 (With Sunday Sales) - Application submitted 8-21-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine Licenses

00-3750 11. Bistro 43 L.L.C., Jeremy Morrow, Owner dba Bistro 43, 4345 Hickman Road; Renewal - Expires 10-6-00 - Application submitted 8-31-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Liquor/"E" Liquor Licenses

00-3751 12. Marriott Hotel Services, Inc., Todd Clist, President dba Des Moines Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-00 (With Sunday Sales) - Application submitted 8-21-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

00-3752 13. Fatino's Properties, Inc., Marshelle Fatino, President dba Hamilton's Executive Lounge, 605 - 7th Street; Renewal - Expires 9-28-00 (With Sunday Sales and Outdoor Service) -

Application submitted 9-11-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3753 14. Donald J. Quinn dba Helen & Pat's Restaurant & Lounge, 209 Euclid Avenue; Renewal - Expires 9-30-00 - Application submitted 9-13-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3754 15. Jason A. Haes dba Hard Times Again, 2515 Wedgewood; Renewal - Expires 9-28-00 (With Outdoor Service) - Application submitted 7-31-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3755 16. Purple Cow Players, Ltd., Charles Carnes, President dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-4-00 (With Sunday Sales) - Application submitted 9-14-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3756 17. Cy Corp., Inc., Si L. Scales, President dba Smokey's Triangle Tap, 2506 Post; Renewal - Expires 9-30-00 (With Sunday Sales) - Application submitted 8-30-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

18. NUMBER NOT USED

Outdoor Service

00-3757 19. Permanent outdoor service for Faces, LTD, Craig Conkling, President dba Faces, 416 East Walnut. Application submitted 9-15-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3758 20. Permanent outdoor service for DTMC, L.P., Daniel E. Mauro, President dba The Big Kahuna, 208 Court; Application submitted 9-19-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

00-3759 21. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

00-3760 22. Authorization to proceed on 31 Park and Recreation Capital Improvement Program Projects and Municipal Building Projects. ([Council Communication No. 00-442](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

23. NUMBER NOT USED.

00-3761 24. Professional Services Agreement with Veenstra & Kimm, (H.R) Veenstra, Jr.

President) to perform engineering services related to engineering services for City in conjunction with the Wastewater Reclamation Authority Facility Plan Update, Phase I, not to exceed \$72,000. ([Council Communication No. 00-450](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3762 25. Professional Services Agreement with Howard R. Green Company, (Ralph Russell, President, 4685 Merle Hay Road, DM), for design of the E. University Avenue Sanitary Relief Sewer Improvements, not to exceed \$77,500. ([Council Communication No. 00-451](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3763 26. Agreement with Iowa Department of Transportation (IDOT), for new traffic signals at Douglas Avenue at 50th Street. ([Council Communication No. 00-426](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-3764 27. Approving execution of Iowa Department of Transportation Agreements for a Multi-use Trail on ML King Jr. Parkway from SW 7th to SW 16th and landscaping enhancements. ([Council Communication No. 00-425](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-3765 28. Approving Statewide Transportation Enhancement Program Grant application to Iowa Department of Transportation for construction of three (3) separate segments of the American Discovery Trail pedestrian/bikeway connection Des Moines' trail system with southern and western suburbs at a cost of \$1,190,000. ([Council Communication No. 00-448](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

00-3766 29. Approving Change Order No. 1 with McAninch Corporation for additional work in conjunction with the Fleur Drive Paving-Phase 2 contract in an amount not to exceed \$120,491.96. ([Council Communication No. 00-430](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3767 30. Official Financial Report for City Streets and Parking for FY 2000, to be submitted to IDOT, to continue eligibility for Road Use Tax allotments. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3768 31. Resolution Ordering Construction of ML King Jr. Park Shelter & Water Playground, Phase 1, Receiving of Bids (10-10-00), and Setting Date of Hearing (10-16-00), (Construction estimate - \$300,000). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3769 32. Approving contract and bond and permission to sublet, for construction of the Blank Park Zoo Safari Grill Roof Replacement, designating lowest responsible bidder as Central States Roofing, (Mark H. Hanson, President, (Ames) \$21,620. **Moved by McPherson to adopt. Motion Carried 7-0.**

