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March 18, 2002 Roll Calls	02-635 thru 02-663 02-664 thru 02-707 02-708 thru 02-748 02-749 thru 02-779
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SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 18, 2002 4:30 P.M.

SPECIAL PRESENTATIONS 4:15PM:

Presentation by local artist, Will Ghormley, regarding Happy Trails Children's Foundation

INVOCATION: Pastor Paul Bowden, Westchester Evangelical Free Church

02-635 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-636 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Brooks to adopt. Motion Carried 7-0.**

02-637 3. APPROVING CONSENT AGENDA - items 3 through 79: **Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-638 4. The following Beer/Liquor Applications. **Moved by Brooks to adopt. Motion Carried 7-0. Council Member McPherson declares a conflict of interest on items 3 and 4, and abstains from voting. Items 16, 23 and 27 were withdrawn.**

NEW APPLICATIONS

1. Stranded	1922 Hubbell Avenue
2. Service America/Sec Taylor Stadium	350 SW 1st Street

RENEWAL APPLICATIONS

*3-4. Linn's Super Market	3805 6th Avenue
5-6. QuikTrip #544	3941 SE 14th Street

7-8. Hy Vee Food Store #3	3221 SE 14th Street
9. Hawkeye Elks Lodge #160	1401 Walker Street
10. Nat Food Mart #1	3804 Hubbell Avenue
11. Campbell's Concessions-4H Building	3000 E. Grand Avenue
12. Paesano's	2804 SW 9th Street
13. Iowa Cub Club of Des Moines	350 SW 1st Street
14-15. Dahl's Foods	3425 Ingersoll Ave
16. Kwik Shop #524	4140 Park Avenue
17. Kelly's Texaco	111 63rd Street
18. Wheely's Bar & Grill	4369 Merle Hay Road
19. Highland Park Country Club	518 E. Euclid Avenue
20-22. Liquor Island	901 E. Euclid Avenue
23. Nut Pob Restaurant	3322 Indianola Ave
24. Grandview Golf Course	2401 E. 29th Street
25. Waveland Golf Course	4908 University Ave
26. Sunrise Tap	4155 Easton Blvd
27. LC's Corner	344 E. Jackson Ave
28. Shie Concession-Grandstand	3000 E. Grand Ave
29. Chicago Speakeasy	1520 Euclid Avenue
30. Wellman's Pub	2920 Ingersoll Ave
31. Tobacco Outlet Plus #510 Permanent transfer from 3413 SW 9th, subject to approval of Zoning and Fire.	4821 SW 9th Street
32. Court Avenue Brewing Temporary Outdoor Service Area in conjunction with Drake Relays Celebration on April 26, 2002	309 Court Avenue

02-639 5. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: McPherson**

02-640 6. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried**

6-1. Nays: McPherson

PUBLIC IMPROVEMENTS

02-641 7. Authorization to proceed with the 2002 PCC Pavement Resurfacing Program included in the 2002-2003 Capital Improvements Program. ([Council Communication No. 02-141](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

8. Approving residential paving of four streets and two alleys:

02-642 (A) Communication from City Manager. **Moved by Brooks to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**

02-643 (B) Preliminary resolution for construction. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-644 (C) Fixing values of lots. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-645 (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-646 (E) Setting date of hearing on proposed Resolution of Necessity, (4-8-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-647 9. Approving Iowa Department of Transportation Agreement for landscaping enhancements on M.L. King Jr. Parkway at intersection with Ingersoll. ([Council Communication No. 02-144](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**

02-648 (A) Resolution Ordering Construction of the M.L. King Jr. Parkway Paving--Ingersoll to Center--IDOT Project: Setting Date of Hearing (4-8-02), (Construction Estimate - \$6,583,697.60). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**

