

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

December 4, 2000

Reception in honor of John Bellizzi 3:00 - 4:00

CLOSED SESSION - 3:30 P.M.

REGULAR SESSION - 4:30 P.M.

00-4440 1. ROLL CALL--3:30 P.M. **Present: Daniels, Brooks, Flagg, and McPherson.**
Absent: Hensley, Coleman and Vlassis.

00-4441 I. (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 McPherson to adopt. Motion Carried 4-3. Absent: Coleman, Hensley and Vlassis.**

****Council Members Coleman and Hensley entered the meeting at 3:35 P.M.****

00-4442 (b) Closed Session to discuss matters of pending litigation.

00-4443 (c) Terminate closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 6-1.**

00-4444 (d) Approving payment of \$125,000, to William C. Hites and his attorney, Michael Jalovec, as payment for a Worker's Compensation claim. **Moved by Coleman to adopt. Motion Carried 6-1.**

00-4445 (e) Motion to recess and reconvene at 4:30 P.M. **Moved by Coleman to adopt. Motion Carried 6-1.**

PROCLAMATIONS - 4:00 P.M.:

(a) Holiday Food Project

(b) Human Rights Month

(c) International Printing Week

(d) John "Super Saint" Roby

INVOCATION: Reverend Robert Connors, Union Park Christian Church

****Council considered Item 68 next****

00-4446 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4447 II. Development Plan submitted by Nationwide Mutual Insurance Company for redevelopment of five and one-half blocks between Locust, Mulberry, 10th and 13th Streets as the "Allied Gateway Campus" with an office building and structured parking facility. ([Council Communication No. 00-560](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4448 (A) Communication from the Urban Renewal Board regarding the Development Plan. **Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4449 III. Conceptual Development Plan submitted by Wells Fargo Financial, Inc. for a new office facility located in the block bounded by 8th, 9th, Walnut and Mulberry and parking garage located in the block bounded by 8, 9th, Mulberry and Cherry. ([Council Communication No. 00-562](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4450 (A) Communication from Urban Renewal Board regarding the Conceptual Development Plan. **Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Flagg and Vlassis.**

****Council considered Hearing Items 72 through 80 next****

***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.**

00-4451 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

00-4452 4. Communication from Legal Department regarding December 4, 2000 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-1.**

Class "B" Beer

00-4453 5. Dulcinea Group, LLC, James Nash, Owner dba Happy Joe's Pizza, 1402 East McKinley; New Application (With Sunday Sales) - Application submitted 11-21-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

00-4454 6. B & B Super Market, Inc., John A. Brooks, Sr., President dba B & B Super Market, 2001 Southeast 6th Street; Renewal - Expires 12-21-00 (With Sunday Sales) - Application submitted 10-23-00. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Brooks declares a conflict of interest, and abstains from voting. Absent: Vlassis**

Class "C" Beer/"B" Wine Licenses

00-4455 7. Hy Vee, Inc., Ronald D. Pearson, President dba Hy-Vee #2, 2540 East Euclid; Renewal - Expires 12-17-00 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4456 8. Kum & Go L.C. Kyle J. Krause, President dba Kum & Go #60, 806 SE 14th Street; Renewal - Expires 12-14-00 (With Sunday Sales) - Application submitted 11-20-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4457 9. Danlee Corp., Lee Adams, President dba Smoke Shop, 1918 Southeast 14th Street; Renewal - Expires 12-17-00 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

00-4458 10. Bistro 43, LLC., Jeremy A. Morrow, Partner dba Bistro 43, 4345 Hickman Road; New Application submitted 11-15-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4459 11. The Bottoms Bar & Grill, Inc., Cindy R. Vandermark, President dba The Bottoms Bar & Grill, 607 Southeast 30th Street; New Application submitted 10-25-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4460 12. Benchmark Redevelopment, Inc., Andrew M. Massoth, President dba Buzzard Billy's Flying Carp Cafe, 100 Court Avenue; Renewal - Expires 12-13-00 (With Sunday Sales and Outdoor Service) - Application submitted 10-24-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4461 13. Estrada's Inc., Zdenko Bjelica, President dba Estrada's, 3029 Merle Hay Road; New Application (With Sunday Sales and Outdoor Service) - Application submitted 10-23-00. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Vlassis**