33. Approving Report of Chief Civil Engineer showing construction of progress, amounts due and funding availability of the following:

00-3770 (A) 7th Ward Ditch Wooden Box Replacement - Phase 1, \$59,714.67 is now due and \$54,895.87 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3771 (B) E. Douglas Avenue Bridge over Four Mile Creek, \$19,086.51 is now due and \$38,295.57 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3772 (C) E. 14th Street Traffic Signal Interconnect, \$0.00 is now due and \$37,872.42 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3773 (D) SE 14th Street and Maury Street Traffic Signal Upgrade, \$0.00 is now due and \$4,791 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3774 (E) Police Station Remodeling 1998-1999, \$30,656.53 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3775 34. Approving partial payments on sixteen (16) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3776 35. Communications from Contractors, Des Moines Asphalt and Paving Co. and M. Peterson Construction Company requesting to sublet certain items on the Court Avenue Entertainment Parking Lot and Martin Luther King Jr. Parkway Paving SW Second Street to SW Seventh Street projects. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3777 36. Approving Private Construction Contract between Eco-tech Construction LLC, (contractors) and Oaks Development Corporation (Owners), for construction of PCC Paving Improvements in the new development, Easter Lake South Phase 1, E. Hart Avenue and SE 31st Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3778 37. Authorizing City Engineer to proceed with curb/sidewalk/ driveway replacement programs, (waivers signed by 13 property owners). **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

00-3779 38. Establishing Fair Market Value for acquisition of properties in conjunction with Martin Luther King, Jr. Parkway Project. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3780 38-I Purchase Agreement, and amendment, for vacant land (parking lot), in the Court Avenue Entertainment Center Project, (312 Court Avenue & 413 4th). ([Council Communication No. 00-437](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

39. Approving extension of the following Structural Removal Contracts:

00-3781 (A) Request from Jerry Saylor for removal of house at 6565 SW 28th Court until September 29, 2000. ([Council Communication No. 00-445](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3782 (B) Request from Thomas Mader for removal of house at 6595 SW 30th Street until September 29, 2000. ([Council Communication No. 00-446](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3783 (C) Request from Jerry Saylor for removal of house at 6560 SW 30th Street until September 29, 2000. ([Council Communication No. 00-447](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3784 40. Authorizing issuance of replacement deed for conveying portion of alley right-of-way adjoining 2124 Searle Street to Stanley Doane - \$25. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3785 41. Accepting warranty deed from Eris Barbieri, for additional right-of-way needed to open Jerlynn Avenue East of E. 10th Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

00-3786 42. Communication from Steven J. Addy submitting his resignation from the Neighborhood Revitalization Board effective September 12, 2000. **Moved by McPherson to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

00-3787 43. Communication from Marcia Lyon submitting her resignation from the Architectural Advisory Committee effective August 11, 2000. **Moved by McPherson to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

00-3788 44. Recommendation of Council Member Mike McPherson for appointment of Mary Ellen Cook to the Human Rights Commission for a three-year term to expire April 7, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

STREET CLOSINGS/STREET USE

00-3789 45. Approving closure of the following City Streets. **Moved by McPherson to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

(1) Chris Coppola, representing Italian American Cultural Center, 1961 Indianola, requesting permission to close 4th Street from Court Avenue to Walnut Street on Monday, October 9, 2000

from 10:00 A.M. to 3:00 P.M. for a festival.

(2) Carissa Hickok, representing Park and Recreation, 2100 SE 5th Street, requesting permission to close E. 1st Street from Grand Avenue to just north of the Botanical Center on Thursday, October 12, 2000 from 4:30 to 6:15 P.M. for the annual CEFROW (City Employee Fun Run and Walk) event.

(3) Amy Johnson, representing Ernhurst Woods neighbors, requesting permission to close 41st Street Place from Forest to College on Saturday, October 14, 2000 from 3:00 to 8:00 P.M. for a neighborhood block party.

WITHDRAWN (4) Rick Moody, representing Des Moines Fire Department, 900 Mulberry, requesting permission to close Mulberry from 9th to 10th on Saturday, October 14, 2000 from 12:00 P.M. to 6:00 P.M. for a Fire Station Open House, and approving waiver requested for all fees - City event)

(5) Leslie Heimbach, 1338 43rd Street, requesting permission to close 43rd Street from University Avenue to Forest Avenue on Sunday, October 15, 2000 (Raindate of October 22, 2000) from 12:00 Noon to 3:00 P.M. for a neighborhood block party.

