

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**February 26, 2001 4:30 P.M.**

**3:00-4:00 P.M. - in the Great Hall**

John R. Grubb Book Signing

**SPECIAL PRESENTATIONS - 4:00 P.M.:**

- (a) Spirit of Des Moines Award - Des Moines Register
- (b) John R. Grubb
- (c) Slogan Contest Winner -- Southside Revitalization Partnership
- (d) Big Brothers/Big Sisters
- (e) Presentation of "Neighborhood Link"
- (f) Boy Scouts' Presentation to George Flagg

**INVOCATION:** Rev. Tim Diebel, First Christian Church

01-476 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-477 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-478 3. APPROVING CONSENT AGENDA - items 3 through 79: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

01-479 4. Communication from Legal Department regarding February 26, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer

01-480 5. Martin J. Inc., Martin Joseph Scarpino, President dba Duds N Suds, 2629 Beaver Avenue; Renewal - Expires 2-28-01 (With Sunday Sales) - Application submitted 2-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-481 6. Scornovacca Pizza Corporation, Susan C. Freylack, President dba Scornovacca Pizza North, 3900 East 14th Street #17; Renewal - Expires 3-10-01 (With Sunday Sales) - Application submitted 2-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

01-482 7. Git N Go Convenience Stores Inc., Dennis Flora, President dba Git N Go Store #28, 3274 E. University; Renewal - Expires 3-6-01 (With Sunday Sales) - Application submitted 1-16-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-483 8. Git N Go Convenience Stores Inc., Dennis Flora, President dba Git N Go Store #10, 816 East Euclid; Renewal - Expires 3-30-01 (With Sunday Sales) - Application submitted 1-16-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-484 9. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #1, 3330 M. L. King Jr. Pkwy; Renewal - Expires 3-9-01 (With Sunday Sales) - Application submitted 1-25-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-485 10. W.B. Stone, Inc., William Stone, Jr., President dba Southridge Amoco, 6300 Southeast 14th Street; Renewal - Expires 4-6-01 (With Sunday Sales) - Application submitted 2-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-486 11. Git N Go Convenience Stores Inc., Dennis Flora, President dba Git N Go Store #5, 2716 Indianola; Renewal - Expires 4-24-01 (With Sunday Sales) - Application submitted 2-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-487 12. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #3, 3221 Southeast 14th Street; Renewal - Expires 3-31-01 (With Sunday Sales) - Application submitted 1-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-488 13. Merlyn K. Linn dba Linn's Super Market, 3805 6th Avenue; Renewal - Expires 3-7-01 (With Sunday Sales) - Application submitted 1-25-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-489 14. Hawkeye Services, Tony Dassan, President dba Hawkeye Pantry, 501 Locust Street #202; Renewal - Expires 3-9-01 (With Sunday Sales) - Application submitted 1-31-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-490 15. Walter F. Jahncke, III dba Chat Noir Cafe, 644 18th Street; New Application submitted 2-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-491 16. Paesano's Pizzeria, Inc., Bruce L. Kennedy, President dba Paesano's Pizzeria, 2804 Southwest 9th Street; Renewal - Expires 3-22-01 (With Sunday Sales) - Application submitted 2-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

01-492 17. Bistro Restaurants, LLC, Gary J. Hines, Member dba Bistro Montage, 2724 Ingersoll; Renewal - Expires 3-20-01 - Application submitted 2-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-493 18. Forty Three Management Inc., Jeremy Morrow, President dba Forty Three Restaurant and Bar, 1000 Walnut; New Application (With Sunday Sales) submitted 2-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-494 19. Hospitality Restaurants, Inc., A.D. Bachman, President dba Francie's, 2100 Wakonda View Drive; Renewal - Expires 3-17-01 (With Sunday Sales and Outdoor Service) - Application submitted 2-16-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-495 20. Gathering Point Lounge, Inc., Sharon R. Perks, President dba Gathering Point Lounge, 5914 Southeast 14th Street; Renewal - Expires 3-9-01 (With Sunday Sales) - Application submitted 2-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-496 21. Hawkeye Elks Lodge #160, Ronald McClain, Commander dba Hawkeye Elks Lodge #160, 1401 East Walker; Renewal - Expires 3-27-01 (With Sunday Sales) - Application submitted 1-16-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN** 01-497 22. Hazel Jones dba Hazel's Blue Sky, 3940 Dixon; Renewal - Expires 3-14-01 (With Sunday Sales) - Application submitted 1-31-01.

01-498 23. Independent Lodge #4, Donald W. Austin, President dba Independent Lodge #4, 1601 6th Avenue; Renewal - Expires 3-11-01 (With Sunday Sales) - Application submitted 1-23-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-499 24. Forest Avenue Tavern, Inc., Andrew J. White, President dba Peggy's Tavern, 3020 Forest Avenue; New Application (With Sunday Sales) - Application submitted 2-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-500 25. Principiant Hotel Company LC, E. Jeffrey Hunter, President dba Raccoon River Brewing Co., 200 10th Street; New Application (With Sunday Sales and Outdoor Service) - Application submitted 1-31-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Authorizing

01-501 26. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by**

**McPherson to adopt. Motion Carried 7-0.**

01-502 27. City Treasurer to issue Refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

01-503 28. Approving Agreement with Iowa Department of Transportation for Congestion Mitigation and Air Quality Funding in conjunction with Martin Luther King, Jr. Parkway - Fleur Drive to Ingersoll Avenue. ([Council Communication No. 01-088](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

29. Resolution ordering construction for the following:

01-504 (A) 823 Walnut Street Asbestos Abatement, receiving of bids, (March 6, 2001), and setting date of hearing, (March 12, 2001), estimate - \$65,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-505 (B) 4th & Grand Garage Relighting, receiving of bids, (March 13, 2001), and setting date of hearing, (March 26, 2001), estimate - \$470,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-506 29. (C) East University Avenue Sanitary Relief Sewer, receiving of bids, (March 13, 2001), and setting date of hearing, (March 26, 2001), estimate - \$1,133,410. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-507 (D) E. 20th Street Trunk Sanitary Sewer Relining - Cleveland Avenue to E. Washington Avenue, receiving of bids, (March 13, 2001), and setting date of hearing, (March 26, 2001), estimate - \$967,075. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-508 (E) Ashworth Pool Painting and Repairs, receiving of bids, (March 13, 2001), and setting date of hearing, (March 26, 2001), estimate - \$45,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-509 (A) 60th Place and Waterbury Road Storm Water Improvements, \$1,182.10 is now due, and the remaining balance of \$9,839.98 is to be paid at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-510 (B) Parks Buildings Roof Replacement, the remaining balance of \$927.60 is to be paid at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-511 (C) Ohio Street Sanitary Sewer Repair - 1600 Block, the remaining balance of \$1,961.73 is to be paid at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-512 (A) Street Improvements to construct a turn lane on Relocated Army Post Road at Register Drive at Airport Business Park between Nuckolls Concrete Services, Inc. (Scott Temple, President, Johnston), Contractor and ABC Partners, L.C. (Richard Margulies, President/Treasurer, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-513 (B) Sanitary Sewer Improvements within South Ridge Mobile Home Estates, 7600 block of SE 5th Street between The Underground Company, Ltd. (Duane Burkhardt, President), Contractor and Easter Lake Estates, Inc., d/b/a/ South Ridge Estates (Ronald L. Woods, President), Owner/Developer. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-514 31. (C) Sanitary Sewer Improvements for relocation of sanitary sewer main across property at 4151 Merle Hay Road between Shryock Excavating, Inc. (Mark Shryock, President, Grimes), Contractor and Iowa Stores LLC (David V. Nordstrom, Manager, Cedar Rapids), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-515 (D) Storm Sewer Improvements in the new development, Airport Commerce Park West-Plat 1, located at 63rd Street/HWY #28 between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Knapp Properties (Gerard D. Neugent, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-516 (E) Sanitary Sewer Improvements in new development, Airport Commerce Park West Plat 2, located at SW 63rd Street and Park Avenue between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Airport Commerce Park, L.C. (William C. Knapp, Member Manager Trustee, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-517 (F) Street Improvement for new development, Airport Commerce Park West Plat 2, Phase 1, located at SW 56th and Park Avenue between M. Peterson Construction Company (Merlin Peterson, President), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, Manager & President of Knapp Properties, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-518 (G) Sanitary Sewer Improvements in Outlot "Z" Airport Commerce Park West Plat 2 between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, Manager & President of Knapp Properties, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-519 (H) Storm Sewer Improvements for new development, Airport Commerce Park West Plat 2, located at SW 63rd Street and Park Avenue between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Airport Commerce Park, L.C. (William C. Knapp, Member Manager Trustee, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-520 (I) Sanitary Sewer Improvements for new development, Airport Commerce Park West-Plat 1, located at 63rd Street/HWY #28 and Thornton Avenue between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Knapp Properties (Gerard D. Neugent, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-521 31. (J) Storm Sewer Improvements in Outlot "Z" Airport Commerce Park West Plat 2, located at Park Avenue and 63rd Street between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, Manager & President of Knapp Properties, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-522 32. Approving partial payments on six public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

33. Notice to Levy Assessment for costs of Nuisance Abatement - NAC Emergency Orders (Community Development):

01-523 (A) Schedule No. 2001-50. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-524 (B) Schedule No. 2001-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-525 (C) Schedule No. 2001-25. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-526 34. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of February, 2001, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-527 35. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for February 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

01-528 36. Establishing Fair Market Value and authorizing acquisition of a property located at 4310 NE 42nd Street in conjunction with Northeast Four Mile Sanitary Sewer Project, from Raymond O. and Lorene D. Williams - \$12,500 plus additional properties and closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-529 37. Approving Condemnation Award (Stipulation Agreement) and payment of Commissioners and Sheriff's costs to A.J. Allen Mechanical Contractors, Inc. for property at 25 Dunham Avenue in conjunction with Indianola Avenue Connector Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-530 38. Approving Condemnation Award (Stipulation Agreement) and payment of Commissioner's and Sheriff's costs to Frank A. Scaglione, Titleholder and Parisian, Inc. (Younkers), Leaseholder for property at 100 8th Street for Wells Fargo Financial Redevelopment in Metro Center Urban Renewal Project. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-531 39. Approving Condemnation Award (Stipulation Agreement) and payment of Commissioners and Sheriff's costs to Parisian Inc., f/k/a/ Younker Brothers, Inc. for property at 821 Cherry Street (Younkers Parking Lot) in conjunction with Wells Fargo Financial Redevelopment in Metro Center Urban Renewal Project. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-532 40. Approve and accept right-of-way documents in conjunction with the 7th Ward Ditch Flood Control Phase II Improvement Project from Richard A. and Diane L. Hernandez - \$493.10 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-533 41. Approving acquisition of right-of-way and easements in connection with Scott Avenue Storm Sewer Repair at SE 25th Street by purchase, gift or condemnation. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-534 42. Approving acquisition of right-of-way and easements in connection with Park Avenue Widening at SW 42nd Street by purchase, gift or condemnation. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-535 43. Approve and accept right-of-way documents in conjunction with Douglas Avenue Widening at Beaver Avenue Project from Glen Echo Christian Church (Disciples) - \$151,515 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-536 44. Approve and accept right-of-way documents in conjunction with Northeast Interceptor Connector Sanitary Sewer Project from Kelderman Manufacturing, Inc. a/k/a Kelderman Manufacturing Co. - \$31,350 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

01-537 45. Recommendation of Council Member McPherson to appoint Gay Wilson to the Park and Recreation Board. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-538 46. Recommendation of Council Member Brooks to appoint Gayle Collins to the Park and Recreation Board. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-539 47. Recommendation of Mayor Preston Daniels to appoint Jerry Overman to the Neighborhood Revitalization Board. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-540 48. Recommendation of Council Member Flagg to reappoint Kenneth Hall and Angeline Anderson to the Access Advisory Board. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **CITY PLAN COMMISSION RECOMMENDATIONS**

01-541 49. Regarding request from the City Manager, to vacate and convey the eastern 25 feet and western 25 feet of East Second Street, from E. Grand to E. Locust, to lease for private parking, subject to conditions. **Moved by McPherson to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-542 50. Regarding request from City Traffic Engineer, for a long-term temporary closure of SW 31st Street south of Edwards Avenue, (access would be available for Water Works and property owners south of the barricade). **Moved by Hensley to defer action to close the street and refer it back to staff to work with Greenwood Neighborhood Association to take into account the items requested in their communication. Motion Carried 7-0.**

01-543 51. Regarding request from City Engineer, to vacate a segment of SW 6th Street between a point 33.24 feet north of Market Street to Elm Street, for purposes of the M.L. King Jr. Parkway project with excess right-of-way to be conveyed. **Moved by McPherson to adopt and refer to the City Manager and Legal department to implement. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

01-544 52. On assessment of \$300 penalty to 22 Cigarette Permittees, for violation of Iowa Cigarette Laws (sale to minors), (3-12-01). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-545 53. On Supplement No. 4 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital LLC, not to exceed \$620,000, for acquiring computer equipment, (3-12-01). ([Council Communication No. 01-084](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-546 54. On request from Oak Mills L.C. (John Kline), to rezone property at 2606 Easter Lake Drive, from "R1-90" (Large Lot, One Family Residential) to "PUD" (Planned Unit Development) and to approve conceptual plan, 66 single-family lots, Easter Lake Cove Concept Plan, (3-12-01). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-547 55. On request from Rich Eychaner (Owner) to rezone property at 3700 Merle Hay Road, from "R-3" (Multiple family Residential) to "C-2" (General Retail and Highway-Oriented Commercial), subject to conditions, (3-12-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-548 56. On City of Des Moines' 2000 Consolidated Annual Performance and Evaluation Report (CAPER), (3-26-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-549 57. On request from Midwest Property Group, Ltd. represented by J.J. Javros, to rezone property in the vicinity of 601 to 801 University Avenue, from "R-3" (Multiple Family Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (Highway Oriented Commercial), to "PUD (Planned Unit Development), (3-12-01). **Moved by McPherson to**



**adopt. Motion Carried 7-0.**

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

01-550 58. Approving Agreement for Compromise and Settlement with Airport Commerce Park, L.C. for reimbursement of increased costs of Fleur Drive paving in conjunction with Airport Commerce Park South Urban Renewal Project Area. ([Council Communication No. 01-102](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-551 59. Approving payment of \$95.96 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case Mary Elaine (Kirsch) Sinclair as Administrator of the Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-552 60. Approving payment of \$1,328.23 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of the City in the case of Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City of Des Moines. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

01-553 61. Submitting traffic regulation changes as follows, ([Council Communication No. 01-091](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Two-Hour Parking Restriction--East Side of 19th Street south of Pleasant.
- (2) Traffic Signals - Southridge Mall West Entrance and Army Post Road.
- (3) Three-way stop -- SW 26th Street and Watrous Avenue.
- (4) Four-Way Stop -- SW 26th Street and Stanton.
- (5) Through Street Designation, SW 26th Street from McKinley Avenue to Stanton Avenue.
- (6) One-sided parking restriction -- 49th Street and 49th Place North of Bel-Aire Road.
- (7) Two-sided parking restriction -- Thornton Avenue from SW 2nd to SW 4th.
- (8) Handicapped Parking Area--North Side of Des Moines Street East of E. 11th Street.

01-554 62. Submitting out-of-state travel request for Royce Hammitt, Dave Knutzen, Mike Matthes, Chris Johansen, Jack Kamerick, Jim Bowersox, Donna Boetel-Baker, Robert Boyd and Percy Coleman. ([Council Communication No. 01-083](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

## APPROVING

01-555 63. Endorsing "Neighborhood Link", as a provider of web pages for Neighborhood Associations, and non-profit organizations. ([Council Communication No. 01-104](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-556 64. Receipt of Legislative update for the 2001 Session. **Moved by McPherson to receive and file the report. Motion Carried 7-0.**

01-557 65. Categorical Assistant Progress Report for July 1 thru December 31, 2000, in conjunction with the Weed and Seed Program. ([Council Communication No. 01-089](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-558 66. Amendment One to the Des Moines Enterprise Community School-to-Work Program, to increase funding and extend program to September 30, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-559 67. Tax Abatement applications for additional value added by improvements during 2000, (253 applications on file in City Clerk's Office). ([Council Communication No. 01-090](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

68. Resolution denying the following applications for Tax Abatement:

01-560 (A) Jim Hall property at 2814 SE 14th Street; improvements do not qualify under City-wide Urban Revitalization Plan. ([Council Communication No. 01-095](#)). **Moved by Brooks to refer back to Southside Revitalization Partnership for review. Motion Carried 7-0.**

01-561 (B) Michael Johnson property at 1027 Geil Avenue; no improvements were made. ([Council Communication No. 01-096](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

01-562 (C) Irvin Winfrey property at 4300 SE 14th Street; improvements do not qualify under City-wide Urban Revitalization Plan. ([Council Communication No. 01-095](#)). **Moved by Brooks to refer back to Southside Revitalization Partnership for review. Motion Carried 7-0.**

01-563 (D) William Knudson property at 4301 SE 14th Street; improvements do not qualify under City-wide Urban Revitalization Plan. ([Council Communication No. 01-094](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

01-564 69. Intergovernmental 28E Agreement with City of Ankeny, Iowa and City of Des Moines, Iowa as Operating Agency for Des Moines Metropolitan Wastewater Reclamation Authority for treatment of Trucked Wastewater Treatment Plant Solids. ([Council Communication No. 01-097](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

**WITHDRAWN**01-565 70. Lease Agreement with Mercy Hospital administration to provide

space to install a receiver site for the City radio communication system. ([Council Communication No. 01-085](#))

01-566 71. Advertising Agreement with Ad in the Hole, (Ron Sorenson, General Manager), for tee-marker and cup advertising at the three municipal golf courses, on a trial basis during 2001. ([Council Communication No. 01-093](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Vlassis.**

01-567 72. One time waiver of City's Advertising Policy for selected light fixtures for Gray's Lake Bridge: Special Meeting will be called to select lowest qualified bidder. ([Council Communication No. 01-098](#)) **Moved by McPherson to approve. Motion Carried 7-0.**

01-568 73. Authorization to utilize existing purchasing contract, for Municipal Housing Agency's Affordable Home Ownership Program, for Unit Rehabilitation (Payless Cashways and Menards). ([Council Communication No. 01-103](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

74. Bids for the following:

01-569 (A) Dewey Ford Inc., (Mark Vukovich, President) from State of Iowa Contract No. CT2166MV for five Ford Explorer XLS utility vehicles to be used by the Engineering Department at a total cost of \$110,676. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Hensley.**

01-570 (B) Alexander Chemical Corporation, (Lisle, IL, Gillman Leavitt, President) for liquid chlorine to be used by the Wastewater Reclamation Facility at a cost of \$282 per one-ton cylinder. (Seven bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-571 (C) Alexander Chemical Corporation, (Lisle, IL, Gillman Leavitt, President) for Sulfur Dioxide to be used by the Wastewater Reclamation Facility at a cost of \$382 per one-ton cylinder. (Nine bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-572 (D) Approving American Towing, 2114 E. 14th Street, (Richard Tibbetts, President), as low bidder for the reassignment of the annual contract for towing and storage of abandoned vehicles, (nine bids mailed-two received). ([Council Communication No. 01-085](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-573 75. Civil Service Entrance Lists for Sewer Operations Manager, Construction Inspector Supervisor, Real Estate Assistant and Traffic Engineer I. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-574 76. Authorizing Finance Director to draw checks on registers of February 16, 2001 and February 23, 2001; bills of the Des Moines Municipal Housing Agency for the weeks of February 19, 2001 and February 26, 2001 and biweekly payroll due employees of the City on

February 23, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

01-575 77. Amending Chapter 62 of the Municipal Code, to make minor revisions and code updates to sections regarding Human Rights. **Moved by McPherson that this ordinance do now pass, [#13,922](#). Motion Carried 7-0.**

01-576 78. Amending Chapter 102 of the Municipal Code, regarding street use permits. **Moved by McPherson that this ordinance do now pass, [#13,923](#). Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

01-577 79. Amending Chapter 74 of the Municipal Code regarding various park fees. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

01-578 80. Giving prior approval for a partial exemption from property taxation on the value to be added by new construction to industrial real estate at 2500 Dixon Street, owned by Lomar Distributing, Inc. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-579 81. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (1) Parking Regulation Modifications - Court Avenue Entertainment District.
- (2) Corner Clearance - west side of 11th Place north of Madison Avenue.
- (3) Corner Clearance - west side of SW 12th St south of Leland.
- (4) Corner Clearance - west side of 31st Street north of Elmwood Drive.

01-580 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,924](#). Motion Carried 7-0.**

**COUNCIL REQUESTS**

01-581 82. From Council Member Archie Brooks regarding Parcel of Land between Army Post Road and Gem Street, SW 5th and SW 6th. **Moved by Brooks to receive, file and refer to Legal, City Manager and Planning and Zoning. Motion Carried 7-0.**

83. Approving recommendation of City Council Employee Evaluation Sub-Committee regarding:

01-582 (A) City Manager. **Moved by Vlassis to approve the Sub-Committee's recommendation, effective January 1, 2001, as contained in the Committee's communication. Motion Carried 7-0.**

01-583 (B) Corporation Counsel. **Moved by Vlassis to approve the Sub-Committee's recommendation, effective January 1, 2001, to increase his base salary to \$125,000 annually. Motion Carried 7-0.**

01-584 (C) City Clerk. **Moved by Vlassis to approve the Sub-Committee's recommendation, effective January 1, 2001, to increase her base salary by eleven percent (11%). Motion Carried 7-0.**

01-585 (D) Discussion of Mayor/Council salaries for 2000/ 2001. **Moved by Vlassis to discuss, and refer to Legal for preparation of proper legislation, for Council to consider in June. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 88 through 100 at 5:35 P.M.\*\***

## **COMMUNICATIONS/REPORTS**

01-586 84. From William L. Crist, Owen Crist Auto Body Service, Inc. regarding lease of 12th Place for a period of one year with options for renewal. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager and Legal for review and recommendation. Motion Carried 6-1. Absent: Flagg.**

01-587 85. Communication from area property owners, in favor of paving on SW 5th Street from Virginia Avenue to Pleasantview Drive. **Moved by Brooks to receive, file and refer to City Manager and City Engineer for review and recommendation; staff to meet with neighborhood prior to making a recommendation. Motion Carried 6-1. Absent: Flagg.**

01-588 86. From Bob King, Chair, Neighborhood Revitalization Board, regarding the Governor's Housing Task Force. **Moved by Hensley to receive and file; refer to Legislative Sub-Committee. Motion Carried 6-1. Absent: Flagg.**

01-589 87. From Attorney Christopher Pose, representing MidAmerican Energy Company regarding request to purchase property at the intersection of Martin Luther King Jr. Parkway and S.W. 7th Street. **Moved by Hensley to receive and file; to authorize the City Manager to open negotiations with MidAmerican for the sale of the property; and to authorize the City**

**Manager to sign an application to the Zoning Board of Adjustment for a Special Permit to use the property as an electrical substation in the event the City Council hereafter decides to convey the property to MidAmerican for that use. Motion Carried 7-0.**

**INFORMAL HEARINGS (Opened at 5:35 P.M.) (Item 88)**

01-590 88. On Zwart Road Brick Street Replacement, from Forest Drive to 28th Street, continued from 2-12-2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

**HEARINGS (Opened at 5:38 P.M.) (Items 89 thru 100)**

01-591 89. On appeal from William Strate, 100 Market Street #112, regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Flagg to reverse decision and direct refund of towing charges and parking ticket fine. Motion Carried 7-0.**

90. On adoption of the following:

01-592 (A) Amendment to current City Operating Budget ending June 30, 2001. **Moved by Flagg to adopt. Motion Carried 7-0.**

01-593 (B) Operating Budget estimate FY July 1, 2001 - June 30 2002, (to set meeting for final consideration of the budget on 3-2-2001 at 4:00 P.M.) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

**\*\*Council Member Flagg left the meeting at 7:00 P.M.\*\***

01-594 91. On alternate proposals regarding number of members on the Zoning Board of Adjustment: **Moved by Coleman to close the public hearing. Motion Carried 4-1-2. Nays: McPherson. Absent: Flagg and Vlassis.**

01-595 (A) First consideration of ordinance to increase the size to 7 members. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 4-1-2. Nays: McPherson. Absent: Flagg and Vlassis.**

01-596 (B) First consideration of alternate ordinance to maintain the existing 5 members. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Failed 1-4-2. Nays: Daniels, Coleman, Hensley and Brooks. Absent: Flagg and Vlassis.**

01-597 92. On Building Official's determination that the structure at 1372 Kenyon Avenue, constitutes a public nuisance. ([Council Communication No. 01-099](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-598 93. On amendment to the Wesley Acres PUD Concept Plan, 3520 Grand, to allow for a children's day care use within an existing portion of the facility, to include an adjoining outdoor playground area, subject to conditions. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-599 94. On request from Alan Donahoe, to rezone property at 3205 Douglas Avenue from "R1-60" (One Family, Low Density Residential), to "C-1" (Neighborhood Retail Commercial) to allow office and retail use within the existing commercial building with additional off-street parking subject to conditions. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-600 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-601 (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, [#13,925](#). Motion Carried 6-1. Absent: Flagg.**

01-602 95. On request from JSV Community Properties, Inc., (Owner) to rezone property at 901 SW 63rd Street from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One Family, Low Density Residential), to "C-2" (General Retail and Highway-Oriented Commercial), to allow property to be redeveloped to a 4,600 square foot gas/convenience store with additions. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-603 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-604 (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, [#13,926](#). Motion Carried 6-1. Absent: Flagg.**

01-605 95. (C) Recommendation from City Plan and Zoning Commission. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

01-606 96. On proposed vacation and conveyance of the east/west alley right-of-way from 15th Street to the north/south alley between Center Street and Park Street, to Chester Guinn, \$50. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-607 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-608 (B) Final consideration of ordinance above, (waiver required 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, [#13,927](#). Motion Carried 6-1. Absent: Flagg.**

01-609 97. On Union Park Rocket Slide Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hooyer Construction Inc., (Curtis L. Hooyer, President, Pella), \$45,950. ([Council Communication No. 01-087](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-610 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-611 98. Resolution to REJECT all bids and close the hearing on the Parking Garage Elevator Renovation Project, (one bid received, - over estimate). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-612 99. On Council-initiated request to rezone property between Scott Avenue and Maury Street, bounded on the west by the railroad right-of-way and on the east by Dean's Lake, from "M-2" (Heavy Industrial) to "M-1" (Light Industrial). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-613 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-614 (B) Final consideration of ordinance above. **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, [#13,928](#). Motion Carried 6-1. Absent: Flagg.**

01-615 100. On proposed conveyance of alley right-of-way adjoining 1123 Pleasantview Drive, to Tommie and Maureen Petet, \$25. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

\* \* END HEARINGS at 7:38 P.M. \* \*

**\*\*Council considered Items 84 thru 87 next\*\***

## **APPROVING**

01-616 101. Professional Services Agreement with Brian Clark & Associates (Brian Clark, President) for a redevelopment plan for Greenwood and Ashworth Parks, not to exceed \$25,300. ([Council Communication No. 01-086](#)) **Moved by Hensley to adopt. Council requested identity of the Committee's composition. Motion Carried 6-1. Absent: Flagg.**

01-617 102. Submission of Community Economic Betterment Account (CEBA) Application to



State of Iowa and Preliminary Approval for Local Contribution to Paper Systems, Inc., 321 SW 4th, (Larry and Rosemary Chase), to fund equipment and working capital to bring a new container product to market. ([Council Communication No. 01-092](#)) **Moved by Hensley to approve. Motion Carried 6-1. Absent: Flagg.**

01-618 103. Resolution giving preliminary approval for a \$20,000 loan from the City to the James Thrasher Trust to allow them to construct a new building at 3008 E. 14th Street. ([Council Communication No. 01-100](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-619 104. Communication from Deputy City Manager recommending Terms of Agreement with 300 East Locust, L.C., regarding construction of a new commercial building located at 300 East Locust Street in the Eastern Gateway, ([Council Communication No. 01-101](#)). **Moved by Coleman to receive, file and adopt recommendations as contained in the Council Communication. Motion Carried 5-1-1. Nays: Brooks Absent: Flagg.**

01-620 105. Ten-Day Extension of deadline for Receipt of Proposals for Redevelopment of Masonic Temple, 1011 Locust. ([Council Communication No. 01-105](#)) **Moved by Coleman to approve. Motion Carried 5-1-1. Nays: Vlassis Absent: Flagg.**

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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.**

01-621 1. Approving negotiated settlement for the acquisition and relocation of occupants of 812 Mulberry Street from Security File Warehouse, L.P. for the Wells Fargo Financial Redevelopment in The Metro Center Urban Renewal Project - \$2,350,000 and mediation fees to Frank A. Comito, Attorney - \$1,608.75. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-622 (A) Resolution ordering construction of Asbestos Abatement for the above project, receiving of bids (3-7-01), and setting date of hearing (3-12-01), estimate - \$75,000. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

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

**BOARD OF HEALTH  
February 26, 2001**

01-623 MOTION TO CONVENE **Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

## **AUTHORIZING**

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

01-624 (A) 1601 Army Post Road, Lot 16 (vacant) Titleholder of Trailer: Holly Gibbens, Titleholder of Real Estate: Gene U. and Shirley D. Rosendahl, and Legal Interest Holder: First Bank, Attn: Roger Petersen, Senior Vice President. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-625 (B) 1915 Franklin Avenue (vacant) Titleholder: Unknown heirs of Nolberto R. and Reva R. Paz, and Legal Interest Holder: Destiny 98, Attn: George Noga, President. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-626 (C) 2147 High Street (vacant) Titleholder: Donald L. Andersen and Mona R. Weir, Contract Buyer: Steve Roberts d/b/a Property Concepts Group, and William A Schmidt d/b/a Property Concepts Group, and Legal Interest Holder: Jetz Service Co., Inc., Attn: CT Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-627 (D) 1310 5th Avenue (vacant) Titleholder: Donald Pettis. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-628 (E) 414 SE 7th Street (vacant) Heirs of John W. and Joyce A. Worthington: Johnnie W. Worthington, Teresa Lynn Faber, Jason W. Worthington, Malinda A. Worthington, Cindy Sly. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-629 (F) 1233 10th Street (front house) (vacant) Titleholder: Verna Reed. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-630 (G) 1233 10th Street (rear house) (vacant) Titleholder: Verna Reed. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-631 (H) 1235 10th Street (vacant) Titleholder: Verna Reed. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

2. The Engineering Department to cause the following structures to be removed:

01-632 (A) 2134 Lyon; Titleholder, Robert Kimmel. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-633 (B) 1306 4th Street; Titleholder, Dennis Eppard. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-634 (C) 1400 E. 9th Street, Titleholder, Jack LaMar. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-635 3. Release of demolition cost reserve held under claim number 56018042244 regarding property known as 1417-6th Avenue owned by Richard Clough. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-636 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:48 P.M. Motion Carried 6-1. Absent: Flagg.**

*DES MOINES-CITY OF SKYWALKS*