00-4462 14. Group Pizza, Inc., Joe Zingerman, President dba Felix & Oscar's Restaurant & Pub, 4050 Merle Hay Road; Renewal - Expires 12-12-00 (With Sunday Sales) - Application

submitted 11-9-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4463 15. S & E, Inc., Ed Mauro, President dba Lombardi's, 508 Clifton; New Application (With Sunday Sales & Outdoor Service) - Application submitted 10-27-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4464 16. Now or Later, Inc., John H. Moehle, President dba Now or Later Restaurant & Lounge, 3750 East University; Renewal - Expires 12-25-00 - Application submitted 10-23-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4465 17. R.A.H., Inc., Richard A. Horton, President dba Park Avenue Pub, 1101 Park Avenue; Renewal - Expired 11-16-00 (With Sunday Sales) - Application submitted 10-23-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4466 18. Skips, Inc., Alvin D. Bachman, President dba Skips, 4000 Fleur Drive; Renewal - Expires 12-7-00 - Application submitted 11-09-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4467 19. Tumea and Sons, Inc., Joseph Tumea, President dba Tumea and Sons, 1501 Southeast 1st Street; Renewal - Expires 12-11-00 (With Outdoor Service) - Application submitted 11-2-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

Authorizing

00-4468 20. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4469 21. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4470 22. City Treasurer to enter refunds. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

00-4471 23. Authorization to proceed with preliminary work on 2001 Street Paving Program included in 2000-01 Capital Improvements Program. ([Council Communication No. 00-559](#)). **Moved by Flagg to adopt. Motion Carried 6-1.**

00-4472 24. Approving Change Order No. 5 with Des Moines Asphalt and Paving Co. (Robert G. Horner, President, Des Moines) for additional work in conjunction with Court Avenue Entertainment Parking Lot Project, not to exceed - \$45,928.62. ([Council Communication No. 00-558](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4473 25. Resolution Ordering Construction of WRF HVAC Replacement 2001, Receiving of Bids, (12-19-2000), and Setting Date of Hearing, (1-8-2001), (Construction Estimate - \$165,000.) **Moved by Hensley to adopt. Motion Carried 6-1.**

26. Approving completion and recommending acceptance of Private Construction Contracts for the following:

00-4474 (A) Street Improvements for a bus turn-in extension at Willard Elementary School, 2941 Dean Avenue between Double T Asphalt Co., Inc. (Kathleen B. Burris, President), Contractor and Des Moines Independent School District (Jane Hein, President-Board of Directors), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4475 (B) Bus turn-in improvements, west of 47th Street along Madison Avenue for Meredith Middle School between P.G. Construction, Inc. (Keith Purdy, President), Contractor and Des Moines Independent School District (Laura Sands, School Board President), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4476 26. (C) Street Improvements for PCC paving in new development, Easter Lake South Phase 1, located at E. Hart Avenue and SE 31st Street between Eco-Tech Construction, L.L.C. (Jim Mackey, Manager, WDSM), Contractor and Oaks Development Corporation (John Kline, President, WDM), Owner. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4477 (D) Street Improvements for bus turn-in extension for Longfellow Elementary School, 1101 E. 6th Street between Double T Asphalt Co., Inc. (Kathleen B. Burris, President), Contractor and Des Moines Independent School District (Jane Hein, President-Board of Directors), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4478 (E) Construction of bus drop-off lane on south side of Porter Avenue in the 1000 block for Scavo High School between Gryp Construction Co. (Tony Gryp, President, Altoona), Contractor and Des Moines Independent School District (Laura Sands, School Board President), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4479 (F) Construction of bus drop-off lane on west side of E. 39th Court, just south of Easton Blvd. for McKee Elementary School between M. Peterson Construction Company (Merlin Peterson, President), Contractor and Des Moines Independent School District (Laura Sands, School Board President), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4480 (G) Extension of bus drop-off lane on Clark Street, east of 19th Street for King Elementary School between Gryp Construction Co. (Tony Gryp, President, Altoona), Contractor and Des Moines Independent School District (Laura Sands, School Board President), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4481 (H) Construction of bus drop-off lane on east side of E. 12th Street, north of Cleveland Avenue for Wallace Elementary School between M. Peterson Construction Company (Merlin Peterson, President), Contractor and Des Moines Independent School District (Laura Sands, School Board President), Owner. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member McPherson declares a conflict of interest, and abstains from voting. Absent: Vlassis**