(6) Molly Veenstra, representing Des Moines Susan G. Komen Affiliate, 1963 Bell Avenue, requesting permission to close 2nd Avenue from Elm to the bridge on Saturday, October 14, 2000 from 7:30 A.M. to 9:45 A.M. for the annual Race For The Cure 5K Run/Walk.

CITY PLAN COMMISSION RECOMMENDATIONS

00-3790 46. Regarding recommended approval of request from Home Lodge No. 370, represented by James L. Bennett, for vacation and conveyance of a portion of SW 28th Street dead end north of Garden Road. **Moved by Flagg to receive and file and refer to the City Manager and Legal Department to implement, with stipulation that land is to be used for Lodge purposes only. Motion Carried 7-0.**

00-3791 47. Regarding recommended approval of preliminary subdivision plat entitled "PARK PLACE" submitted by Oaks Development, for property located in the vicinity of the 2400 block of E. Park Avenue. **Moved by McPherson to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

00-3792 48. On the 2001 HUD Consolidated Plan, for allocation of CDBG funding, (11-6-00). [\(Council Communication No. 00-434\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3793 (A) Communication from Neighborhood Revitalization Board Chair. **Moved by Hensley to receive and file and refer to City Manger. Motion Carried 7-0.**

00-3794 49. On amendments to the Zoning Ordinance and Site Plan Regulations, regarding allowed 100 foot extension of off-street parking into a district where it would not otherwise be

allowed for customer and employee parking, (10-16-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3795 50. On proposed Annexation Agreement with the City of Altoona, extending current agreement for 10 years, (10-2-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3796 51. On sale of Frisbee Park property adjoining 612 SW 60th, to David and Eileen Loomis, \$2500, (10-2-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3797 52. On conveyance of portion of the East/West alley in the block bounded by Allison and Franklin Avenues, and 27th and 30th Streets, to Raymond P. and Beverly J. Muga, \$125 plus costs, (10-2-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3798 53. On vacation of the East/West alley south of Easton Boulevard and west of E. 27th Street, (10-2-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3799 54. On application from Thomas Akers, to rezone property at 508 Lally Avenue, from "R1-60" (One Family Low Density Residential) to a Ltd "C-2" (General Retail and Highway Oriented Commercial), subject to conditions, (10-16-00) **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-3800 55. Approving retention of outside counsel Patrick J. Hopkins at \$95 an hour to represent Lonny Namanny for action pending in Federal District Court (Charmaine Hunter and Charles Franks, Jr. v. Lonny Namanny). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3801 56. Approving payment of \$883.50 to Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in case of Joyce Wilson and Val Wilson, Jr. as Administrators of Jerome LeRoy Mozee vs. City, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 7-0.**

00-3802 57. Approving payment in amount of \$15,500 to Todd Rabe and his wife Tori Rabe for bodily injury and loss of consortium claim for a vehicle accident that occurred on September 11, 1998 with a City vehicle. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3803 58. Approving payment of \$8,875.30 from Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3804 59. Approving payment in amount of \$5,914.75 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for outside counsel for services related to reallocation of bond proceeds and authorization and issuance of a loan agreement with Meredith Corporation and several land purchase agreements. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3805 60. Approving payment of \$983.78 to Jane McAllister of Ahlers, Cooney, Dorweiler,

Haynie, Smith & Allbee Law Firm with respect to resolution of various issues associated with acquisition of environmental contaminated properties for Martin Luther King, Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3806 61. Approving payment of \$347.51 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for resolution of certain environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

00-3807 62. Submitting traffic regulation changes as follows, ([Council Communication No. 00-431](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-North Side of Des Moines Street West of Avenue F.M. Hubbell.

(2) Corner Clearance Parking Restriction-East Side of 40th Street South of School Street.

(3) Corner Clearance Parking Restriction-West Side of 40th Place South of Crocker Street.

(4) Placement of a Four-Way Stop-44th Street and Forest Avenue.

(5) Placement of a Four-Way Stop-34th Street and Franklin Avenue.