02-649 10. Approving Agreement between the City and the Iowa Department of Transportation (IDOT) for Park Avenue Improvements from S.W. 42nd Street to S.W. 56th Street. ([Council Communication No. 02-143](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-650 11. Approving Preconstruction Agreement with Iowa Department of Transportation (IDOT) for University Avenue to Guthrie Avenue Interchange Westbound. ([Council Communication No. 02-145](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-651 12. Approving Preconstruction Agreement with Iowa Department of Transportation (IDOT) for the E. 6th Street and E. 9th Street Bridge Relocation and Bridge Reconstruction Project. ([Council Communication No. 02-146](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-652 13. Communication from Schumacher Elevator Co. requesting an extension of time of 74 calendar days for Parking Garage Elevator Renovation (Fourth & Grand Garage), with a completion date of June 1, 2002. ([Council Communication No. 02-142](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

14. Accepting completed construction and approving final payment of the following:

02-653 (A) Zwart Brick Road Pavement Replacement, The Underground Company, Ltd., with as-built cost of \$177,168.30, \$25,450.31 due now and \$8,858.42 at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-654 (B) SW 9th Street Bridge over Raccoon River Emergency Repair, Cramer & Associates, Inc., with as-built cost of \$17,160, \$16,302 due now and \$858 the end of thirty days. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-655 (C) 424 10th Street Asbestos Abatement (Former AIB Building), M.E.D.A., with as-built cost of \$62,799, \$3,139.95 due at the end of thirty days. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-656 15. Authorizing the City Manager to proceed with Sidewalk Program/Request to Repair Sidewalk petitions, waiver signed by one property owner; Sidewalk Program/Request to Repair Driveway petitions, waivers signed by three property owners; Paving or Curb Replacement Program/Request to Repair Driveway petitions, waivers signed by two property owners. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-657 16. Approving partial payments on eleven (11) public improvement projects. (Call City Clerk's Office for list.) **Moved by Brooks to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

02-658 17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the Month of February 2002 for certification to Polk County Treasurer. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-659 18. Authorizing Engineering Staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for February 2002. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-660 19. Authorizing Engineering Department to delete assessments of Certificate Nos. BHNAC 00-200105-0680500 and BHNAC 00-200108-0704200 on 823 Buchanan, Home Opportunities Made Easy, Inc. has acquired the property for purpose of renovation of the structure for occupancy by a low or moderate income family. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-661 20. Approve authorization to accept the assignment of "Frisbie Park offer to purchase real estate for residential construction" and issue replacement deeds to R. M. Madden Construction, \$49,500. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-662 21. Approve resolution authorizing issuance of corrective deed to R. M. Madden Construction, Inc. for 5723 Winona Avenue; error in legal description. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-663 22. Approve and accept deed from R. M. Madden Construction for 3 lots at SE 9th and E. Edison to be used for levee and street purposes, \$1,500. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-664 23. Authorize payment of Condemnation Award for acquisition of 1905 Cottage Grove Avenue for Martin Luther King, Jr. Parkway-North/South Segment - \$115,000 plus sheriff's fees and jury expenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-665 24. Approve and Accept Revised Offer to Purchase, Form of Warranty and Access Right Deeds and Temporary Easement for 600 Martin Luther King, Jr. Parkway for the Martin Luther King, Jr. Parkway Project, North/South Segment, \$9,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

02-666 25. Approve and Accept Warranty Deed and Trustee Warranty Deed for 1300 Scott Avenue and 1202 Scott Avenue, \$1,400,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-667 26. Approve and Accept Access Rights Deed and Temporary Easement for 2120 Ingersoll Avenue (Tim Flanagan), for Martin Luther King, Jr. Parkway Project, North/South Segment, \$13,331 plus closing costs. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Coleman.**

