

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**February 21, 2000**

**4:30 P.M.**

**INVOCATION:** Chris Coleman, Council Member at Large

00-394 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-395 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

00-396 3. APPROVING CONSENT AGENDA - items 3 through 75: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

00-397 4. Communication from Legal Department regarding February 21, 2000 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-398 5. Hong Da Enterprise, Inc., Yi Chen, President dba Shangri-La Buffet, 4349 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 1-10-00. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

Class "C" Beer Licenses

00-399 6. Fredrick Weber dba Candy Kitchen, 2024 Forest; New Application (With Sunday Sales) - Application submitted 2-14-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-400 7. Thomas P. Duax dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-00 (With Sunday Sales) - Application submitted 1-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-401 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #28, 3274 East University; Renewal - Expires 3-6-00 (With Sunday Sales) - Application submitted 1-11-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-402 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #10, 816 East Euclid; Renewal - Expires 3-30-00 (With Sunday Sales) - Application submitted 1-17-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-403 10. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy-Vee #3, 3221 Southeast 14th Street; Renewal - Expires 3-31-00 (With Sunday Sales) - Application submitted 1-21-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-404 11. Ingersoll Liquor & Beverage Co., InBo Jung, President dba Ingersoll Liquor & Beverage, 3500 Ingersoll; Renewal - Expires 2-28-00 (With Sunday Sales) - Application submitted 1-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-405 12. Kwik Shop, Inc., Henry Waguespack, President dba Kwik Shop #524, 4140 Park Avenue; Renewal - Expires 3-19-00 (With Sunday Sales) - Application submitted 1-24-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "B" Wine Licenses

00-406 13. Thomas P. Duax dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-00 - Application submitted 1-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-407 14. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy-Vee #3, 3221 Southeast 14th Street; Renewal - Expires 3-31-00 - Application submitted 1-21-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-408 15. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor & Beverage, 3500 Ingersoll; Renewal - Expires 2-28-00 - Application submitted 1-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Beer-Wine Licenses

00-409 16. Cafee Bar Una, Inc., Mirsad Kajtazovic, President dba Cafee Bar Una, 3711 Beaver Avenue; New Application (With Sunday Sales) - Application submitted 7-8-99. **Moved by Vlassis to defer action for one week, to 2-28-00 Council Meeting. Staff to report on inspections, parking and other issues raised by City Council. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

00-410 17. Lynch Investments, Inc., Kevin F. Lynch, President dba A.K. O'Connor's, 4050 Urbandale Avenue; Renewal - Expires 2-24-00 (With Sunday Sales and Outdoor Service) - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-411 18. Walter F. Jahncke dba Chat Noir Cafe, 644 18th Street; Renewal - Expires 2-28-00 - Application submitted 2-1-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-412 19. V Maureen Perrine dba Jim-N-I Lounge; Renewal - Expires 2-25-00 (With Sunday Sales) - Application submitted 1-31-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "E" Liquor Licenses

00-413 20. Thomas P. Duax dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-00 - Application submitted 1-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-414 21. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1320 East Euclid; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-415 22. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1819 Beaver Avenue; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-416 23. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3425 Ingersoll; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-417 24. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 6200 Southeast 14th Street; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-418 25. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-419 26. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4121 Fleur Drive; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-420 27. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3710 Hubbell; Renewal - Expires 2-28-00 - Application submitted 1-28-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-421 28. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor & Beverage, 3500 Ingersoll; Renewal - Expires 2-28-00 - Application submitted 1-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Gamerrooms

00-422 29. Bill Hiskey dba US Amusements, 5028 Park Avenue for game concession at Veteran's Auditorium, 833 - 5th Street during sports tournaments in February and March, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Authorizing

00-423 30. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-424 31. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-425 32. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

00-426 33. Professional Services Agreement with Earth Tech, Diane C. Creel, Chief Executive Officer and President, for construction of the Southeast Airport Trunk Sewer Phase 2, compensation not to exceed \$14,400. ([Council Communication No. 00-069](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