(6) Placement of a Four-Way Stop-17th Street and Woodland Avenue.

63. Communications from City Manager regarding traffic controls as follows:

00-3808 (A) Cummins Parkway between University Avenue and Merle Hay Road. ([Council Communication No. 00-432](#)). **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-3809 (B) Permanent traffic signals at East 30th Street and Walnut Street. ([Council Communication No. 00-433](#)). **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-3810 (C) Removal of school crossing guards at noon crossing period for the 2000-2001 school year. ([Council Communication No. 00-435](#)). **Moved by Coleman to approve. Motion Carried 7-0.**

00-3811 64. Submitting out-of-state travel requests for Richard Towers, James Morano, John Feeley, Jon Frisch, BG Crew, Gregory Chia, Lynette Collins, Eric Moorman, Jeff Edwards, and Eric Anderson. ([Council Communication No. 00-440](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

00-3812 65. Temporarily renaming of E. River Drive, as "Scarecrow Way", during the month of October - to coincide with Halloween activities at the Botanical Center. ([Council Communication No. 00-444](#)). **Moved by McPherson to receive and file and to approve that from October 1 to October 31, 2000, East River Drive shall also be known as "Scarecrow Way". Motion Carried 7-0.**

00-3813 66. Approval of Tax Abatement Application for additional value added by improvement made during 1998 for one application received January 25, 1999. ([Council Communication No. 00-439](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3814 67. Resolution approving Tax Abatement Applications for additional value added by improvements made during 2000. (48 applications on file in the City Clerk's Office) ([Council Communication No. 00-441](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3815 68. Approving use of various City Facilities as poll sites for Precincts 31, 36, 60, 64, 82, and 83 for General Election to be held Tuesday, November 7, 2000. **Moved by McPherson to approve. Motion Carried 7-0.**

00-3816 69. Approval of the 2000 Neighborhood Conservation Services/Acquisition-Rehabilitation Program, consisting of CDBG, and HOME funds, \$517,933. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3817 70. Authorizing an Award Modification for the Des Moines Enterprise Community School-To-Work Program - amended amount of \$964,590. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3818 71. Juvenile Accountability Incentive Block Grant funds to Polk County Decategorization Project, connecting School Resource Officers to City's Computer network. ([Council Communication No. 00-443](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3819 72. 28E Agreement between the City of Des Moines and LAFS FOR LIFE (Life and Fire Safety Program) not-for-profit corporation. ([Council Communication No. 00-427](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3820 73. Form of Agreement with West Des Moines State Bank, (West Bank), for dispersal of the Federal Home Loan Bank Affordable Housing Program Grant, in amount of \$249,999. ([Council Communication No. 00-449](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3821 74. Request to Polk County for Tax Certificate Assignment for 823 Buchanan to the City for renovation for low-moderate owner-occupied housing. ([Council Communication No. 00-452](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-3822 75. Bid from Road Machinery Supplies (100 Sheridan Avenue, Mike Sills, President) for three (3) replacement street sweepers to be used by the Public Works Department (Street

Maintenance), \$209,967. (Eleven bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

76. Submitting Civil Service Lists for September 12, 2000 and September 19, 2000 Meetings as follows:

00-3823 (A) (September 12, 2000) Entrance Lists: Parks and Aviation Maintenance Technician, Payroll and Benefits Analyst, Compensation Specialist, Vehicle Impound Clerk, and Senior Construction Inspector. Promotional Lists: Semi-Skilled Worker, Sewer Maintenance Worker, Legal Assistant II, Fire Medic, and Senior Fire Medic. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-3824 (B) (September 19, 2000) Entrance Lists for Refuse Collector, Engineering Technician, and License Clerk. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-3825 77. Authorizing Finance Director to draw checks on registers of September 22, 2000 and September 29, 2000, and for bills of the Des Moines Municipal Housing Agency for the weeks beginning September 18, 2000 and September 25, 2000; and to draw checks for biweekly payroll due on September 22, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

00-3826 78. On amendments to the Zoning Ordinance, regarding allowed size and location of off-premises advertising signs (billboards). **Moved by McPherson that this ordinance do now pass, [#13,863](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

00-3827 79. On application from Ron Evison, to rezone property at 3719 SW 9th Street, from "C-1 (Neighborhood Retail Commercial) to "C1-A" (Neighborhood Commercial Reuse. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Pass: Flagg.**