00-4482 27. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for East Side Library Roof Replacement, Academy Roofing Company, \$2,482.85 to be paid at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4483 28. Authorizing City Engineer to proceed with Sidewalk Program/Request to Repair Driveway Petition and Waiver forms executed by owners of two properties and Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver forms executed by the owner of one property. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4484 29. Approving partial payments on twelve (12) public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

00-4485 30. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of November 2000, for certification to Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4486 31. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Fees for November 2000. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

00-4487 32. Approve and accept documents for acquisition of 9 East Columbus Avenue in conjunction with the Indianola Avenue Connector Project from Elvera K. Lipovac, Eugene G. Lipovac and Edward J. Lipovac- \$88,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4488 33. Approve and accept right-of-way for 7th Ward Ditch Flood Control Phase II Improvement Project from Donald L. McFarland, Jr. and Sheliah K. McFarland - \$3,085.50. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4489 34. Approve and accept right-of-way documents in conjunction with Northeast Interceptor Connector Sanitary Sewer Project (3401 Scott Avenue) from White-Green Valley Trust, \$1,400.00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4490 35. Approve conveyance of Electric Transmission Line Easement Line to MidAmerican Energy Company pursuant to Utility Relocation Agreement for East/West segment of the Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4491 36. Approve conveyance of an Underground Electric Line Easement to MidAmerican Energy Company in conjunction with Euclid Avenue Detention Basin. **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

00-4492 37. Communication from Nathan Brooks submitting his resignation from the Public Housing Board effective immediately. **Moved by Hensley to receive, file and accept with appreciation for service. Motion Carried 6-1.**

00-4493 38. Recommendation of Council Member Mike McPherson for reappointment of Richard Nelson to the Historic District Commission, for three-year term to expire October 18, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4494 39. Recommendation of Council Member Tom Vlassis for reappointment of Randa J. LeJeune to the Historic District Commission, for three-year term to expire October 18, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4495 39-I Appointment recommendation of Mayor Preston A. Daniels of Karen Q. Jeske to the Architectural Advisory Board for a three-year term to expire February 15, 2003. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

00-4496 40. Regarding recommended approval of request from the Aviation Director to vacate the remaining segment of the (original) Army Post Road, from a point east of SW 28th Street to a point west of SW 30th Street. **Moved by Hensley to receive and file and refer to the City Manager and Legal Department to implement. Motion Carried 6-1.**

00-4497 41. Regarding recommended approval of request from Aviation Director, to vacate portion of SW 34th Street, SW 32nd Street and McKinley Avenue, and to dedicate and name a new segment of street right-of-way to run from SW 31st and McKinley Avenue, to SW 42nd Street and Wolcott Avenue, as "McKinley Avenue". **Moved by Hensley to receive and file, and refer to the City Manager and Legal Department to implement. Motion Carried 6-1.**

00-4498 42. Regarding recommended approval of request from City Traffic Engineer, to barricade a segment of SE Scott Avenue from SE 22nd Street to SE 25th Court, to assist in the control of illegal dumping. **Moved by Flagg to receive and file, and to authorize the City Traffic Engineer to barricade this portion of S.E. Scott subject to allowance of appropriate access to any landlocked parcels. Motion Carried 6-1.**