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

00-427 (A) 1st Street and Reigert Street Sanitary Sewer Extension, Corell Contractor, Inc., \$1,221.81 is now due and \$1,540.31 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-428 (B) Savage Ballfield and Birdland Park East Drainage Improvements, Grimes Asphalt & Paving Corporation, \$5,851.05 is now due and \$4,677.17 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-429 (C) SW 7th Street Sanitary Sewer Replacement-Elm Street to Tuttle Street, The Underground Company, Ltd., \$10,830.00 is now due and \$2,756.25 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-430 (D) Police Garage Roof Replacement, Academy Roofing Co., Inc., \$1,493.75 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-431 35. Approving partial payments on five public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-432 36. Communication from Azcon, Inc., requesting permission to sublet certain items on the ICN Interactive Meeting Room-East Side Library public improvement project. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-433 37. Authorizing distribution of Chapter 573, Code of Iowa Claim for labor and/or materials by Iowa Fire Equipment Company against Eagle Environmental (Principal Contractor) for Franklin Avenue Library Asbestos Abatement. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

00-434 38. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1999-47 and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

00-435 39. Establishing Fair Market Value and Accepting Purchase Offer of a flood-damaged property under the 1998 FEMA Flood Buy-Out Program, from Vera A. Brown, 4048 Osceola Ave. - \$45,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-436 40. Establishing Fair Market Value and Authorizing Acquisition of Properties in conjunction with Martin Luther King, Jr. Parkway -Central Business District Arterial Loop By-Pass from Ricon, L.L.C., various vacant properties in the vicinity of SW 5th and Elm Streets - \$151,000, and J.B. Doors, Inc., Partial take-300 SW 6th Street and northwest corner of SW 6th and Elm Streets - \$48,500. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-437 41. Approving request from Eric Johnson for extension of time on Structure Removal Contract for property at 6740 SW 30th St. until March 31, 2000.[\(Council Communication No. 00-072\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-438 42. Approving Restoration Bond from Merchants Bonding Company (IAC28266) in amount of \$96,884 for Airport Commerce Park South located south of relocated Army Post Road and west of Fleur Drive. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-439 43. Certification of Title for 30 properties in conjunction with Airport Noise Compatibility Program, Phase II (call the City Clerk's office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-440 44. Certification of Title for 29 properties in conjunction with Airport Noise Compatibility Program, Phase II (call the City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

00-441 45. Resignation of Brian T. Janousek from the City Plan Commission effective immediately. **Moved by McPherson to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

00-442 46. Communication from Frank Cownie, Chair of the City Plan Commission informing the Mayor and Council of the resignations of members David Little and Brook Wennerstrum, effective immediately. **Moved by McPherson to declare the seats vacant. Motion Carried 7-0.**

00-443 47. Reappointment recommendation of Council Member Tom Vlassis, Ward I, to the Citizen Odor Board for Judi Isaacson for a three-year term to expire April 7, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-444 48. Reappointment recommendation from At Large Council Member George E. Flagg to the Citizen Odor Board for Dusty Isaacson for a three-year term to expire April 7, 2003 **Moved by McPherson to adopt. Motion Carried 7-0.**

00-445 49. Approving Receipt of 1999 Attendance reports for City Boards and Commissions. **Moved by Hensley to receive, file and refer to Legal regarding options available to Council. Motion Carried 7-0.**

#### **CITY PLAN COMMISSION RECOMMENDATIONS**

00-446 50. Regarding approval of request from QuikTrip Corporation for vacation and conveyance of E/W alley right-of-way between E. 15th to E. 16th Street and south of E. Grand, and to replace existing ingress/egress easement. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

00-447 (A) Setting Date of Hearing on application from QuikTrip Corporation to rezone property located at 1241 E. 9th from "R-3" (Multiple Family Residential) to a Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow the proposed relocation of an existing convenience store with 12 gas pumping locations, (3-6-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-448 51. Regarding approval of request from McDonald's Corporation, for vacation and conveyance of the north 10' portion of Des Moines right-of-way between E. 14th and E. 15th Street. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

00-449 (A) Setting Date of Hearing on vacation and conveyance, to McDonalds, \$10,950, (2-28-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS**

00-450 52. Approving mailing and publication of notice of intent to commence Allied Insurance Campus Project within Riverpoint Capitol-Center Development Area Urban Renewal Project, acquisition of properties and setting date of public hearing (3-20-00). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-451 53. On vacation and conveyance of the North/South alley right-of-way between 11th and 12th Streets, south of Spring Creek Drive, to Scott Thompson, \$150, (2-28-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