00-3828 (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 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, [#13,864](#). Motion Carried 6-1. Pass: Flagg.**

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

ORDINANCES - FIRST CONSIDERATION

00-3829 80. Amending Chapter 102 of the Municipal Code, to allow for temporary street banner

signs announcing a public event or service, to be attached to the exterior of skywalk bridges. ([Council Communication No. 00-436](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3830 (A) Final consideration of ordinance above, (waiver requested by City Manager), 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, #13,865. Motion Carried 7-0.**

00-3831 (B) Approving request from the Greater Des Moines Partnership to hang banners on the various skywalks, from October 2 through October 31st. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3832 81. Amending Chapter 102 of the Municipal Code regarding waiver of fees for Street Use Permits. ([Council Communication No. 00-428](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Coleman.**

00-3833 82. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Parking Restriction Near Delivery Driveway--South Side of Woodland Avenue West of 29th Street.

(2) Corner Clearance Parking Restriction--North Side of Lynn Street West of 16th Street.

(3) Corner Clearance Parking Restriction--North Side of Mahaska Avenue East of East 33rd Street.

(4) Corner Clearance Parking Restriction--West Side of SE 8th Street North of East Bell Avenue.

(5) Installation of a Loading Zone--South Side of Market Street West of SW 1st Street.

(6) Corner Clearance Parking Restriction--West Side of 51st Street North and South of Robertson Drive.

(7) Corner Clearance Parking Restriction--South Side of East Market Street East of SE 27th Street.

COUNCIL REQUESTS

00-3834 83. Request of Council Member Archie Brooks, to discuss need for school crossing guard assistance at SE 22nd and Park Avenue. **Moved by Coleman to receive, file, discuss, and approve placement of a guard at this location. Staff to follow up with an evaluation.**

Council requested a diagram showing number of guards at each school location. Motion Carried 7-0.

84. Requests for Council Member At-Large, George Flagg for the following:

00-3835 (A) Discussion of timing for presentation of awards prior to Council meetings. **Moved by Flagg to receive, file, discuss, and authorize staff to publish start time as 4:15 when two or less presentation are to be made, and start time of 4:00 when more than two are presented. Motion Carried 7-0.**

00-3836 (B) A proposed transfer of Civil War Howitzer Cannon to Camp Dodge for display at Gold Star Museum. **Moved by Flagg to receive, file discuss, and refer to Legal for review of the proposal and a recommendation. Motion Carried 7-0.**

00-3837 (C) Traffic safety and deer population in vicinity of 2707 Stanton Avenue. **Moved by Flagg to receive, file and authorize placement of "deer crossing" signs at various locations, upon receipt of objection and/or notice from area residents; also refer to Deer Task Force. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

00-3838 85. Request from Jan Fleming to speak regarding preservation of the Masonic Building at Tenth and Locust. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

00-3839 86. Request to speak from Terri Cole, 3305 Cottage Grove, #3 regarding tenant/landlord issues, housing inspection and related matters. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Vlassis.**

HEARINGS (Opened at 6:05 P.M.) (Items 87 thru 98)

00-3840 87. On rezoning of a portion of the Allied Gateway Campus--western one-half of the two blocks between Locust, Mulberry, 11th and 12th Streets, from "C-3A" (Central Business District Support Commercial) to a "C-3" (Central Business District Commercial District), to permit the new office building and garage to be constructed by Nationwide, to be greater than 75 feet in height. **Moved by Hensley to adopt and approve rezoning. Motion Carried 6-1. Nays: Flagg.**

00-3841 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

00-3842 (B) 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, [#13,866](#). Motion Carried 6-1. Nays: Flagg.**

00-3843 88. On vacation and conveyance of a 24' x 135' strip of Sheridan Avenue right-of-way adjoining 2620 37th Street, to Dorothy L. Sheil, \$100. **Moved by Flagg to adopt. Motion Carried 7-0.**

00-3844 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3845 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Flagg 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, [#13,867](#). Motion Carried 7-0.**

00-3846 89. On vacation and conveyance of the Kirkwood Avenue right-of-way adjoining 2320 South Union Street, to UPT, Inc. (Baratta's Restaurant and Pizzeria), \$1,692. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3847 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3848 (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, [#13,868](#). Motion Carried 7-0.**