43. NUMBER NOT USED

SETTING DATE OF HEARINGS

00-4499 44. On application from King Au d/b/a Studio AU, Inc. to rezone property at 2718 Kingman Blvd. from "R-3 (Multiple Family Residential) to "C-0" (Commercial-Residential) to allow for expansion of photography studio, (12-18-00). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4500 45. On request from Budget Storage Associates I, L.P., to rezone property at 3221 ML King Jr. Parkway, from "C-2" (General Retail and Highway Oriented Commercial) to M-1" (Light Industrial), to allow property to be used for outdoor storage of vehicles and equipment subject to restrictions, (12-18-00). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4501 46. On amendment to the Zoning Ordinance, to allow building additions that do not encroach into a required setback more than the original structure, to be permitted as an exception which may be granted by the Board of Adjustment or administratively, (12-18-00). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

00-4502 47. On amendment to the Zoning Ordinance, to revise provisions regarding Non-Conforming Uses, (12-18-00). **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-4503 48. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 6-1.**

00-4504 49. Approving payment of \$13,043.36 to Sally D. Woodard for settlement of worker's compensation claim for an injury suffered during course of her employment. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4505 50. Approving payment of \$5,616.01 to Spiegel & McDiarmid Law Firm for assistance to the City in conjunction with the Riverpoint West Redevelopment. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4506 51. Approving payment of \$691.70 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case Mary Elaine (Kirsch) Sinclair as Administrator of the Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

00-4507 52. Submitting various traffic regulation changes as follows, ([Council Communication No. 00-561](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

- (1) Additional Metered Parking and Loading Areas--Brown Camp Lofts, 100 Market Street.
- (2) Parking Restriction--Adjacent to MidAmerican Energy Substation, 2301 Dean Avenue.
- (3) Move Current Parking Restriction from East Side of 15th Street to West Side of East 15th Street between Walker Street and East University Avenue.
- (4) Corner Clearances--East and West Sides of East 12th Street North and South of Buchanan and Fremont Streets.

00-4508 53. Submitting out-of-state travel requests for Kathy Kahoun, John (Scotty) Douglass, Robert Cox, Dale Bunting, and Jim Mason. [\(Council Communication No. 00-554\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

00-4509 54. Approving documents relating to State of Iowa Community Economic Betterment account loan in amount of \$75,000 and a loan from the City in the amount of \$200,000 to Lomar Distributing, Inc.; 2500 Dixon, (Louis Burwitz, 5104 Brookview drive, WDM). **Moved by Hensley to approve. Motion Carried 6-1.**

00-4510 55. Submission of Community Economic Betterment Account (CEBA) Application to the State of Iowa for DTVisions, Inc., (Mr. Luis Lobo, Principal Owner, 7618 Camelot Drive, Urbandale)-\$100,000 State Grant. **Moved by Hensley to approve. Motion Carried 6-1.**

00-4511 56. Extension of residency compliance time for employee Phillip Wageman to March 31, 2001 due to construction delays on his home. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4512 57. One-year extension of Contract No. N00024-81-C0205, Supplement No. 18 between United States Government (Department of Navy) and the City for the loan of the ship model USS Des Moines-CA134 on public display on the Second Floor of City Hall which expires January 25, 2001. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4513 58. Renewal of 28E Agreement between City of Des Moines and the Blank Park Zoo Foundation to extend the Agreement until July 21, 2002 to allow adequate time to negotiate a new agreement. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4514 59. Agreement for Assignment of Tax Sale Certificate to Home Opportunities Made Easy (H.O.M.E., Inc.) for 823 Buchanan for use as low or moderate income housing. [\(Council Communication No. 00-557\)](#). **Moved by Flag to adopt. Motion Carried 6-1.**

00-4515 60. Award of Resource Enhancement and Protection (REAP) grant from the Iowa Department of Natural Resources Department for construction of a segment of the American Discovery Trail (ADT). [\(Council Communication No. 00-564\)](#). **Moved by Flag to approve. Motion Carried 6-1.**