02-668 27. Approve and Accept Tenant Consents for 2753 Cleveland Avenue for Easton Boulevard Detention Basin N/K/A Leetown Creekway, \$100. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-669 28. Approve and Accept Permanent Easement for Traffic Signal and Street Lighting Systems for 5109 Douglas Avenue and 50th Street Traffic Signal Upgrade, \$500. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-670 29. Resolution to Approve and Accept Revised Offer to purchase Real Estate and Acceptance and form of Warranty Deed for 1212 Grand Avenue for the Gateway West Project, \$342,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-671 30. Approve and Accept Permanent Easement for Gay Lea Wilson Recreational Trail at 4141 Colfax Avenue, \$5,150. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-672 31. Approve and Accept Warranty Deed for 4140 E. 38th Street for the Gay Lea Wilson

Recreation Trail, \$1,260 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-673 32. Approving final plat of Woodside Estates West Plat 1 located in Polk County, west of NW 2nd Street, east of NW 6th Drive, south of NW 60th Avenue and north of NW 54th Avenue. ([Council Communication No. 02-139](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-674 33. Recommendation of Mayor Preston Daniels to reappoint Jinny Garrison Nickerson to Seat #3 on the Civil Service Commission for a four year term commencing April 1, 2002 to expire April 1, 2006. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-675 34. Recommendation of Mayor Preston Daniels to reappoint Jeffrey Hall to Seat #4 on the Civil Service Commission for a four year term commencing April 1, 2002 to expire April 1, 2006. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-676 35. Recommendation of Mayor Preston Daniels to reappoint Susan Holderness to Seat #2 on the Historic District Commission for a three-year term commencing March 28, 2001 to expire March 28, 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-677 36. Recommendation of Council Member Mike McPherson to reappoint Phyllis Fitzpatrick to Seat #8 on the Historic District Commission for a three year term commencing October 18, 2001 to expire October 18, 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-678 37. Communication from Chair of the Historic District Commission advising of resignation of Stuart Turner (Seat #9) and requesting his seat be declared vacant. **Moved by Brooks to receive, file and declare the seat vacant. Motion Carried 7-0.**

STREET CLOSURES

38. Approving recommendation of Street Use Team (SUT) to close the following streets:

02-679 (A) Robin Leaper, representing Des Moines Park and Recreation, requesting permission to close East 1st Street from Grand Avenue to Locust Street on Saturday, April 20, 2002 from 8:00 AM to 2:00 PM for Mayor's Annual Bike Ride. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-680 (B) Hans Hanson, representing Drake University, requesting permission to close Clark Street from 27th Street to 28th Street; 28th Street from Clark Street to Forest Avenue on Wednesday, April 24, 2002 at 12:01 AM through Sunday, April 28, 2002 at 11:59 PM and one lane of 27th Street from Clark Street to Forest Avenue on Thursday, April 25, 2002 from 12:01 AM to Saturday, April 27, 2002 at 11:59 PM for the Drake Relays. **Moved by Brooks to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

02-681 39. Regarding request from Cyrano, L.C. for vacation and conveyance of property in the vicinity of Edison, Granger, SE 15th, and SE 16th. **Moved by Brooks to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

02-682 40. Regarding preliminary subdivision plat for Grandshire Estates, vicinity of 4000 Indianola Road. **Moved by Brooks to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-683 41. On issuance of a license to Qwest Communication, to enter property in the vicinity of E. 18th and E. Walnut Fire Station, to construct a communication box, (4-8-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-684 42. On proposal to lease property in the vicinity of the Bike and Recreation Trail along Lower Beaver Road, to Polk County, for use as a Mountain Bike Trail through 9-30-23, (4-8-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-685 43. On Zoning Ordinance amendments to revise the "R-3" and "R-4" District Standards, to provide for site plan review by the Plan and Zoning Commission for new multi-family residential development and for conversion of existing development that increases unit density, (4-8-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-686 44. On Assessment of \$300 penalties to twelve (12) Cigarette Permittees for violation of Iowa Cigarette Laws, selling cigarettes to minors, (4-8-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-687 45. On 30 Day suspensions of Cigarette Permits for Eastown Standard, 2850 E. Euclid Ave. and for Zimms, 3124 Ingersoll Ave. for selling cigarettes to minors, (4-8-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-688 46. On proposed Voluntary Annexation of property in unincorporated Warren County - extending two miles south from County Line Road, and extending 2 1/2 miles east from 80th Avenue and the northerly extension of 80th Avenue, (**Thursday, March 28, 2002, 4:30 PM**). ([Council Communication No. 02-133](#)) **Moved by Brooks to adopt, and to schedule a special meeting of the City Council on March 28, 2002, at 4:30 P.M. to consider the proposed annexation. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-689 47. Approving payment of \$1,295.29 to William Jenkins of Myers & Jenkins and \$826.60 to Jack Phillips of Phillips, Goldman & Spence, P.A. for representation of City in the Trans World Airlines, Inc. bankruptcy. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-690 48. Approving payment of \$9,815.82 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-691 49. Approving payment of \$421.46 to Antonio Colacino of Nyemaster, Goode, Voights, West, Hansell & O'Brien, P.C. for airport title opinion work. **Moved by Brooks to adopt.**

