

SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 18, 2000 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) Announcement from Robert Utter, Chair of the Sister Cities Commission, proclaiming Des Moines' designation as an official "Millennium Community".

(b) Des Moines Area HUD Best Practice FY 2000 Awards

INVOCATION: Pastor Vernon Fasse, Central Lutheran Church

00-4561 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-4562 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4563 3. APPROVING CONSENT AGENDA - items 3 through 83. **Moved by Brooks to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

00-4564 4. Communication from Legal Department regarding December 18, 2000 License and Permit Agenda. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "B" Beer

00-4565 5. RLL, Inc., Roger Lecocq, President dba Scruffy's Restaurant, 429 Grand Avenue; Renewal - Expired 12-12-00 (With Sunday Sales) - Application submitted 12-8-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

00-4566 6. Jay Varahi, Inc., Ritaben P. Patel, President dba Citgo Gas Station, 4600 Fleur Drive; New Application (With Sunday Sales) - Application submitted 11-13-00. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4567 7. G L & J, Inc., Gary Kudrma, President dba Gary's Amoco, 145 University; Renewal - Expires 1-2-01 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4568 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #2, 1307 Army Post Road; Renewal - Expires 1-7-01 (With Sunday Sales) - Application submitted 11-3-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4569 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #29, 4900 Urbandale; Renewal - Expires 1-29-01 (With Sunday Sales) - Application submitted 12-3-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4570 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #24, 1142 42nd Street; Renewal - Expires 1-17-01 (With Sunday Sales) - Application submitted 11-3-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4571 11. Kum & Go LC, Kyle J. Krause, President dba Kum & Go #208, 3200 Southeast 14th Street; Renewal - Expires 12-29-00 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4572 12. La Cruz, Inc., Laura Cruz, President dba La Cruz, 4007 Southeast 13th Street; Renewal - Expires 1-4-01 (With Sunday Sales) - Application submitted 12-5-00. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer/"B" Wine Licenses

00-4573 13. Foods Inc., Ronald C. Bartos, President dba Dahl's Foods, 1320 East Euclid; Renewal - Expires 12-26-00 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4574 14. Foods Inc., Ronald C. Bartos, President dba Dahl's Foods, 1819 Beaver; Renewal - Expires 12-26-00 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4575 15. Kum & Go LC, Kyle J Krause, President dba Kum & Go #2731, 3104 University; Renewal - Expires 12-29-00 (With Sunday Sales) - Application submitted 11-20-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4576 16. Kum & Go LC, Kyle J Krause, President dba Kum & Go #2722, 2211 University; Renewal - Expires 12-29-00 (With Sunday Sales) - Application submitted 11-20-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4577 17. Kum & Go LC, Kyle J Krause, President dba Kum & Go #2729, 2829 Easton Blvd.; Renewal - Expires 12-28-00 (With Sunday Sales) - Application submitted 11-20-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

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

00-4578 18. Oasis Wine and Spirits, Ltd., Everett N. Sather, President dba Oasis Wine and Spirits, 1401 Buchanan; Renewal - Expires 1-3-01 (With Sunday Sales) - Application submitted 11-30-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine Licenses

00-4579 19. FBB, Inc., Fahrudin Muhamedagic, President dba Soccer Coffee Bar & Tavern, 2718 Douglas; New Application (With Sunday Sales) - Application submitted 11-3-00. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Liquor Licenses

00-4580 20. Christopher's Inc., Evelyn Giudicessi, President dba Christopher's Dining Room & Lounge, 2816 Beaver; Renewal - Expires 12-31-00 - Application submitted 12-1-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4581 21. 801 Steak & Chop House, L.C., Charles I. Colby, Jr., Trustee dba 801 Steak & Chop House, 801 Grand Avenue - Suite 200; Renewal - Expires 12-30-00 - Application submitted 12-4-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4582 22. Maria Corp., Maria Hernandez, President dba El Vaquero, 3211 Indianola Road; New Application (With Sunday Sales) - Application submitted 10-19-00. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4583 23. The Embers Inc., Richard J. Roush, President dba 3301 Ingersoll; Renewal - Expires 1-4-01 (With Sunday Sales) - Application submitted 12-6-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4584 24. R & J Catering, B J Giudicessi, President dba Mezzodi's, 4519 Fleur Drive; New Application (With Sunday Sales) - Application submitted 12-1-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

00-4585 25. Danlee Corp., Lee Adams, President dba Smoke Shop, 1918 Southeast 14th Street; New Application submitted 11-7-00. **Moved by Brooks to adopt. Motion Carried 7-0.**

Gamerrooms

00-4586 26. ABV Management, Robert C. Marler, President dba

Adult Emporium, 1401 East Army Post Road; Renewal - Expires 12-31-00 - Application submitted 11-6-00. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

00-4587 27. ABV Management Inc., Robert C. Marler, President dba Bachelor's Library, 2020

East Euclid; Renewal - Expires 12-31-00 - Application submitted 11-6-00. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

00-4588 28. Mid State News, Inc., Roy May, President dba Gallery, 1114 Walnut; Renewal - Expires 12-31-00 - Application submitted 11-30-00. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

00-4589 29. New Books, Inc., Roy May, President dba The Blue Nude, 1117 Grand Avenue; Renewal - Expires 12-31-00 - Application submitted 11-8-00. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

00-4590 30. Kenneth D. Phipps dba Phoenix Theater, 1410 Grand Avenue; Renewal - Expires 12-31-00 - Application submitted 11-15-00. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

00-4591 31. Robert G. Porter dba Eastgate Cinema III, 1550 East Euclid; Renewal - Expires 12-31-00 - Application submitted 11-01-00. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

Authorizing

00-4592 32. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4593 33. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

00-4594 34. Approving and authorization to submit applications to the Iowa Department of Transportation for Traffic Safety Funds for projects, Fleur Drive/Bell Avenue Left-Turn Lane Modifications, Highway 69/County Line Road Traffic Signalization, Beaver Avenue/Hickman Road Traffic Signal Upgrade, and Merle Hay Road/Douglas Avenue Traffic Signal Upgrade. [\(Council Communication No. 00-571\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

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

00-4595 (A) 2000 ACC Pavement Milling and Resurfacing, Des Moines Asphalt & Paving Co., \$4,223.90 is now due and \$30,407.81 to be paid at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4596 (B) City-Wide Sanitary Sewer Gates Repair, Cramer and Associates, Inc., \$14,069.50 is now due and \$9,460.00 to be paid at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4597 (C) 2000 Sidewalk Replacement Program, Double T Asphalt Co. Inc., \$9,282.17 to be paid at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4598 35. (D) Blank Park Zoo Wallaby Fencing, Midwest Fence & Gate Co., \$142.50 is now due and \$657.50 to be paid at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

36. Report of Chief Civil Engineer approving completion and recommending acceptance of Private Construction Contracts for the following:

00-4600 (A) Sanitary Sewer Improvements for proposed Three Lakes Estates Plat 1 Subdivision at East Army Post Road & Three Lakes Parkway between Van Hauen & Associates, Inc., (Mark Van Hauen, President), Contractor, and Erickson Development, Inc., (Tim Erickson, Owner), \$129,667. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4601 (B) Storm Sewer Improvements for Easter Lake Estates Plat 3 at SE 31st Street and Easter Lake Drive between Corell Contractor, Inc., (Steve Corell, President), Contractor, and The Legacy Group, (John Kline, President) Owner, \$142,097. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4602 (C) Sanitary Sewer Improvements for Easter Lake Estates Plat 3 at SE 31st Street and Easter Lake Drive between Corell Contractor, Inc., (Steve Corell, President), Contractor and The Legacy Group, (John Kline, President) Owner, \$133,577.30. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4603 (D) Storm Sewer Improvements for proposed Three Lakes Estates Plat 1 at E. Army Post Road and Three Lakes Parkway between Van Hauen & Associates, Inc., (Mark VanHauen, President), Contractor, and Erickson Development, Inc., (Tim Erickson, Owner), \$63,668. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4604 (E) Street Improvements for proposed Three Lakes Estates Plat 1 at East Army Post Road & Three Lakes Parkway between Sternquist Construction, Inc., (Brett Sternquist, President), Contractor and Erickson Development, Inc., (Tim Erickson, President, Owner), \$184,538.25. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4605 (F) Street Improvements for Easter Lake Estates Plant No. 3 at SE 31st Street and Easter Lake Drive between Eco-Tech Contractors, Inc., (Steve Gillotti, President), Contractor and The Legacy Group, (John Kline, General Partner, Owner), \$179,466.24. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4606 (G) Sanitary Sewer for Southern Oaks Townhomes Improvements, at 3800 Park Avenue between The Underground Company, Ltd., (Duane J. Burkhardt, President) and Southern Oaks Investors, L.C., (Donald Brown, President), \$38,570.00. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4607 (H) Paving Improvements for Easter Lake Point Plat No. 1 at Easter Lake Drive and SE 32nd Street between Eco-Tech Contractors, Inc., (Steve Gillotti, President) and The Legacy Group, Ltd., (Randy Walters, Managing Partner), \$119,020.68. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4608 (I) Sanitary Sewer Improvements at Easter Lake Point Plat No. 1 at Easter Lake Drive and SE 32nd Street between Eco-Tech Contractors, Inc., (Steve Gillotti, President) and The Legacy Group, Ltd., (Randy Walters, Managing Partner), \$141,083.84. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4609 (J) Storm Sewer Improvements at Easter Lake Point Plat No. 1 at Easter Lake Drive and SE 32nd Street between Eco-Tech Contractors, Inc., (Steve Gillotti, President) and The Legacy Group, Ltd., (Randy Walters, Managing Partner), \$144,528.55. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4610 (K) Storm Sewer Improvements at Southern Oaks Townhomes at 38th Street and Thornton Avenue between The Underground Company, Ltd., (Duane J. Burkhardt, President) and Southern Oaks Investors, L.C., (Donald Brown, President), \$2,600. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4611 37. Approving partial payments on seventeen (17) public improvement projects. (Call City Clerk's Office for listing). **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

38. Approving payment of Condemnation Award and associated costs, for acquisition of real estate and Leasehold interests for the following, in conjunction with the Allied Gateway Campus Project in the Metro Center Urban Renewal Area.

00-4612 (A) 205-12th Street, \$422,929.45. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4613 (B) 1113 Mulberry Street, \$120,000 plus costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4614 38. (C) 1124 Walnut Street, \$206,412.64. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4615 (D) 1114 Walnut Street, \$441,406.45. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4616 (E) 1020 Walnut Street, \$348,909.43. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4617 39. Approving purchase of leasehold interest and improvements for 1100 Walnut Street, from Wells Fargo Financial, Inc., and authorizing closing on leasehold interest and improvements for the Allied Gateway Campus Project in the Metro Center Urban Renewal Area.

Moved by Brooks to adopt. Motion Carried 7-0.

00-4618 40. Offer to Purchase Real Estate and Acceptance, form of Warranty Deed in conjunction with Indianola Avenue Connector Project, from Robert B. DeBonis, James R. DeBonis, and John R. DeBonis, 7 Edison Avenue - \$80,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

41. Authorizing negotiation for sale of the following, subject to Airport Board and Council approval, or to proceed with demolition if necessary. ([Council Communication No. 00-585](#)).

00-4619 (A) 3060 Army Post Road. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4620 (B) 3020 Army Post Road. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4621 42. Approving Structure Removal contracts and Miscellaneous Removal Contracts, for 3020 Army Post Road; voluntary acquisition provision of Airport Master Plan. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4622 43. Structure Removal Contract for 6547/6549 SW 30th Street, \$9,500; voluntary acquisition provision of Airport Master Plan. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4623 44. Authorizing issuance of replacement deed for conveying 521 SW 60th Street to Barnes Realty - \$9,000 and 606 SW 60th Street to R.M. Madden Construction - \$8,750. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4624 45. Approving conveyance of Electric Transmission Line Easement to MidAmerican Energy Company in conjunction with Martin Luther King, Jr. Parkway Project - revised amount of \$112,357 INCOME. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4625 46. Approving Final Subdivision Plat entitled PARK PLACE ESTATES, PLAT 1 in vicinity of East Park Avenue between Southeast 24th Court and Southeast 25th Streets. ([Council Communication No 00-587](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4626 47. Approving Final Subdivision Plat entitled EASTER LAKE SOUTH, PLAT 1 in vicinity of Southeast 30th Street and Southeast 31st Street subject to all sidewalks being completed within three years. ([Council Communication No. 00-588](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4627 48. Approving Final Subdivision Plat entitled THE MEADOWLANDS, PLAT 1 in vicinity of 7400 East Indianola Avenue subject to all sidewalks being completed within three years. ([Council Communication No. 00-589](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

00-4628 49. On restructuring of various City Boards, Commissions and Committees, and manner of appointment, (1-8-01). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4629 50. On supplement to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC., not to exceed \$510,000, for acquiring equipment for the Airport, (1-8-01). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4630 51. On First Amendment to a Lease Agreement with United Parcel Service, Inc., on three parcels of Option Land for future leasing by the City to UPS, (15 acres of land situated north of new Army Post Road, west of the runway protection zone for runway 31R, East of 28th Court, south of old Army Post Road, for construction of a parcel sort center and other facilities, (1-8-01). ([Council Communication No. 00-577](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4631 52. On vacation and sale of alley right-of-way East of the N/S alley between Virginia Avenue and Pleasantview Drive. all west of SW 9th Street, to Richard D. and L.M. Rummelhart--\$50, and to Samuel J. and Agnesan C. Treen - \$50, (1-8-01). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4632 53. On vacation and sale of right-of-way in vicinity of 519 Waterbury Circle, to Julie K. Harvey--\$100, (1-8-01). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4633 54. On conveyance of alley right-of-way between E. 14th and E. 15th, and between Des Moines Street and Lyon Street, to Mora, Inc., (Manuel and Maria Mora, Owners), (1-8-01). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4634 55. On application from Iowa State Bank, to vacate and convey the remaining alley right-of-way in the block bounded by E. 6th, E. 7th, E. Locust and E. Walnut Streets. **Moved by Brooks to defer action to 1-8-01. Motion Carried 7-0.**

56. On applications from Dynasty Properties, L.L.C. (Richard L. Davis, Manager), for the following:

00-4635 (A) Vacate and convey north/south alley right-of-way in the block bounded by 7th, 8th, School and Crocker. **Moved by Brooks to defer consideration until 1-8-01. Motion Carried 7-0.**

00-4636 (B) Rezone property in the vicinity of 902-7th Street, from "R-4" (High Density Residential) to "C-3A" (Central Business District Support Commercial), (1-8-01). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4637 57. On request from Munro Construction, to rezone property at 3727 SE 14th Street, from "R1-60" (One Family, Low Density Resident), to a Limited "C-2" (General Retail and Highway Oriented Commercial), for a new Valvoline oil change and car wash center, subject to conditions, (1-8-01). **Moved by Brooks to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-4638 58. Approving outside legal services from Randy Duncan of Duncan, Green, Brown, Langeness & Eckley in amount of \$312.50 to represent City in matters involving the airport parking garages. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4639 59. Approving outside legal services from John L. Corbett of Spiegel & McDiarmid Law Firm for consultation and representation in connection with City's response to FAA concerns regarding City's Airport PILOT charge. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4640 60. Approving payment of \$3,462.04 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services rendered through August 19, 1997, with respect to Sherman Hill Lighting - SSMID. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4641 61. Approving payment of \$4442.04 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. with respect to service for 1998 general matters, rendered through December. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4642 62. Approving payment of \$9,166.13 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services rendered through November 19, 2000 with respect to \$10,135,000 Land Sale Proceeds Project Notes, Taxable Series 2000G. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4643 63. Approving payment of \$461.53 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance to the City in development of the Kiwanis Nature Island at Riverview Park. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4644 64. Approving payment of \$4,673.65 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation of John Mihalovich in case Kathryn Blom v. City of Des Moines and John Mihalovich. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4645 65. Approving payment of \$175,000 to the Estate of Mr. Daniel Curran for settlement, as a result of an auto accident involving a City of Des Moines fire truck. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4646 66. Approving payment of \$175,000 to the Estate of Mr. Gary Bartholomew for settlement, as a result of an auto accident involving a City of Des Moines fire truck. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4647 67. Approving payment of \$6,202.77 to State Federal Savings & Loan Association for settlement of damage to their property located at 527 Sixth Avenue resulting from an auto accident on August 13, 2000. **Moved by Brooks to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

00-4648 68. Submitting out-of-state travel requests for Marty Harkin, Mike Fogle, Scott

Shannon, Bill Conley, Floyd Bentz, Mark Godwin, Carol Moser and Eric Anderson. ([Council Communication No. 00-568](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4649 69. Submitting traffic regulation change to add stop signs on Bell Avenue at SE 5th Street. ([Council Communication No. 00-576](#)). **Moved by Brooks to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

APPROVING

00-4650 70. 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. 00-572](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4651 (A) Communication from Des Moines Neighbors offering support and a commitment to Phase I of the "Citizen-Initiated Performance Assessment in Iowa Cities" as set forth by the Sloan Group. **Moved by Brooks to receive and file. Motion Carried 7-0.**

00-4652 71. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2001. **Moved by Brooks to receive, file, and authorize the City Clerk to transmit the budget to the Polk County Auditor. Motion Carried 7-0.**

00-4653 72. Receipt of FY 1999/00 Annual Report covering program activities and financial status on the Des Moines International Airport by the Airport Board. (On file in City Clerk's Office). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4654 73. Intergovernmental 28E Agreement with the Iowa Air National Guard (IANG) for the upgrading of airfield facilities as part of extending Runway 5-23. ([Council Communication No. 00-586](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4655 74. Documents related to Des Moines Loan, to NATIONJOB, Inc., (Ralph Hejlik, Robert Levinstein & Hymnan Levinstein, Owners), 601 SW 9th Street, \$75,000. ([Council Communication No. 00-574](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

00-4656 75. Documents relating to a Des Moines Loan, to Principiant Hotel Company, L.C., (10th and Walnut, Jeff Hunter, Owner), \$400,000. ([Council Communication No. 00-582](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

00-4657 76. Tax Abatement Applications for additional value added by improvements made during 2000. (139 applications on file in City Clerk's Office). ([Council Communication No. 00-581](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4658 77. Authorizing City Engineer to solicit proposals from qualified security firms for designing, furnishing and installing a Security System at Des Moines Metropolitan Wastewater Reclamation Facility - \$250,000. ([Council Communication No. 00-590](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4659 78. Approval of a five-year agreement with Electric Pump and Tool Services, Inc., (Dick Miller, President, 4280 NE 14th Street, DM), for pump equipment and services standardization at storm, sanitary and Wastewater Reclamation Authority (WRA) pump stations. ([Council Communication No. 00-591](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Hensley.**

79. Bids for the following:

WITHDRAWN 00-4660 (A) GE Capital IT Solutions, (11180 Aurora Avenue, Urbandale, Jerry Pochs, CEO) from State of Iowa contract No. 97-067 for computer equipment to upgrade the City of Des Moines Network Infrastructure to be used by the IT Department, total cost \$519,629.

00-4661 (B) Charles Gabus Ford, Inc., (4545 Merle Hay Rd., Charles Gabus, President) for purchase of a new sport utility vehicle to be used for a 24 hr. assignment for the Public Works Designee, total cost \$28,634.67. (Eight bids mailed-five received). **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Hensley.**

00-4662 (C) Benson Motors, (1613 South Duff, Ames, Bob Benson, General Manager) from State of Iowa contract No. CT2047MV for three four door sedans for use by the Police Department Criminal Investigation Division and Vice Narcotics, total cost \$64,327.32. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4663 (D) Toyne, Inc., 104 Granite Avenue, Breda, IA, Roger Schwabe, President) for purchase of a new Hazardous Materials Response Vehicle to be used by the Fire Department, total cost \$328,660. (Fourteen bids mailed-three received). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4664 (E) Aramark Uniforms, (2500 Delaware Avenue, Bill Leonard, President) for annual contract with two renewal options for uniform rental service to be used by the Wastewater Reclamation Facility, total cost \$722 per week. (Seven bids mailed-two received). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-4665 80. Submitting Civil Service Entrance Lists for Investigative Assistant, and Promotional Lists for Sewer Maintenance Worker and Street Maintenance Worker. **Moved by Brooks to receive and file. Motion Carried 7-0.**

00-4666 81. Authorizing Acting Finance Director to draw checks on registers of December 15, 2000 and December 22, 2000, and December 29, 2000 and for the bills of the Des Moines Municipal Housing Agency for the weeks beginning December 11, 2000, December 18, 2000 and December 27, 2000; and to draw checks for the biweekly payroll due on December 15, 2000 and December 29, 2000. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

00-4667 82. Amending Chapter 2 of the Municipal Code regarding contracts exempt from bidding. **Moved by Brooks that this ordinance do now pass, #13,896. Motion Carried 6-1. Nays: Flagg.**

ORDINANCES - SECOND CONSIDERATION

00-4668 83. Amending Chapter 22 of the Municipal Code regarding penalties at the Des Moines International Airport. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

00-4669 84. Amending Chapter 114 of the Municipal Code regarding rates for 7th and Grand, and 4th and Grand parking garages. [\(Council Communication No. 00-575\)](#). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: McPherson and Brooks.**

WITHDRAWN 00-4670 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

00-4671 85. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(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.

COMMUNICATIONS/REPORTS

00-4672 86. From Duane Ward requesting to speak regarding changing the back portion of his property from flood way to flood plain at 633 S.E. Titus. **Moved by Brooks to receive, file and grant permission to speak; refer to City Manager for review and recommendation by January 8, 2001. Motion Carried 7-0.**

00-4673 87. From Kurt Just, 1218 Virginia regarding off duty Police Officers in establishments holding a liquor license. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-4674 88. Petition in favor of intermediate paving of River Vista Drive from SW 12th to end of street. **Moved by Flagg to receive, file, and refer to City Manager and City Engineer or review and recommendation. Motion Carried 7-0.**

00-4675 89. Petition in favor of paving project on 36th Street from Douglas Avenue south to Dead End. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

*** * Council considered Items 98 through 103 next * ***

HEARINGS (Opened at 6:58 P.M.) (Items 90 thru 97)

90. Actions regarding the proposed Iowa Events Center:

00-4676 (A) Amendment to the Des Moines 2020 Community Character Land Use Plan, to change the land use designation to Public/Semi Public. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4677 (B) Setting date of Hearing on rezoning of the site from "C-2" (General Retail and Highway Oriented Commercial) to "C-3" (Central Business District Commercial), (1-8-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4678 (C) Communication from Plan and Zoning Commission finding the amendment to be in conformance with the 2020 Community Character Land Use Plan as amended. **Moved by Hensley to receive and file. Motion Carried 7-0.**

00-4679 (D) Hearing and adoption of proposed 4th Amendment, to identify Iowa Events Center as a public improvement subject to the Plan. ([Council Communication No. 00-569](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4680 91. On Ninth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to encourage the rehabilitation and redevelopment of the SE 14th and Army Post Road commercial corridors. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-4681 (A) Communication from City Plan and Zoning Commission, finding amendment in conformance with the Des Moines 2020 Community Character Land Use Plan. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-4682 92. On petition to continue the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-4683 93. 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. **Moved by Vlassis to adopt and approve rezoning subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

00-4684 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4685 93. (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,897](#). Motion Carried 7-0.**

00-4686 94. 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. **Moved by Hensley to adopt and approve rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

00-4687 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4688 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,898](#). Motion Carried 7-0.**

00-4689 95. On amendment to the Zoning Ordinance, to revise provisions regarding Non-Conforming Uses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4690 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4691 96. 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4692 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4693 97. On Northeast Interceptor Connector Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive),

\$646,410. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-4694 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

* * END HEARINGS at 7:08 P.M. * *

* * **Council considered Items 104 through end of Agenda next** * *

APPROVING

00-4695 98. Amendment to the Des Moines 2020 Community Character Land Use Plan, to add and incorporate the Easter Lake New Town Plan. ([Council Communication No. 00-583](#)). **Moved by Brooks to defer consideration until 1-8-01. Motion Carried 7-0.**

00-4696 99. Request For Proposals (RFP) for redevelopment of Masonic Temple located at 1011 Locust, and to set hearing for 3-12-01). ([Council Communication No. 00-578](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

00-4697 (A) Receipt of communications from Architectural Advisory Committee, Urban Renewal Board and Historic District Commission. **Moved by Hensley to receive and file. Motion Carried 7-0.**

00-4698 100. Authorizing City Manager to negotiate a Redevelopment Agreement with Franklin Green, Marvin Alexander, Dimaggio Nichols and Greg Stewart (Redevelopers) for private redevelopment of a Grocery Store/Commercial Redevelopment Project at Sixth and University Avenues. ([Council Communication No. 00-584](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4699 101. Authorizing City Manager to prepare a package of Economic Development Assistance for Access Air, in amount of \$500,000, to be returned to Council for further consideration. **Moved by Hensley to adopt and refer to City Manager to develop a package of no more than \$1 million, in light of economic impact on City. Motion Carried 6-0. Council Member Brooks declares a conflict of interest and abstains from voting.**

00-4700 102. Consideration of \$50,000 in funding for a feasibility/ conceptual plan for the Science Center of Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4701 103. City Council policy regarding Prequalification of Bidders for City of Des Moines Public Improvement Projects. **Moved by Vlassis to adopt. Implementation, establishing criteria and regulations will return to Council in 60-90 days. Motion Carried 5-2. Nays: Flagg and Hensley.**

* * **Council considered Hearing Items 90 through 97 next** * *

00-4702 104. Approving creation of an eleven member Public Arts Commission and establishing a Public Arts Program to govern public art projects. ([Council Communication No. 00-580](#)).
Moved by Flagg to adopt. Motion Carried 7-0.

00-4703 105. Approving recommendation from City Council Legislative Subcommittee's regarding legislative priorities for the City of Des Moines for the 2001 Iowa State Legislative Session. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4704 106. Receipt of City's Transportation Consultants draft corridor study reports for two major transportation projects, Southeast and Southwest Corridor for consideration by City Manager, Parks Board, Plan and Zoning Commission, and the Traffic Safety Committee. (Copy on file in City Clerk's Office). ([Council Communication No. 00-573](#)).**Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

00-4705 107. Recommendation from City Manager regarding Tax Increment Financing (TIF) revenue needed in the amount of \$11,252,272 for 2001/2002 fiscal year. **Moved by Hensley to adopt the recommendations contained in [Council Communication No. 00-570](#) and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$11,252,272 of tax increment revenue for the 2001/2002 fiscal year. Motion Carried 6-1. Absent: McPherson.**

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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.

00-4706 1. Approving Class "C" Liquor License for The Sky Inc., Frank Scaglione, owner dba Blue Sky Lounge, 204 Indianola; New Application (With Sunday Sales) - Application submitted 11-22-00. SPONSOR: Brooks. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

A G E N D A

BOARD OF HEALTH December 18, 2000

00-4707 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: McPherson.**

AUTHORIZING

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

00-4708 (A) 1891 E Marion (vacant) Titleholders: Linda R and Francis J Wagner, Kelly Page; Legal Interest Holders: U. S. Bank National Association ND, c/o CT Corporation System, and Diana and Lyle Kronberg. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

00-4709 (B) 16 E Payton Avenue (vacant) Titleholder: Edward Lawless. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

00-4710 (C) 4201 Scott Avenue (vacant) Titleholder: Stephen C Ford; Legal Interest Holders: Norwest Bank Iowa NA n/k/a Wells Fargo Bank, Iowa, and State Federal Savings and Loan Association of Des Moines. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

00-4711 (D) 1235 3rd Street (vacant) Titleholder: Jerome T and Sari D Bassman and Legal Interest Holders: Z Fin 35, Attn: John Zajicek. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

00-4712 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:20 P.M. Motion Carried 6-1. Absent: McPherson.**

DES MOINES-CITY OF SKYWALKS

HAPPY HOLIDAYS