61. Bids for the following:

00-4516 (A) Primary contractor - Ace Heating and Electric (3802 E 14th St., David Mickle, President), secondary contractor - AC Murphy Heating and Cooling (111 Clark St., Michael Murphy, President) for annual contract with two (2) renewal options to perform furnace tune, clean and repair services for use by the Community Development Department (City Weatherization Program). Call City Clerk's Office for breakdown of service fees. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4517 (B) Mid-Land Equipment, Inc., (2901 E Delaware Ave., Ankeny, Gery Haag, President) for three (3) replacement Industrial Tractors with backhoe for use by the Public Works Department (Street Maintenance), \$219,746. (Nineteen bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4518 62. Approving Civil Service Entrance Lists for Budget Analyst, Airport Crew Chief and Police Property Manager. **Moved by Hensley to receive and file. Motion Carried 6-1.**

00-4519 63. Authorizing Acting Finance Director to draw checks on register of November 22, 2000, December 1, 2000 and December 8, 2000 and for the bills of the Des Moines Municipal Housing Agency for the weeks beginning November 20, 2000, November 27, 2000 and December 4, 2000 and to draw checks for bi-weekly payroll due on December 1, 2000. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

64. Items regarding expansion of the Wells Fargo Financial home office facility:

00-4520 (A) Rezoning of the south one-half of the block bounded by 8th, 9th, Mulberry and Cherry, from "C-3A" (Central Business District Support Commercial) to C-3 (Central Business District Commercial), to permit garage to be constructed to a height in excess of 75 feet.) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

00-4521 (B) Final consideration of rezoning 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, [#13,891](#). Motion Carried 6-1.**

00-4522 (C) Vacation of land within the two block area bounded by 8th, 9th, Walnut and Cherry Streets. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

00-4523 (D) Final consideration of vacation 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, [#13,892](#). Motion Carried 6-1.

00-4524 65. Amending Chapter 114 of the Municipal Code, regarding the following traffic regulation changes. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

- (1) Changes in Maximum Load Limits on Certain Bridges
- (2) Corner Clearance Parking Restriction--West Side of Sw 13th Street North and South of Wade Street and on the North Side of Wade Street East and West of SW 13th Street.
- (3) No Stopping or Standing Restriction--Both Sides of SE 5th Street from East Jackson Avenue to East Granger Avenue and North Side of East Granger Avenue West of SE 5th Street and an Extension of the Current No Parking Restriction on SE 5th Street to East Jackson Avenue.
- (4) Corner Clearance Parking Restriction--West Side of East 6th Street North of Buchanan Street.
- (5) Corner Clearance Parking Restriction--North Side of East Seneca Avenue East of East 9th Street.
- (6) Corner Clearance Parking Restriction--North Side of Cherry Street West of 9th Street.
- (7) One-Sided Parking Restriction--North Side of Franklin Avenue from 62nd Street to 63rd Street.

00-4525 (A) Final consideration of ordinance above, (waiver requested by Council Member Brooks), 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, [#13,893](#). Motion Carried 6-1.**

00-4526 66. Amending Chapter 2 of the Municipal Code regarding contracts exempt from bidding. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

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

ORDINANCES - FIRST CONSIDERATION

00-4527 67. Amending Chapter 22 of the Municipal Code regarding penalties at the Des Moines International Airport. [\(Council Communication No. 00-556\)](#). **Moved by Coleman that this**

ordinance be considered and given first vote for passage. Motion Carried 6-1.

COUNCIL REQUESTS

68. Recognition of John Bellizzi: Public Works Director

00-4528 (A) Approving renaming the Central Maintenance Center, 216 SE 5th Street, and material supply yard, 2100 Scott Avenue, as the "John P. Bellizzi Public Works Facilities."
Moved by Brooks to adopt. Motion Carried 6-1.

00-4529 69. From Mayor Preston Daniels to reconsider approval of Advertising Agreement with Ad in the Hole Iowa (Ron Sorenson, Des Moines) for advertising in the cups at the Des Moines Municipal Golf Courses. **Moved by McPherson to reconsider, and approve a one-year advertising agreement for 2001 with Ad in the Hole Iowa, and authorize execution of the agreement by the Mayor and City Clerk. Parks to report on the success of the agreement at the end of 2001. Motion Carried 5-1-1. Pass: Flagg. Absent: Vlassis.**

00-4530 70. From Council Member Chris Coleman to discuss revising fees for Residential Street Use (Block Parties), meeting certain criteria and waiving the thirty day advance submission of application for Residential Street Closures. **Moved by Flagg to approve the recommended changes in Residential Street Use fees, meeting certain criteria, and the waiver of time, as referenced by Council Member Coleman, and refer to staff to prepare necessary changes to the Street Use Policy and Fee Schedule for 2001, and to Legal for preparation of necessary legislation. City Clerk to report on costs associated with recent events at two Commercial Street Closures held in the Highland Park area by Chuck's Restaurant. Motion Carried 6-1.**

00-4531 (A) Final consideration of ordinance amendment regarding waiver of Street Use Fees (continued from 10-16-00). **Moved by Flagg that this ordinance do now pass, #13,894. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

00-4532 71. Communication from Robert L. King, Chair, Neighborhood Revitalization Board regarding attendance on NRB. **Moved by Hensley to receive and file. Motion Carried 6-1.**

INFORMAL HEARINGS (Opened at 5:33 P.M.) (Items 72 and 73)

00-4533 72. Presentation of joint Warren County Planning Committee's recommended plan and Warren County Board of Supervisors' suggested changes. **Moved by Hensley to receive and file; refer to City Manager and staff for review and recommendation. Motion Carried 6-1.**

00-4534 73. On Zwart Road Brick Street Replacement from Forest Avenue to 28th Street. **Moved by Hensley to reject as presented and refer back to City Manager and staff to explore other options. Motion Carried 5-1. Council Member Flagg abstained. Absent: Vlassis.**

00-4535 (A) Petitions in objection. **Moved by Hensley to receive and file. Motion Carried 6-1.**

HEARINGS (Opened at 6:06 P.M.) (Items 74 thru 80)

00-4536 74. Adoption of the proposed Third Amendment to Metro Center Urban Renewal Plan for the Metro Center Urban Renewal Project in conjunction with Western Gateway Framework Plan and Western Gateway Goals and Principles. ([Council Communication No. 00-563](#)) **Moved by Coleman to adopt. Motion Carried 6-1.**

00-4537 (A) City Plan Commission recommendations regarding finding the 3rd Amendment to the Metro Center Urban Renewal Plan, in conformance with the Des Moines' 2020 Community Character Land Use Plan, subject to conditions. **Moved by Coleman to receive and file. Motion Carried 6-1.**

00-4538 (B) Regarding recommended approval of amendment to the Des Moines 2020 Community Character Land Use Plan, for area between Grant and Locust, from 10th to 15th, based on the Gateway West Design and Use Plan, and to change the future land use designation for the Gateway West Area to Public/Semi-Private. **Moved by Coleman to adopt. Motion Carried 6-1.**

00-4539 75. On recommendation to suspend Pawnbroker License for Quik Loan Pawn, 404 Tenth Street. **Moved by McPherson to adopt. Motion Carried 6-1.**

00-4540 76. Appeal from Bill Butters regarding recommended denial of taxicab license. **Moved by Coleman to deny license. Motion Carried 6-1.**

77. On ordinance regarding training and certification of security employees in establishments holding licenses to sell alcoholic beverages for on-premise consumption.

00-4541 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

00-4542 (B) Final consideration of ordinance above, (waiver requested by Mayor Daniels), 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, #13,895. Motion Carried 6-1.**

00-4543 78. On Ingersoll Run Sewer Rehabilitation-24th Street to 28th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Pressure Concrete Incorporated (David B. Carroll, President, Florence, AL), \$493,660. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4544 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4545 79. On Grandshire Area Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as McAninch Corporation (Dwayne McAninch, President, West Des Moines) \$1,798,710. **Moved by Brooks to adopt. Motion Carried 6-1.**

00-4546 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

00-4547 80. On conveyance of property at 3400 Delaware, to Dale W. and Louise M. Godron, \$17,000. **Moved by McPherson to adopt. Motion Carried 6-1.**

* * END HEARINGS at 6:20 P.M. * *

****Council considered Items 3 through 71 next****

APPROVING

00-4548 81. Approving Assumption Agreement between Principiant Hotel Company and the City in conjunction with former loan to Raccoon River Brewing Company, L.L.C. located in Clemons Building, 200 Tenth Street. ([Council Communication No. 00-565](#)) **Moved by Hensley to approve. Motion Carried 6-1.**

00-4549 82. Authorization to forward \$1,000,000 of funding from 2000-2001 Capital Improvements Program (CIP) to Neighborhood Development Corporation (NDC) to be used for a housing project in Woodland Heights Neighborhood, subject to certain conditions. ([Council Communication No. 00-555](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

00-4550 83. Memorandum of Understanding for The Metropolitan Advisory Council (MAC); Statement of Purpose, Principles of Effort, Structure, and Roles and Responsibilities. **Moved by Daniels to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Vlassis.**

00-4551 84. City's participation in the Citizen Initiated Performance Assessment (CIPA) program, which is a modified approach to performance measurement involving citizens in the design, implementation, and usage of performance assessment, administered by the Sloan Project Team, consisting of representatives from the University of Iowa's Institute of Public Affairs, the Iowa League of Cities, and Iowa State University's Department of Political Science. ([Council Communication No. 00-566](#)) **Moved by Hensley to defer to December 18 meeting to allow consideration by the Des Moines Neighbors. Motion Carried 6-1.**

00-4552 85. Recommendation from City Manager regarding City funding for Polk County's proposed Events Center. ([Council Communication No. 00-567](#)) **Moved by Coleman to approve funding in the amount of \$450,000 per year, which includes a percentage of Hotel Motel taxes, for a total City commitment over 10 years of \$4.5 million; and to direct the City Manager to program the skywalk and street improvements related to the Iowa Events Center into the proposed CIP and also include the long-range Operating Budget projection for the ten-year annual contribution. Both of these actions are to be presented in greater**

detail to Council during budget hearings next month. Motion Carried 4-2-1. Pass: Flagg and Brooks. Absent: Vlassis.

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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.

00-4553 1. Request from Frank Wagner, 915 Lewis, to speak regarding surrender of property he owns at 1622 ML King Jr. Parkway, to the City, for future expansion of the Parkway.
SPONSOR: Council Member Flagg. **Moved by Flagg that the City explore methods to accept this property, subject to Legal review and recommendation. Motion Carried 5-2. Absent: Brooks and Vlassis.**

A G E N D A

BOARD OF HEALTH

December 4, 2000

00-4554 MOTION TO CONVENE. **Moved by Flagg that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

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

00-4555 (A) 1515 4th Street (vacant) Titleholder: Sergio C. Royas. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4556 (B) 1608 20th Place (vacant) Titleholders: Polk County Board of Supervisors, Attn: Angela Connolly, and Contract Buyers: Anthony C. and Amanda M. Denton. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4557 2. Release of a judgment lien against 1112 E. 8th Street, Titleholder: Habitat For Humanity. **Moved by Hensley to adopt. Motion Carried 6-1.**

3. Authorizing the Engineering Department to remove the following structures or grant an extension to complete renovation:

00-4558 (A) 1160 Martin Luther King, Jr. Parkway; Titleholder: Eppard Investment, Inc. (Continued from 11-20-00) **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4559 (B) 1502 10th Street, Titleholder: Dennis Eppard (Continued from 11-20-00). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-4560 MOTION TO ADJOURN. **Moved by Flagg to adjourn at 7:34 P.M. Motion Carried 6-1.**

DES MOINES-CITY OF SKYWALKS