Motion Carried 7-0.

02-692 50. Approving payment of \$275 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for environmental law counsel services to City in conjunction with acquisition of environmentally contaminated properties for Martin Luther King, Jr. Parkway Project (DICO).

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

02-693 51. Approving payment of \$40.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-694 52. Approving payment of \$12,237.30 to Mark McCaune for payment of worker's compensation benefits for permanent injury in the course and scope of his employment. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-695 53. Approving payment of \$443.90 per week for a period of 265 weeks to Gerald W. Kutchen for settlement of a worker's compensation claim for an injury sustained during the scope of his employment. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-696 54. Approving Aircraft Catering Agreement termination payment from Gate Courmet, Inc. in the amount of \$9,000.00 for a termination settlement. ([Council Communication No. 02-140](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-697 55. Approving payment of \$202,764.16 to Nationwide Insurance for claim under the Contract for Sale of Land for Private Redevelopment. ([Council Communication No. 02-136](#)).

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

02-698 56. Approving settlement in conjunction with Electrical Engineering and Equipment Company, v. City of Des Moines and Polk County; City of Des Moines v. Delaware Investment Company, Electrical Engineering and Equipment Company and Polk County; and Electrical Engineering and Equipment Company v. City of Des Moines. **Moved by Brooks to adopt.**

Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

02-699 57. Submitting out-of-state travel requests for Craig Youngblood, Rick Moody, Camden Moran, and Diane Rauh. ([Council Communication No. 02-125](#)). **Moved by Brooks to adopt.**

Motion Carried 7-0.

02-700 58. Submitting various traffic regulation changes as follows, ([Council Communication No. 02-131](#)). **Moved by Brooks to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Designate Space for Marked Police Vehicles Only and Provide One Additional Handicapped Parking Meter--Adjacent to Polk County Courthouse.
- (2) Provide One Handicapped Parking Meter--East Side of 4th Street between Court Avenue and Walnut Street.
- (3) Corner Clearance--North Side of Enden Lane, East of Hickory Hill Lane.
- (4) Installation of Handicapped Parking Meters: 300 block of 3rd Street; 500 block of 4th Street; and 200 block of East 2nd Street, and Municipal Code Correction.
- (5) Petition for Two-Sided Parking Restriction--41st Street between Beaver Avenue and Northwest Drive.
- (6) Provide Handicapped Parking Meter--West Side of East 5th Street between East Locust Street and East Grand Avenue.