00-3849 90. On Building Official's determination that the structure at 3109 38th Street, constitutes a public nuisance. ([Council Communication No. 00-429](#)). **Moved by Vlassis to continue to 10-2-00. Staff is to summarize permits now in place for a report at next meeting. Motion Carried 7-0.**

00-3850 (A) Request from Attorney Michael Holzworth, for a continuance. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

91. On appeals from the following, regarding recommended denial of taxicab licenses:

00-3851 (A) Henry Howell, 2198 E. Virginia Avenue. **Moved by Brooks to deny license. Motion Carried 7-0.**

00-3852 (B) Sean Lindley, 124 SW Emma. **Moved by Hensley to deny license. Motion**

Carried 7-0.

00-3853 92. On appeal from Jessica Lewis-Young, 3915 SW 2nd, regarding Administrative Hearing Officer's decision declaring her animal vicious. **Moved by Coleman to uphold declaration. Motion Carried 6-1. Absent: Brooks.**

00-3854 93. On appeal from Brajendra Das, 1071 22nd Street, regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Hensley to uphold decision. Motion Carried 6-1. Absent: Brooks.**

00-3855 94. On City Hall and Armory Security System: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3856 95. On Ohio Street Sanitary Sewer Repair, 1600 Block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Visu-Sewer Clean & Seal Inc., (Ernest L. Alexander, President, Pewaukee, WI), \$38,651.50 **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3857 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3858 96. On IA 28 & McKinley Avenue/Browns Woods Drive Traffic Signalization: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Bros., Inc., Electrical Contractors, (Kimberly Constable, President, 107 E. 5th Street, DM), \$64,725. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3859 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3860 97. On Drake Municipal Observatory Restoration - Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Munro Construction Co, (Patrick T. Munro, President, 4844 Urbandale Avenue, DM), \$127,325. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3861 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98. On Blank Park Zoo Pinniped Pool Repair:

00-3862 (A) Hearing to REJECT all bids and close the hearing, (no bids received). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3863 (B) Resolution ordering construction, Receiving of Bids (10-10-00) and Setting Date of Hearing (10-16-00), (Construction Estimate - \$40,000.) **Moved by Brooks to adopt. Motion Carried 7-0.**

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

APPROVING

00-3864 99. Authorizing the relocation of Fire Station No. 3 Project, (from Hubbell and Easton, to NE 42nd Street and Hubbell). **Moved by McPherson to adopt. Council requested design proposals and proposed use of present station following completion of new one. Motion Carried 6-1. Nays: 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.

00-3865 1. Approving recommendation of Council Member Christine Hensley, for reappointment of Marilyn Staples, to the City Plan Commission, five-year term to expire July 4, 2005. SPONSOR: Hensley. **Moved by Hensley to defer consideration to allow staff to confirm term limits. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH September 25, 2000

00-3866 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

WITHDRAWN00-3867 (a) 823 Buchanan (vacant), Titleholder: Lloyd C. Campbell, Legal Interest Holders: Joyce and Larry Kronberg, and Mercantile Bank of Polk County n/k/a Firststar Bank.

00-3868 (b) 2131 Capitol (vacant), Titleholder: SRS, Inc., David M. Erickson, Registered Agent, Contract Buyers: James D. and Kimberly M. Stewart. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3869 (c) 6160 SE 19th (vacant) Titleholder: Guaranty Banks & Trust Company, Successor Trustee of Kenneth R Harstad Trust, Contract Buyers: Scott J. and Michele Tigner. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3870 (d) 821 40th Place (vacant) Titleholder: Neighborhood Housing Services of Des Moines, Inc., Kathleen Moretz, Registered Agent. **Moved by McPherson to adopt. Motion Carried 7-0.**

2. The Engineering Department to cause removal of the following structures:

00-3871 (a) 218 Forest, Titleholder, Iowa Millennium Investors, LLC, Contract Buyer, Charlotte Sipes. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3872 (b) 303 Hull, Titleholders, Deborah J. Helm and Robert L. Helm, Jr. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3873 (c) 1506 18th Street, Titleholder, Maurice Cheatom. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3874 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:19 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS