

SUMMARY OF DES MOINES CITY COUNCIL MEETING
January 3, 2000 4:30 P.M.

3:00-4:00 Reception for the Mayor and City Council

City Hall - Second Floor - Great Hall

4:30 Administration of Oath of Office to Mayor Daniels and Council Members Brooks, Coleman and McPherson.

INVOCATION: Pastor Paul B. Koch, Jr.

Park Avenue Christian Church

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

I. Approving reappointment of the following:

00-2 A. City Manager. Moved by McPherson to adopt. Motion Carried 7-0.

00-3 B. Corporation Counsel. Moved by McPherson to adopt. Motion Carried 7-0.

00-4 C. City Clerk. Moved by McPherson to adopt. Motion Carried 7-0.

00-5 II. Approving reappointment of Deputy City Attorneys, Assistant City Attorneys I, II, III, IV. Moved by McPherson to adopt. Motion Carried 7-0.

00-6 III. Mayor Daniels' nomination of Christine Hensley as Mayor Pro Tem for the year 2000. Approve the recommendation of Mayor Daniels for appointment hereinabove stated, until the first regular meeting of the City Council in January 2001, or as soon thereafter as possible, and give appreciation for Council Member Coleman's service in 1999. Motion Carried 6-1. Pass: Hensley.

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

***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.**

00-8 3. APPROVING CONSENT AGENDA - items 3 through 79: Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.

LICENSES AND PERMITS:

Approving

00-9 4. Communication from Legal Department regarding January 3, 2000 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-10 5. Rodolfo Gallard dba Carmelita's Restaurant, 1704 East Grand; New Application (With Sunday Sales) - Application submitted 11-30-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

Class "C" Beer Licenses

00-11 6. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway, 100 Euclid; Renewal - Expires 1-20-00 - Application submitted 10-6-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN00-12 7. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #32, 2911 Douglas; New Application (With Sunday Sales) - Application submitted 12-7-99.

00-13 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #29, 4900 Urbandale; Renewal - Expires 01-29-00 (With Sunday Sales) - Application submitted 11-4-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN00-14 9. Danlee Corporation, Dan Moellers, President dba Jiffy, 3718 Southwest 9th Street; Renewal - Expires 01-25-00 (With Sunday Sales) - Application submitted 11-15-99.

00-15 10. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #552, 4944 Douglas; Renewal - Expires 01-26-00 (With Sunday Sales) - Application submitted 10-20-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-16 11. Laura Cruz dba La Cruz, 4007 Southeast 13th Street; Renewal - Expires 01-17-00 (With Sunday Sales) - Application submitted 12-1-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

00-17 12. Oasis Wine & Spirits, LTD, Everett N. Sather, President dba Oasis Wine & Spirits, 1401 Buchanan; New Application (With Sunday Sales) - Application submitted 12-2-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-18 13. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #533, 4415 Douglas; Renewal - Expires 01-18-00 (With Sunday Sales) - Application submitted 10-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

00-19 14. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway, 100 Euclid; Renewal - Expires 01-20-00 - Application submitted 10-6-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-20 15. Oasis Wine & Spirits, LTD, Everett N. Sather, President dba Oasis Wine & Spirits, 1401 Buchanan; New Application - Application submitted 12-2-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-21 16. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #533, 4415 Douglas; Renewal - Expires 01-18-00 - Application submitted 10-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

00-22 17. Mr. V's, Inc., Joseph Vivone, President dba Mr. V's, 206 Indianola Rd; Renewal - Expires 01-21-00 - Application submitted 12-3-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

00-23 18. Highland Park Post 374, Robert Ziesman, Commander dba Highland Park Post 374, 3712 - 2nd Avenue; Renewal - Expires 01-14-00 - Application submitted 12-2-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

00-24 19. William E. Best Jr. dba Billy's, 1300 Southeast 1st Street; Renewal - Expired 11-4-99 (With Sunday Sales and Outdoor Service) - Application submitted 9-23-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-25 20. 801 Steak and Chop House, L.C., Charles L. Colby, Trustee dba 801 Steak and Chop House, 801 Grand Avenue - Suite 200; Renewal - Expired 12-30-99 - Application submitted 12-1-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-26 21. The Embers Inc, Richard J. Roush, President dba Jesse's Embers, 3301 Ingersoll; Renewal - Expires 01-04-00 - Application submitted 12-1-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-27 22. Nathaniel G. Morton dba Mort's Rendezvous, 1016 University; Renewal - Expires 01-14-00 (With Sunday Sales) - Application submitted 11-24-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-28 23. Ray R. Simbro Jr. dba Old Timers Tavern, 2201 Easton; Renewal - Expires 01-25-00 (With Sunday Sales) - Application submitted 11-10-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-29 24. Plaza Lanes, Inc., Barbara J. Anderson, President dba Plaza Lanes, 2701 Douglas; Renewal - Expires 01-28-00 (With Sunday Sales) - Application submitted 11-24-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

00-30 25. Hy Vee Inc., Ronald D. Pearson, President dba Hy Vee #4, 4707 Fleur Drive; Renewal - Expires 01-24-00 - Application submitted 11-4-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-31 26. Oasis Wine & Spirits, LTD, Everett N. Sather, President dba Oasis Wine & Spirits, 1401 Buchanan; New Application submitted 12-2-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-32 27. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #533, 4415 Douglas; Renewal - Expires 01-18-00 - Application submitted 10-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

00-33 28. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-34 29. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-35 30. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

Gamerooms

00-36 31. ABV Management, Inc., Robert C. Marler, President dba Adult Emporium, 1401 East Army Post Road; Renewal - Expired 12-31-99 - Application submitted 11-18-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

00-37 32. ABV Management, Inc., Robert C. Marler, President dba Bachelor's Library 2020 East Euclid; Renewal - Expired 12-31-99 - Application submitted 11-18-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

00-38 33. New Books Inc., Roy May, President dba Blue Nude, 1117 Grand Avenue; Renewal - Expired 12-31-99 - Application submitted 11-17-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

00-39 34. Robert G. Porter dba Eastgate Cinema III, 1550 East Euclid; Renewal - Expired 12-31-99 - Application submitted 11-5-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

00-40 35. Mid State News, Inc., Roy May, President dba The Gallery, 1114 Walnut; Renewal - Expired 12-31-99 - Application submitted 11-17-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

00-41 36. Kenneth D. Phipps dba Phoenix Theater, 1410 Grand Avenue; Renewal - Expired 12-31-99 - Application submitted 12-14-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

00-42 37. Tasty Taco's, Inc., Antonia Mosqueda, President dba Tasty Taco's, 415 East Euclid; Renewal - Expired 12-31-99 - Application submitted 11-8-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

00-43 38. Namco Cybertainment, Inc. Kevin Hayes, President dba Time Out (#05156), 1111 East Army Post Road; Renewal - Expired 12-31-99 - Application submitted 11-17-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-44 39. Joanne Friend dba Paul Revere's Pizza, 3018 Forest; Renewal - Expired 12-31-99 - Application submitted 11-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-45 40. Joanne Friend dba Paul Revere's Pizza, 3201 Indianola; Renewal - Expired 12-31-99 - Application submitted 11-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-46 41. Loco Joe's, Inc., Joe Henscheid, President dba Loco Joe's, 1300 East Army Post Road; Renewal - Expired 12-31-99 - Application submitted 12-8-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

00-47 42. Communication from The Waldinger Corporation, Tom Koehn, CEO, Contractors for the Water Service Backflow Preventers, requesting an extension of time until April 12, 2000. **Moved by Hensley to receive, file and grant the extension of time until April 12, 2000. Motion Carried 7-0.**

00-48 43. Authorizing City Engineer to proceed with Paving or Curb Replacement Program, waiver signed by Laverne K. Cox, 1441 E. Tiffin. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-49 44. Approving partial payments on nine public improvement projects. (Call City Clerk's Office for listing) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

00-50 45. Authorizing Assessment Clerk to correct NAC-Emergency Orders Assessment Schedule No. 1900-48, \$140 lien was placed on 7610 SW 11th Street and clean up was done by property owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

00-51 46. Approving sale of vacant Airport property near SW 34th and Stanton, to Cooper Homes, Inc., \$29,100, subject to Cooper Homes selling or granting necessary fee and temporary easement interest in two small parcels necessary for construction of relocated SW 34th Street, (continued from 12-20-99). ([Council Communication No. 00-006](#)). **Moved by Hensley to continue to February 7, 2000. Motion Carried 7-0.**

00-52 47. Permanent Easement for Storm Sewer, Surface Water Flowage, and for a Storm Water Inlet and Future Title Work Compensation in conjunction with 2612 Arthur Avenue Drainage Improvements, from Jess L. Fallis and Ruth B. Fallis, title holders and Gary L. Campbell and Cynthia L. Campbell, contract purchasers, 2607 E. Sheridan Avenue - \$201. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-53 48. Corrected Quit Claim Deed from United States of America, General Services Administration of 0.65 acres of land adjacent to Blank Park, inadvertently omitted from previous conveyance. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

00-54 49. Appointment of Alternate Representatives to the Des Moines Metropolitan Planning Organization (MPO) for 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-55 50. Resignation of Lisette Sell from the Park and Recreation Board effective December 31, 1999. **Moved by Hensley to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

00-56 51. Recommendation regarding amendment to the Des Moines 2000 Land Use Plan, and the ACCENT Neighborhood Land Use Plan, to provide for a storm water detention basin in the vicinity of E. 26th and Easton. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

SETTING DATE OF HEARINGS

00-57 52. On vacation and conveyance of a strip of Glenbrook Drive adjoining 2223 Glenbrook Drive, to Theresa and Ronald Bauge, \$50, (1-24-00). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-58 53. On recommended approval of application from Randolph Jones, to rezone property at 2721 and 2725 34th Street, from "R1-60" (One Family Residential) to Ltd "R-2" (One and Two Family Residential, to allow for a two unit, 3 bedroom, 2 story townhouse with 2-car attached garages, (1-24-00). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-59 54. Approving payment of \$4,430.35 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in the case of Joyce Wilson and Val Wilson, Jr. as Administrators of the Estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan, and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 7-0.**

00-60 55. Approving payment of \$5,433.67 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C., for services in conjunction with Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC and Supplement No. 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-61 56. Approving payment of \$1,398.17 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-62 57. Approving payment of \$806.50 to McEnroe, McCarthy & Gotsdiner, P.C. for representation of Officer Jason Bennett concerning a Grand Jury investigation after a shooting incident. **Moved by Hensley to approve payment. Motion Carried 7-0.**

00-63 58. Approving Payment of \$1,234 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-64 59. Approving payment of \$1,519.54 to George LaMarca of the law firm of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in the case of Thomas, et al. v. Dickel, et al., Case No. CL 73934. **Moved by Hensley to approve payment. Motion Carried 7-0.**

00-65 60. Approving payment of \$132 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in the case of 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 7-0.**

00-66 61. Approving payment of \$4,356.70 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. for services relating to collective bargaining. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-67 62. Approving payment of \$85,000 to Laura Nguyen and Ronald Wheeler, her attorney, for settlement in the case of Laura Nguyen v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

00-68 63. Submitting out-of-state travel request for Jim Grant, Kathy Kahoun, Bob Schulte, Eric Anderson and Tom Vlassis. ([Council Communication No. 00-001](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-69 64. Submitting various traffic regulation changes as follows, ([Council Communication No. 00-007](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Downtown Parking Meter Adjustments.
- (2) Two-Sided Parking Restriction-Valdez Drive from 46th Street to 48th Street.
- (3) Two-Sided Parking Restriction-44th Street from Harwood Drive to Pleasant Street.
- (4) Parking Restriction-North Side of Mondamin Avenue West of 21st Street to the Dead End.
- (5) Corner Clearance Parking Restriction-North Side of Easton Boulevard West of Searle Street.
- (6) Commercial Loading Zone Installation-East Side of East 6th Street North of East Walnut Street.

APPROVING

00-70 65. Authorization for City Manager to negotiate and execute an agreement for development of Laboratory Information Management System at Des Moines Metropolitan WRA Wastewater Reclamation Facility - \$92,788. ([Council Communication No. 00-014](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

66. The following in conjunction with East 14th Street and East Euclid Avenue Sanitary Sewer:

00-71 (A) Ratifying and confirming the execution of Change Order No. 1 with The Underground Co., Ltd. for disposal of contaminated material. ([Council Communication No. 00-002](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-72 (B) Authorizing retention of Attorney Lawrence McLellan to advise and assist in addressing environmental problems. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-73 67. Form of golf contracts for Waveland, Grandview and A.H. Blank golf courses pending final resolution of details and contract language between golf professionals and City. ([Council](#)

[Communication No. 00-012](#)). **Moved by Vlassis to approve agreements subject to minor revisions. Motion Carried 6-1. Nays: Hensley.**

00-74 68. Agreement with Iowa Department of Transportation for congestion mitigation and air quality funding for the 2nd Avenue/6th Avenue Traffic Signal Interconnection Upgrade, \$560,000. [\(Council Communication No. 00-008\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-75 69. Change in ownership structure resulting from purchase of Pioneer Hi-Bred International Inc. by DuPont regarding loan agreement with Pioneer for economic development assistance. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

00-76 70. Loan and Collateral Documents for a \$70,000 loan to Architects Smith Metzger for renovation and purchase of 2111 Grand Avenue from the Economic Development Enterprise Account. [\(Council Communication No. 00-013\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-77 71. Weatherization Contract with Iowa Department of Human Rights/Division of Community Action Agencies for weatherization assistance for low-income persons from January 1, 2000 to December 31, 2000 in the amount of \$122,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-78 72. Community Services Block Grant (CSBG) Contract No. 00-07-CJ with Iowa Department of Human Rights/Division of Community Action Agencies (DCAA) for community services to low-income persons from October 1, 1999 to September 30, 2000, projected allocation of \$405,320. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-79 73. Communication from Downtown Partnership on behalf of the Civic Music Association for permission to display banners in downtown area during the month of February 2000. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

00-80 74. Amendment to RISE Agreement with Iowa Department of Transportation (IDOT) for Martin Luther King Jr. Parkway (SW 2nd Street to Fleur Drive) design and construction to change loan portion from general obligation to use of future road use tax fund allocations. [\(Council Communication No. 00-003\)](#). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

75. Bids for the following:

00-81 (A) Winterset Auto LC, (Winterset, IA, Pete Kaser, President) for a pick up truck to be used by the Sewer Maintenance Division, \$19,972. (Eight bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-82 (B) Metro Construction Services, (3300 SW 7th Street, Joe Baxton, President) for the installation of piping materials between the mixed liquor channels and the waste sludge lines

located at the Wastewater Reclamation Facility, \$16,451. (Seven bids mailed-three received).
Moved by Hensley to adopt. Motion Carried 7-0.

00-83 (C) GE Capital IT Solutions, (Urbandale, IA, Perry Monych, President and CEO) for Network Monitoring Software to be used in analyzing the Information Technology's computer network. (Municipal Code section 2-86(c) State Contract purchase), \$21,530.61. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-84 76. Authorizing Finance Director to draw checks on registers of January 7, 2000 and January 14, 2000, to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks beginning January 3, 2000 and January 10, 2000, and to draw checks for biweekly payroll due employees on December 31, 1999 and January 14, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

00-85 77. Amending Chapter 15 of the Municipal Code regarding golf course fees for 2000. **Moved by Hensley that this ordinance do now pass, #13,778. Motion Carried 7-0.**

00-86 78. Amending Chapter 15 of the Municipal Code regarding cemetery fees for 2000. **Moved by Hensley that this ordinance do now pass, #13,779. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

00-87 79. Amending Chapter 16 of the Municipal Code regarding posting of notices on public right-of-way. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Items 87 thru 92 next****

ORDINANCES - FIRST CONSIDERATION

00-88 80. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-East side of Irving Street North of Bancroft Street.

(2) Changes to Stop Signs at 40th Street and Shawnee Avenue and at 40th Street and Aurora Avenue, and Related Corner Clearance Parking Restrictions.

(3) Installation of Four-Way Stops-Clark Street at 13th and 16th Streets, and Related Corner Clearance Parking Restrictions.

(4) Corner Clearance Parking Restriction-East Side of 58th Street South of Grand Avenue.

(5) Corner Clearance Parking Restriction-South Side of East Thornton Avenue West of SE 14th Street.

(6) Corner Clearance Parking Restriction-East Side of 31st Street North and South of Carpenter Avenue.

(7) Corner Clearance Parking Restriction-South Side of East Marion Street East of SE 22nd Street.

00-89 (A) Final consideration of ordinance above. **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, #13,780. Motion Carried 7-0.**

COUNCIL REQUESTS

00-90 81. Request of Council Member Hensley to discuss the City of Bondurant and the City of Cumming joining the Des Moines Area Metropolitan Planning Organization (MPO) as associate non-voting members. **Moved by Hensley to adopt. Council Member Hensley will propose to MPO that associate non-voting members pay a membership fee. Motion Carried 7-0.**

HEARINGS (Opened at 5:32 P.M.) (Items 82 thru 86)

00-91 82. On proposed vacation, sale and lease of portions of Vine Street to Van Vleet, Inc., and to continue the hearing to 1-24-00. **Moved by Brooks to continue the public hearing until January 24, 2000, at 5:30 P.M.; refer to City Manager to provide comparables prior to the meeting. Motion Carried 7-0.**

00-92 83. On Flood Hazard Mitigation Buyout Program, Demolition and Asbestos Abatement Contract No. 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as DF Trucking, (Mae Dillard, Owner, Indianola), \$53,830. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-93 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-94 84. On proposed supplement to Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital LLC, \$365,000, for an Airport Rotary Snowblower. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-95 (A) Resolution to take additional actions regarding agreement. ([Council Communication No. 00-010](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-96 85. On recommendation to approve request from Amos M. Cooper, to rezone property at 3200 Martin Luther King Jr. Parkway, from "C-1" (Neighborhood Retail Commercial), to "C-1A" (Neighborhood Commercial Reuse District), to allow automobile repair and truck rental operation, subject to limitations. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-97 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-98 (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, #13,781. Motion Carried 7-0.**

00-99 86. On approval of request from Walgreens Company, to rezone property at 3030 University Avenue, (southeast corner of 31st Street and University Avenue), from "R-3" (Multiple Family Residential) to a Limited "C-1" (Neighborhood Retail Commercial), subject to conditions. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-100 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-101 (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, #13,782. Motion Carried 7-0.**

00-102 (C) Setting Date of Hearing on vacation and conveyance of the North/South alley right-of-way north of Brattleboro, between 29th and 31st Streets, to Drake University, \$6,400. (1-24-00). **Moved by Hensley to receive and file site plan, and continue to 1-24-00. Motion Carried 7-0.**

00-103 (D) Request from Walgreens Company and Drake University, for rezoning of property at the southeast corner of 31st Street and University Avenue, from "R-3" (Multiple Family Residential), to a Ltd "C-1" (Neighborhood Retail Commercial) to permit the site to be developed for a Walgreen's store. **Moved by Hensley to initiate rezoning of such lot from the "R-3" to Ltd "C-1" and refer such rezoning to the City Plan and Zoning Commission for their report and recommendation. Motion Carried 7-0.**

00-104 (E) City initiated rezoning of property on the south side of University between the proposed Walgreens and the First Christian Church to NPC, (Neighborhood Pedestrian Commercial). **Moved by Hensley to initiate rezoning of property to the NPC classification and refer to City Plan and Zoning Commission for their report and recommendation. Motion Carried 7-0.**

00-105 (F) Discussion regarding loss of student parking in the proposed Walgreen's area. **Moved by Hensley to direct the City Manager and Traffic and Transportation Division, to study options for providing additional public parking in the area and to report back to the City Council at the earliest opportunity. Motion Carried 7-0.**

* * END HEARINGS at 5:56 P.M. * *

APPROVING

00-106 87. Resolution to receive and file communications on behalf of Robert J. Conley on interest to purchase Seventh and Grand Parking Garage and directing City Manager to evaluate and make recommendations on proposals to purchase and develop the property. ([Council Communication No. 00-011](#)). **Moved by Hensley to adopt, and add to the list of criteria-- level of synergy of the project. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

88. Items regarding Pavilion for the Carousel at Union Park:

00-107 (A) Communication from Saint Paul Foundation authorizing use of Reiger Estate funds for project. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-108 (B) Recommendation from Architectural Advisory Committee. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-109 (C) Resolution Ordering Construction of the Union Park Carousel Pavilion, receiving of bids, (1-18-00) and setting date of hearing (1-24-00), (construction estimate-\$250,000). ([Council Communication No. 00-009](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-110 89. Termination of former 28E Agreement regarding the Human Services Coordinating Board and approving new 28E Agreement between the City of Des Moines, Polk County, the State of Iowa and United Way of Central Iowa establishing the Polk County Human Services Planning Alliance. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Coleman declares a conflict of interest, and abstains from voting.**

00-111 90. Budget for Downtown Self-Supported Municipal Improvement District (SSMID) for July 1, 2000 to June 30, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-112 91. Request from Council Member Hensley to discuss the Arlington-Hallet Project. **Moved by Hensley to discuss. Council Member Hensley gave a progress report on the project and anticipates final approval on the 1-24-00 agenda. Motion Carried 7-0.**

00-113 (A) Application to Des Moines Enterprise Zone Commission from Metropolitan Holdings, L.C. for Enterprise Zone Benefits (Arlington-Hallet project). ([Council Communication No. 00-004](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

00-114 92. Agreement with Iowa Department of Transportation for Congestion Mitigation and Air Quality Funding for the Indianola Avenue Connector, \$5,500,000. [\(Council Communication No. 00-005\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

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

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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.

00-115 1. Request from Council member Coleman, to discuss January 24, 2000 meeting in relation to Caucus night. SPONSOR: Coleman. **Moved by Coleman to receive, file and discuss; refer to City Clerk and City Manager to attempt to arrange agenda so meeting will be over prior to starting of Caucuses. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH January 3, 2000

00-116 MOTION TO CONVENE. **Moved by Vlassis that the City Council to 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:

00-117 (A) 1400 Searle, vacant Titleholders: Vallie Stoddard, Ruchell Crees, Kevin Crees, Legal interest Holders: First Nationwide Mortgage Corporation, FEZ, Inc. of Des Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-118 (B) 612 SE 5th, vacant, Titleholders: Candelaaria Corona Fernandez a/k/a Candelaria Corona Flores, Eustaquio Flores **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-119 (C) 734 SE 25th, vacant, Titleholder: First National Acceptance Company, Legal Interest Holder: Tax 104 **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-120 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:01 P.M.**

DES MOINES-CITY OF SKYWALKS