APPROVING

02-701 59. Receipt of Legislative Update for the 79th Iowa General Assembly. **Moved by Brooks to receive and file. Motion Carried 7-0.**

02-702 60. Request from Downtown Alliance on behalf of the Iowa State Fair requesting permission to display 72 banners in central downtown Des Moines during the months of July and August, 2002. **Moved by Brooks to receive, file and approve banner design as submitted. Motion Carried 7-0.**

02-703 61. Grant Agreement with HUD for 2002 Shelter Plus Care Funds, for the Anawim Housing Project, \$619,200. ([Council Communication No. 02-124](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-704 62. Acceptance of grant application Edward Byrne Memorial State and Local Law Enforcement Grant from Governor's Office of Drug Control Policy for creation of a Crime Analyst position within Vice/Narcotics, (\$65,808.10). ([Council Communication No. 02-129](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-705 63. Grant Application to the Governor's Office of Drug Control Policy - Edward Byrne Memorial State and Local Law Enforcement Assistance Program, to fund the Rock-in-Prevention program in 15 Des Moines Schools, \$200,000. ([Council Communication No. 02-123](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-706 64. Grant application to Office of Drug Control Policy through the Byrne Crime Reduction Grant Program, to fund the Park and Recreation Department's Showmotion Outreach Program. ([Council Communication No. 02-149](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-707 65. Acceptance of Violence Against Women Grant (DART) from Governor's Office of Drug Control Policy for the Domestic Abuse Resource Team to assist in purchasing computer equipment, overtime and an additional Police Cadet (Bi-Lingual) position. (\$74,560.18). [\(Council Communication No. 02-130\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-708 66. Submitting Application for the United States Fire Administration Firefighters Grant for a Video Conferencing System for delivery of training/education programs for department's ten fire stations. [\(Council Communication No. 02-138\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-709 67. Accepting and approving Single Beverage Provider Agreement with Pepsi Americas for existing park facilities and concessionaires, (3 bids mailed - 2 received). [\(Council Communication No. 02-150\)](#). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

02-710 68. Grant application to the Iowa Arts Council for the Parks Department to develop the Des Moines Community Garden Coalition. [\(Council Communication No. 02-152\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-711 69. Interdepartmental Space Allocation Agreements for Neighborhood Site Offices in various Community Centers with the Parks Department. [\(Council Communication No. 02-155\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-712 70. Incorporation of the CHDC's Low Income Senior Citizen Rental Housing Project into the NCS New Construction Project's work program. **Moved by Brooks to adopt. Motion Carried 7-0.**

71. Bids for the following:

02-713 (A) Artistic Waste Services, primary supplier, (Anthony Colosimo, President), and Waste Management of Iowa, secondary supplier, (Curtis Hill, President), for an annual contract with two twelve month renewal options for trash removal services for the SCRUB Program to be used by the Public Works Department, \$108,000. (9 bids mailed, 2 bids received) [\(Council Communication No. 02-134\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-714 (B) Charles Gabus Ford, (Charles Gabus, President), for three one ton trucks with dump bodies to be used by the Parks Department Horticultural Division, \$100,367.70. (9 bids mailed, 6 received) **Moved by Brooks to adopt. Motion Carried 7-0.**

02-715 72. Bids from Mid-Iowa Solid Waste Equipment Co., (Jeff Firestone, President) for three truck bodies, \$141,000; Freightliner of Des Moines, (Carl Schwab, President, Altoona) for one truck chassis, specification no. 01-02-09A, \$61,808; Peterbilt of Des Moines, (Brad Wilson, President, Altoona) for two truck chassis, specification nos. 01-02-10A and 01-02-11A, \$151,848; for three automated side loading refuse trucks to be used by the Public Works Department at a total cost of \$354,656. (11 bids mailed, 6 received) [\(Council Communication](#)

No. 02-156 Moved by Brooks to adopt. Motion Carried 7-0.

02-716 (A) Authorizing execution and delivery of a Supplement No. 6, \$354,656, to the governmental lease-purchase Master Agreement with Banc of America Leasing & Capital LLC, for purchase of three automated refuse trucks. ([Council Communication No. 02-148](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-717 73. Civil Service Entrance Lists for Refuse Collector, Real Estate Assistant, and Promotional List for Cemetery Maintenance Leader. **Moved by Brooks to receive and file. Motion Carried 7-0.**

02-718 74. Authorizing Finance Director to draw checks on check registers of March 22, March 29, and April 5, 2002; bills of the Des Moines Municipal Housing Agency for the weeks of March 18, March 25, and April 1, 2002; and to draw checks for biweekly payroll due employees on March 22 and April 5, 2002. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-719 75. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Brooks that this ordinance do now pass, [#14,062](#). Motion Carried 7-0.**

(1) Corner Clearance--North Side of East Holcomb Avenue, West of Saylor Road.

(2) Corner Clearance--East Side of Polk Boulevard, South of Boulevard Place.

ORDINANCES - SECOND CONSIDERATION

02-720 76. Amending Chapter 2 of the Municipal Code regarding political activities of city employees, as amended; code update to be consistent with terms of State Law. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-721 77. Amending Chapter 2 of the Municipal Code regarding support staff for the Access Advisory Board; code update. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-722 78. Amending Chapter 34 of the Municipal Code regarding sale of burial spaces, lots and plots for right of interment; code update. ([Council Communication No. 02-154](#)). **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-723 79. Amending Chapter 74 of the Municipal Code, regarding fees for various Park and Recreation facilities. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0. Council Member Coleman registers a "NO" vote on the pool fees.**

02-724 (A) Final consideration of ordinance above, (waiver requested by Parks Department), 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, #14,063. Motion Carried 7-0. Council Member Coleman registers a "NO" vote on the pool fees.**

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

ORDINANCES - FIRST CONSIDERATION

02-725 80. Adding Section 26-113(e) to the Municipal Code regarding waiver of permit fees by the City Council, for projects in the Metro Center Urban Renewal Project Area, (State Vision Iowa Program Funded Projects). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

02-726 81. Amending Chapter 34 of the Municipal Code regarding Niche Tower Space Package fee in City cemeteries. [\(Council Communication No. 02-151\)](#). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-727 82. Amending Chapter 98 of the Municipal Code, to establish a collection fee and disposal process for appliances. [\(Council Communication No. 02-132\)](#). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-728 (A) Final consideration of ordinance above, (waiver requested by Public Works), requires 6 votes. **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, #14,064. Motion Carried 7-0.**

02-729 83. Amending Chapter 26 of the Municipal Code regarding Building and Building Revisions, to adopt the updated 2000 International Building Code and 2000 International Residential Code. [\(Council Communication No. 02-147\)](#). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

02-730 84. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Provide Specifically Designated Parking Spaces for the United States Attorney's Office--East Side of East 1st Street, South of Walnut Street.

(2) Parking Restrictions in New Construction Area--11th/12th Street Connection of the Martin Luther King Jr. Parkway Project.

(3) Corner Clearance Extension--North Side of University Avenue, West of 28th Street.

(4) Parking Restriction--West Side of 49th Place, Along the Curve South of Urbandale Avenue.

COUNCIL REQUESTS

02-731 85. From Mayor Daniels, to discuss the Des Moines Municipal Band's schedule for Music Under the Stars concerts this summer. **Moved by McPherson to discuss, and refer to City Manager for review and recommendation regarding maintaining the previous level of programming by the Des Moines Municipal Band; identify funding or cost saving measures in order to continue the program at the previous year's level (5 events); including soliciting corporate sponsorship. Motion Carried 7-0.**

02-732 86. From Mayor Daniels, to discuss possibility of painting handicapped parking meters blue, or providing other means of uniform identification. **Moved by Vlassis to discuss, and refer to City Manager for review and recommendation. Motion Carried 7-0.**

02-733 87. From Council Member Hensley, to discuss house moving and the need to bring houses up to plumbing and electrical code compliance after being situated on a new foundation. **Moved by Hensley to receive and file. Motion Carried 7-0.**