54. On amendments to the following Plans to provide for merger of the two into the Metro Center Urban Renewal Project:

00-452 (A) Proposed 8th Amendment to the Riverpoint Capitol-Center Development Area Urban Renewal Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-453 (B) Proposed 33rd Amendment to the Capitol Center Development Area Urban Renewal Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-454 55. On amendment to the "C-3A" Central Business District Support Commercial District regulation, to remove the parking requirement for residential and for limited commercial uses, (3-6-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

00-455 56. Approving appointment of Paul White as Assistant City Attorney I, effective March 27, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-456 57. Approving settlement of claim with Merchants Bonding Company in amount of \$30,677.50 and directing Mayor to sign release form relating to the Pinniped Pool Painting project at Blank Park Zoo. ([Council Communication No. 00-070](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-457 58. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

00-458 59. Approving outside legal service from Patrick J. Hopkins for representation of Brain Danner in pending Federal District Court entitled Elmer Pace and Linda Pace v. City of Des Moines and Brian Danner in amount of \$95 per hour. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-459 60. Employment of James Nervig to consult and perform legal services in connection with property acquisition, compensation fixed at a rate not to exceed to \$100 per hour. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Hensley.**

00-460 61. Approving payment of \$16,740.78 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. as bond counsel for United Parcel Services Development Project. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-461 62. Approving payment of \$243.00 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for land lease agreements for consolidated aircraft fuel storage facility and proposed United Parcel Service Center. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-462 63. Approving payment of \$1,995.53 to Randy Duncan of Duncan, Green, Brown, Langeness & Eckley for representation involving the airport parking garages. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

00-463 64. Submitting out-of-state travel requests for David Kennan, David Huntoon, Charles Freeman, Rex Sparks, Warren Steinkamp, Jeff Morton, and Eric Anderson. ([Council Communication No. 00-060](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-464 65. Submitting traffic regulation changes as follows, ([Council Communication No. 00-064](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction--South Side of Kirkwood Avenue West of South Union Street.

(2) Corner Clearance Parking Restriction--South Side of Wolcott Street East of SW 12th Street.

(3) Conversion of 10-Hour Parking Meters to Two-Hour Meters--North Side of East Locust Street from East 5th Street to East 6th Street.

## **APPROVING**

00-465 66. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by McPherson to receive and file the report. Motion Carried 7-0.**

00-466 67. Tax Abatement applications for additional value added by improvements during 1999. (237 applications on file in City Clerk's Office). ([Council Communication No. 00-061](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-467 68. Denying tax abatement for property at 4300 S.E. 14th Street due to improvements do not qualify under City-wide Urban Revitalization Plan. **Moved by Brooks to continue to 5-22-00. Motion Carried 7-0.**

00-468 (A) Request for a continuation to May 22, 2000. **Moved by Brooks to receive and file. Motion Carried 7-0.**

00-469 69. Execution of second amendment to agreement with United States Department of Housing and Urban Development (HUD) for additional funding to be used for processing housing discrimination complaint and expenses associated with mandatory training. ([Council Communication No. 00-063](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-470 70. High Intensity Drug Trafficking Area Grant Application to combat drug trafficking by a multi-agency task force developed to investigate cases involving the distribution of methamphetamine for one year beginning February 1, 2000 in the amount of \$84,908. ([Council Communication No. 00-059](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-471 71. School-to-Work Program sub-recipient agreement with the Des Moines Independent Community School District for the EC School-to-Work Program for the period of September 30,



1998 to September 30, 2000. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

00-472 72. Contract with The CBE Group, Inc. as the City's collection services agency for a term of three years, with two one-year renewal options. **Moved by McPherson to adopt. Motion Carried 7-0.**

73. Bids for the following:

00-473 (A) Tri-State Pump and Control, Inc., (120 NW 54th Avenue, Scott Obernolte, President) for seven (7) submersible sewage pumps with installation to be used by the Wastewater Reclamation Facility, \$27,000. (Thirteen bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-474 (B) Diamond Oil Co., (SE 6th & Raccoon Streets, J. T. Chance, President) for annual contract with three renewable options for lubricants to be used by various City Departments, (Wastewater Reclamation Facility, Fire Department, etc.), \$24,000. (Seven bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-475 (C) Pat Clemons, Inc., (Boone, Michael Clemons, President) for mid-size sedan to replace an existing vehicle to be used by the Police Department (Vice and Narcotics). state of Iowa Contract No. 240700001, Municipal Code section 2-86(c), \$17,188. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-476 74. Report of Civil Service Commission for February 15, 2000 for Entrance List for Computer Work Station Operator, and Promotional Lists for Street Maintenance Worker and Sewer Maintenance Worker. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-477 75. Authorizing Finance Director to draw checks on Registers of February 18, 2000 and February 25, 2000, to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks beginning February 14, 2000 and February 21, 2000, and to draw checks for biweekly payroll due employees of the City on February 25, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

00-478 76. Amending Chapter 21 of the Municipal Code regarding sanitary sewer charges and fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

**WITHDRAWN** (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

00-479 (A) Amending Chapter 21 of the Municipal Code regarding waste hauler definitions, standards of disposal at the Publicly Owned Treatment Works (POTW) and treatment fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

**WITHDRAWN** (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. ([Council Communication No. 00-071](#))

00-480 (B) Amending Chapter 21 of the Municipal Code regarding wastewater treatment and pretreatment fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

**WITHDRAWN** (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

**WITHDRAWN** 00-481 77. Amending Chapter 17 of the Municipal Code regarding abandoned property in the right-of-way. ([Council Communication No. 00-076](#))

**WITHDRAWN** (A) Final consideration of ordinance above, (waiver requested by Community Development), requires 6 votes.

00-482 78. 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 30th Street south of Aurora

(2) Corner Clearance Parking Restriction--West Side of 32nd Street north of Lincoln Avenue.

(3) Corner Clearance Parking Restriction--South Side of Porter Avenue East and West of Southwest 7th Street.

## **COUNCIL REQUESTS**

00-483 79. From Council Member George E. Flagg regarding lack of a water main on E. Garfield Avenue. **Moved by Flagg to receive, file and discuss; refer to City Manager to review and respond after consultation with the Water Works. Motion Carried 7-0.**

00-484 80. From Council Member Mike McPherson regarding the dog and cat ordinance--number of animals permitted per household. **Moved by McPherson to receive, file and discuss; refer to City Manager and Legal for review and recommendation of the two options suggested, to allow a mix of dogs and cats, such as a combination of six dogs and cats, with**

**no more than three dogs. Staff to provide background on current ordinance limits of three dogs and three cats per household. Motion Carried 7-0.**

00-485 81. From Council Member Brooks to discuss letter from Central Iowa Employment and Training Consortium (CIETC) regarding funding for a state-wide training institute in Iowa. **Moved by Brooks to receive, file and discuss; refer to City Manager for review and recommendation. Motion Carried 7-0.**

00-486 82. From Council Member Brooks to discuss extension of time for a Sprint Car Race at the Iowa State Fairgrounds (Danny Young Memorial Fairground Race) to 12 Midnight on April 14, 2000. **Moved by Brooks to refer the request for an extension of time to staff for review and recommendation. Motion Carried 7-0.**

00-487 83. From Mayor Daniels to discuss installation of a septic tank at Ewing Park. **Moved by Brooks to receive and file; refer to the City Manager to review and provide a recommendation by March 6, 2000. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 87 through 94 next, at 5:35\*\***

#### **COMMUNICATIONS/REPORTS**

00-488 84. From John Burgeson, Chief Executive Officer Iowa State Bank, regarding the demolition of the Masonic Lodge (Home Lodge) Building located at 613 E. Locust Street. **Moved by Brooks to receive and file. Mr. Burgeson may apply to the appropriate staff to start the demolition process. Motion Carried 6-1. Pass: Flagg.**

00-489 85. Communication and petitions from residents in the vicinity of 126 SE 33rd Street Court, requesting consideration to condemn this property due to unsafe and unsanitary conditions. **Moved by Brooks to receive and file; refer to the City Manager and Legal for review and response. Motion Carried 7-0.**

00-490 86. Request from Stewart Barnes, 2719 42nd St, to speak regarding current contract negotiations between the City and the Des Moines Police Bargaining Unit Association. **NO MOTION MADE. Mr. Barnes spoke to Council.**

#### **HEARINGS (Opened at 5:35 P.M.) (Items 87 thru 94)**

00-491 87. On application from The Six Incorporated, 1969 Trust (Owner) represented by Robert W. Vogel, Colby Interests, to rezone property located at 1107 S.W. 63rd Street from a "FW" (Floodway District) to a "C-2" (General Retail and Highway Oriented Commercial District). **Moved by Hensley to adopt. City Manager to respond to questions raised by next reading of the ordinance; such as flooding history, property in floodway or flood zone, Corps of Engineers approval to rezone, compatibility with West Des Moines' plan for area and feasibility of a hold harmless contract with developer. Motion Carried 5-2. Nays: McPherson and Vlassis.**

00-492 (A) First consideration of ordinance above, **Moved by Hensley that this ordinance be**

**considered and give first vote for passage. Motion Carried 5-2. Nays: McPherson and Vlassis.**

**WITHDRAWN**00-493 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

00-494 88. On request from Hurd Real Estate Services, Inc. (Owner) to rezone property located at 4807 SE 14th Street from an "R1-80" One Family Residential District to a Limited "c-2" General Retail and Highway Oriented Commercial District. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-495 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-496 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,791](#). Motion Carried 7-0.**

00-497 89. On Building Official's determination that structure at 327 E. Edison Avenue, constitutes a public nuisance. ([Council Communication No. 00-074](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

00-498 (A) Petition from area residents. **Moved by Brooks to receive and file. Motion Carried 7-0.**

00-499 90. On certificates of Occupancy and Housing Inspection Certificates for structures owned by James O. Boyt, at 512 1/2, 524 and 526 E. Grand, (continued from 2-7-00). ([Council Communication No. 00-075](#)). **Moved by Brooks to adopt staff recommendations with a deadline of April 1. Any units to be used as housing must meet the Code and have a Certificate of Occupancy, or be vacated by April 1. Motion Carried 7-0.**

00-500 91. On Hearing Officer's decision regarding vehicle impound appeal of Patrick Haege, 2833 36th Street. **Moved by Hensley to uphold the decision of the hearing officer. Motion Carried 5-2. Nays: Flagg and Vlassis.**

00-501 92. On University Avenue at 19th Street and Martin Luther King, Jr., Parkway Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract, Engineer's estimate, and designating lowest responsible bidder as Iowa Signal & Electric Co. (Ronald R. Johnsen, President), \$95,431.95. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-502 93. On 1998 Sanitary Trunk Sewer Relining: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Insituform Technologies USA, Inc., (Anthony W. Hooper, President), \$639,368. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

00-503 94. On Sec Taylor Stadium Drain Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Western Waterproofing Co. Inc., (William L. Bishop, CEO), \$25,000. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

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

**\*\*Council considered Items 84 through 86 next\*\***

## **APPROVING**

00-504 95. Changes to Neighborhood Recognition Policy regarding Standards for Neighborhood Recognition. ([Council Communication No. 00-066](#)). **Moved by Hensley to adopt with the deletion of Item 3 in the roll call. Motion Carried 7-0.**

00-505 (A) Recognition of Westwood Neighborhood Association in accordance to Neighborhood Recognition Policy. ([Council Communication No. 00-067](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

00-506 (B) Receipt of Communication from Chair of Neighborhood Revitalization Board, regarding recognition of Westwood Neighborhood Association. **Moved by Hensley to receive and file. Motion Carried 7-0.**

00-507 96. Recommendation for the continued classification of the designated Charter Neighborhoods. ([Council Communication No. 00-073](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-508 97. Revised Municipal Housing Agency Affordable Homeownership Plan for submission to HUD. ([Council Communication No. 00-062](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-509 98. Neighborhood Finance Corporation (NFC) First Time Homebuyer Program in conjunction with 28E Agreement with Polk County, allocating \$850,000 of government source funds to enable NFC to become an Iowa Finance Authority (IFA). ([Council Communication No. 00-068](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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## **A G E N D A**

### **BOARD OF HEALTH**

**February 21, 2000**

00-510 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

## **AUTHORIZING**

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

00-511 (A) 2024 Maple, vacant, Titleholder, First National Acceptance Company; Contract Buyers: Basim Barki, Sakina Barki. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-512 (B) 918 E. 28th, vacant, Titleholder: Thomas A. Baldwin, Jr.; Legal Interest Holder: West Des Moines State Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-513 (C) 922 E. 28th, vacant, Titleholder: Thomas A. Baldwin, Jr.; Legal Interest Holder: West Des Moines State Bank **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-514 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:45 P.M. Motion Carried 7-0.**

***DES MOINES-CITY OF SKYWALKS***