CITY MANAGER RECOMMENDATIONS

02-734 88. Regarding changes to the organization and duties of the Urban Development Board, Architectural Advisory Committee and the Historic District Commission. ([Council Communication No. 02-157](#)). **Moved by Coleman to receive and file, and to direct the City Manager and Legal Department to prepare the necessary legislation to implement the proposal for future consideration by the City Council; seeking input from all appropriate Boards, Commissions, and organizations and schedule the proposed ordinance for an informal hearing in late April or early May. Motion Carried 7-0.**

HEARINGS (Opened at 5:40 P.M.) (Items 89 thru 98)

02-735 89. On Urban Renewal Agreement for Sale of Land for Private Redevelopment to Science Center of Iowa, to develop Disposition Parcel No. 01-2 in Metro Center Urban Renewal Project, (400 Martin Luther King Jr. Parkway). ([Council Communication No. 02-128](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-736 90. On sale of land between 1st and 2nd Streets, north of Vine Street, to Vine Street Limited Partnership, \$10, subject to covenants requiring the land be used for proposed Vine Street Lofts Housing Project. ([Council Communication No. 02-127](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-737 (A) On amendments to the contract for sale of vacated alley in the block north of Vine Street between 1st and 2nd, to Neighborhood Improvement Corporation for the Vine Street Lofts project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-738 (B) Approving exchange of vacated alley to Neighborhood Improvement Corporation. **Moved by Hensley to adopt and approve. Motion Carried 7-0.**

02-739 (C) Approving assignment to City of HOME Program Grant from I.D.E.D., approximately \$700,000, originally granted to Vine Street Limited Partnership, for the Vine Street Lofts Housing Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-740 91. On Building Official's determination that the structure at 2322 Hubbell Avenue, constitutes a nuisance. ([Council Communication No. 02-137](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

92. On lease of vacated property in the vicinity of Glenview Drive and River Oaks Drive:

02-741 (A) Howard and Prudence Taylor, \$200.. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-742 (B) James and Sue Cornick, \$100. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-743 93. On vacation and conveyance of the north/south alley between 3rd and 4th Street from Corning to New York, to Michael R. Bohn and Nancy Suby-Bohn, \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-744 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-745 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by McPherson 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, #14,065. Motion Carried 7-0.**

02-746 94. On vacation and conveyance of a portion of the North/South alley right-of-way between 9th, 10th, Walnut and Mulberry, to Hubbell Realty Company, \$50, with an obligation to construct a Skywalk Corridor. **Moved by Hensley to adopt and approve, subject to final passage of the ordinance vacating the right-of-way. Motion Carried 7-0.**

02-747 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-748 (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, [#14,066](#). Motion Carried 7-0.

WITHDRAWN02-749 95. On Plan and Zoning Commission's recommended DENIAL of request from Terry Vriese and Kyle Whalen, to rezone property at 1311 and 1315 63rd Street, north of University from "R1-60" (One Family Low Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial).

02-750 (A) ALTERNATE RESOLUTION: To approve the rezoning request, (requires 6 affirmative votes). **Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-751 (B) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-752 (C) 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, [#14,067](#). Motion Carried 7-0.**

02-753 (D) Communication and petitions received regarding the above. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-754 96. On Supplement No. 7 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital LLC, \$81,268, for acquiring five (5) Ford 2002 F-150 pickup trucks. ([Council Communication No. 02-126](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-755 (A) Authorization for additional action.. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-756 (B) Authorizing execution and delivery of Supplement No. 7. **Moved by Brooks to adopt. Motion Carried 7-0.**

97. On resolution to deny Local Landmark designation for 2 buildings, (continued from February 4, 2002):

WITHDRAWN02-757 (A) Masonic Temple, 1011 Locust Street.

02-758 (1) ALTERNATE RESOLUTION: To approve. **Moved by Hensley to adopt and approve the Landmark nomination. Motion Carried 6-1. Nays: Coleman.**

WITHDRAWN02-759 (B) Public Library of Des Moines, 100 Locust Street.

02-760 (1) ALTERNATE RESOLUTION: To approve. **Moved by Hensley to adopt and approve the Landmark nomination. Motion Carried 5-1. Nays: Coleman. Council Member Brooks declares a conflict of interest, and abstains from voting.**

02-761 98. On the 2001 HUD Consolidated Annual Performance and Evaluation Report (CAPER). **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 7:10 P.M. * *

APPROVING

02-762 99. Display of banners at City Parks and outdoor facilities for the period of April 2002 - April 2003 for promotion of Parks events and facilities. ([Council Communication No. 02-153](#))
Moved by Coleman to adopt. Motion Carried 7-0.

02-763 100. Receipt of Conceptual Landscape Plans for Fleur Drive Median and Downtown Greenway by Douglas Hoerr for Fleur Drive median located between the north and south entrances of Gray's Lake and the continuous Greenway concept downtown starting with the Ruan properties. ([Council Communication No. 02-158](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

02-764 101. Receipt of communication from South Side Revitalization Partnership (SSRP) regarding expansion of the tax abatement area encompassed by the 9th Amendment to the City-Wide Urban Revitalization Area Plan. ([Council Communication No. 02-135](#)). **Moved by Brooks to receive, file and refer to the City Manager. Motion Carried 6-1. Absent: McPherson.**

WITHDRAWN02-765 102. Resolution requesting that the Warren County Board of Supervisors refer the Amended Draft Comprehensive Plan to the Joint Planning Board for consideration and recommendation.

02-766 103. Agrimergent Technology Park Environmental Review Record, finding no significant impact on the environment; authorize publishing of notice of intent to request release of funds and execute the request for release of funds and certification to HUD. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-767 104. Riverpoint West Environmental Review Record, finding no significant impact on the environment; authorize publishing of notice of intent to request release of funds and execute the request for release of funds and certification to HUD. **Moved by Coleman to adopt. Motion Carried 7-0.**

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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.

02-768 1. Authorizing payment of Condemnation Award for the acquisition of property at 1908-2015 High Street, and 1905-2015 Ingersoll Avenue, the Thompson Trust, for the Martin Luther King Jr. Parkway Project - North/South, \$275,000. SPONSOR: Vlassis. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

02-769 2. Approving appointments to the Des Moines Public Art Commission. SPONSOR: Mayor Daniels. **Moved by McPherson to adopt. Council requested that consideration be given to electing Pam Bookey as the first Chair of this Commission. Motion Carried 6-1. Pass: Vlassis.**

02-770 3. Approving Resolution Ordering Construction for Asbestos Removal from 401 SE 6th Street (Irwin Chemical Building), Receiving of Bids (4-2-02) and Setting Date of Hearing (4-8-02), (Construction Estimate - \$100,000). SPONSOR: Brooks **Moved by Brooks to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH March 18, 2002

02-771 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

COMMUNICATION

02-772 1. Regarding demolition cost reserve escrowed for 2364 Saylor Road. **Moved by McPherson to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

AUTHORIZING

02-773 2. Release of demolition cost reserve held under claim number 74a00862 regarding property known as 220 E. Payton owned by Ernest L. and Rhonda Marcum. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-774 3. Release of demolition cost reserve held under claim number 14M65176 regarding property known as 1722 30th Street owned by Steven C. Crawford. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-775 4. Release of judgment lien as it stands against 1808 7th Street to clear title to the real estate for Community Housing Development Corporation. **Moved by McPherson to adopt. Motion Carried 7-0.**

5. The Engineering Department to remove the following structures:

02-776 (A) 31 E. Creston, Titleholder, Darrell H. Lovell. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-777 (B) 1408 Hutton, Titleholder, Vera Rowland, Contract Buyers, Freddie Lee and Evelyn J. Lee. **Moved by McPherson to continue consideration to April 8, 2002. Motion Carried 7-0.**

02-778 (C) 2328 SE 14th Street, Titleholder, the Estate of Robey Ruby, Contract Buyer, Curtis Cawley. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-779 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:29 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS