

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 26, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

(a) Doctors' Day

(b) Disabilities Awareness Month

INVOCATION: Pastor Candice Brown, Capitol Hill Christian Church

01-777 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-778 I. Accepting contribution from the Metro Waste Authority, \$75,000 for the "Keep Des Moines Beautiful" program, and \$75,000 for the "Curb It" program. ([Council Communication No. 01-149](#)). **Moved by Coleman to accept. Motion Carried 7-0.**

01-779 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-780 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

01-781 4. Communication from Legal Department regarding March 26, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer

01-782 5. Shie Concession Co., Inc., Shie W. Foudree, President dba Shie Concession, Grandstand - Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 4-7-01 (With Sunday Sales and Outdoor Service) - Application submitted 3-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-783 6. Campbell's Concessions, Inc., Calvin G. Campbell, President dba Campbell's Concessions, 4-H Building - Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 4-2-01 (With Sunday Sales) - Application submitted 2-28-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

01-784 7. William A. Tegeler, Inc., Robert F. Tegeler, President dba Army Post Amoco, 849 Army Post Road; Renewal - Expires 4-19-01 (With Sunday Sales) - Application submitted 3-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-785 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #1, 3735 Hubbell; Renewal - Expires 4-30-01 (With Sunday Sales) - Application submitted 2-5-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-786 9. Kelly A. Bell dba Kelly's Texaco, 105 Southwest 63rd Street; Renewal - Expires 3-28-01 (With Sunday Sales) - Application submitted 3-9-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-787 10. Kwik Shop, Incorporation, Henry R. Waguespack, President dba Kwik Shop #556, 2930 Hickman Road; Renewal - Expires 4-23-01 (With Sunday Sales) - Application submitted 2-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-788 11. Nat Jasjit Singh dba Nat Food Mart #1, 3804 Hubbell; Renewal - Expires 4-4-01 (With Sunday Sales) - Application submitted 3-9-01. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-789 12. Phrasimmaly Philavanh dba New Oriental Food Store, 515 East Grand; Renewal - Expires 4-6-01 (With Sunday Sales) - Application submitted 3-9-01. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

Class "C" Beer/"B" Wine Licenses

01-790 13. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #515, 1421 Ingersoll; Renewal - Expires 5-11-01 (With Sunday Sales) - Application submitted 3-5-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-791 14. Liquor Island, Inc., Sy Lo, President dba Liquor Island, 901 East Euclid; New Application (With Sunday Sales) - Application submitted 2-28-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-792 15. Cafee Bar Una, Inc., Mirsad Kajtazovic, President dba Cafee Bar Una, 3711 Beaver; Renewal - Expired 2-28-01 (With Sunday Sales) - Application submitted 1-5-01. **Moved by Hensley to deny for failure to comply with Iowa Code Section 123.30 (2) and Des Moines Municipal Code Section 10-43 (5) in that applicant has failed to comply with City Zoning Ordinance.**

01-793 16. Java Joe's Coffeehouse, Inc, Cyndy Coppola, President dba Java Joe's Coffeehouse, 214 4th Street; Renewal - Expires 4-15-01 (With Sunday Sales) - Application submitted 3-6-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-794 17. Chicago Speakeasy LTD, Ronald G. Jaeger, President dba Chicago Speakeasy, 1520 Euclid Avenue; Renewal - Expires 4-5-01 - Application submitted 3-5-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-795 18. Gerri's Inc., Janine K. Sturdivant, President dba Gerri's, 232 East 30th Street; Renewal - Expires 4-25-01 (With Sunday Sales) - Application submitted 2-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-796 19. Iowa Cub Club of Des Moines, Samuel R. Bernabe, President dba Iowa Cub Club of Des Moines, 350 SW 1st Street; Renewal - Expires 4-7-01 (With Sunday Sales and Outdoor Service) - Application submitted 3-9-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-797 20. LC's, Inc., Connie L Bale, President dba LC's Corner, 344 Southeast Jackson; Renewal - Expires 4-4-01 (With Sunday Sale) - Application submitted 2-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-798 21. Robin Lee Armstrong dba Looney Toons, 210 Indianola; New Application (With Sunday Sales) - Application submitted 2-28-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-799 22. Graceward Ltd., Michael Wellman, President dba Wellman's Pub, 2920 Ingersoll; Renewal - Expires 4-2-01 (With Outdoor Service) - Application submitted 3-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Gamerrooms

01-800 23. Mid State News, Inc., Roy May, President dba Gallery, 1000 Cherry Street; New Application submitted 8-30-2000. (moving from 1114 Walnut Street) **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

01-801 24. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-802 25. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-803 26. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

27. NUMBER NOT USED.

PUBLIC IMPROVEMENTS

28. Resolution Ordering Construction of the following:

01-804 (A) Wells Fargo Demolition, (812 Mulberry, 100-8th and 813 Cherry) Receiving of Bids, (4-10-01), and Setting Date of Hearing, (4-16-01), (Construction Estimate - \$758,000). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-805 (B) Parking Garage Elevator Renovation, (4th & Grand, and 5th & Keo) Receiving of Bids, (4-17-01), and Setting Date of Hearing, (4-23-01), (Construction Estimate - \$367,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-806 29. Approving Change Order No. 3 with Jensen Construction Company, (Jim Rasmussen, President) for additional work in conjunction with the bicycle/pedestrian bridge at Gray's Lake Park, including safety modifications to railing and addition of architectural glass panel, in an amount not to exceed \$208,802. ([Council Communication No. 01-139](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-807 (A) Paving Improvements for proposed Brook Run Village Plat 2 Subdivision in vicinity of Brook View Drive and Village Run Drive between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola), Contractor and Brook Run, L.C. (Tom Gratias, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-808 30. (B) Sanitary Sewer Improvements for proposed Brook Run Village Plat 2 Subdivision located at Village Run Drive and proposed NE 52nd between McAninch (Dwayne McAninch, President, WDSM), Contractor and Brook Run, L.C. (Tom Gratias, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-809 (C) Sanitary Sewer Improvements for sanitary sewer in new development, Villas at Brook Run, located at E. Douglas Avenue and Brook Ridge Court between McAninch Corporation (Dwyane McAninch, President, WDSM), Contractor and Brook Run L.C. (Gene Stanbrough, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-810 (D) Storm Sewer Improvements in new development Brook Run Village Plat 2 located at Village Run Drive and proposed NE 52nd Street between McAninch Corporation (Dwyane McAninch, President, WDSM), Contractor and Brook Run L.C. (Tom Gratias, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-811 (E) Street Improvements for proposed Brook Run Village Plat 1 subdivision located at NE 38th Street and Douglas Avenue, between Eco-Tech Contractors, Inc. (R.S. Gillotti,

President, WDSM), Contractor and Brook Run, L.C. (Gene Stanbrough, Manager, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-812 (F) Sanitary Sewer Improvements for new development Brook Run Village Plat 1, located at Douglas Avenue and Brook Ridge Court between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Brook Run L.C. (Gene Stanbrough, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-813 (G) Storm Sewer Improvements for new development Brook Run Village Plat 1, located at Douglas Avenue and Brook Ridge Court between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Brook Run L.C. (Gene Stanbrough, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-814 (H) Street Improvements for bus turn-in extension at Hoyt Middle School located at 2700 E. 42nd Street between Double T Asphalt Co., Inc. (Kathleen Burris, President), Contractor and Des Moines Public Schools (Jane Hein, President-Board of Directors), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-815 (I) Bus drop-off lane for Park Avenue Elementary Improvements to lengthen existing lane on the north side of Park Avenue just east of SW 9th Street between Nuckolls Concrete Services (Scott Temple, President), Contractor and Des Moines Public Schools (Laura Sands, School Board President), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-816 (J) Bus drop-off lane for Perkins Elementary School Improvements for construction of bus drop-off lane on the north side of College Avenue at 43rd Street between Nuckolls Concrete Services (Scott Temple, President, Johnston), Contractor and Des Moines Independent School District (Laura Sands, School Board President), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-817 31. Approving partial payments on five public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

01-818 32. Authorizing Assessment Clerk to correct Sidewalk Repair, Replace and/or Reconstruct Program Schedule 2000-33 to reduce sidewalk construction assessment for replacement on private property from \$799.44 to \$339.58. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-819 (A) Schedule No. 2001-05. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-820 (B) Schedule No. 2001-27. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-821 34. Approving conveyance of property, (5 1/2 blocks between Locust, Mulberry, 10th and 13th Streets) to Nationwide Mutual Insurance Company for development of "Allied Gateway Campus". **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-822 35. Approve and accept right-of-way documents from various property owners (Gayland Purdum, Wells Fargo Bank of Iowa N.A. f/k/a Iowa-Des Moines National Bank) in conjunction with the Douglas Avenue Widening at Beaver Avenue Project - \$12,747 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-823 36. Approve and accept revised offer to purchase 122 SW 16th Street for the Martin Luther King, Jr. Parkway Project from Keystone Electrical Manufacturing Company-\$1,029,355 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-824 37. Approving acquisition of 106 4th Street and 107 4th Street for The Court Avenue Entertainment Center Project from Kenneth and Sally Nordling-\$300,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-825 38. Establishing fair market value and authorizing acquisition of property for the Northeast Four Mile Sanitary Sewer Project from various property owners-\$37,150 plus additional properties and closing costs. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-826 39. Establishing fair market value and authorizing acquisition of property for North/South segment of Martin Luther King, Jr. Parkway Project from various property owners-\$471,250. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-827 40. Recommendation of Council Member Chris Hensley to appoint David Arthur Carlson to the Zoning Board of Adjustment, term to expire April 3, 2006. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-828 41. Recommendation of Council Member Archie Brooks to appoint Mark White to the Urban Renewal Board to fill unexpired term of Scott Parks to expire January 18, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-829 41-I Recommendation of Mayor Preston Daniels to reappoint Marty Mauk to the Zoning Board of Adjustment for a five-year term, commencing April 2, 2001 to expire April 3, 2006. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-830 42. Recommendation of Council Member Tom Vlassis to appoint Brian Millard to Plan and Zoning Commission to fill unexpired term of Joseph Schaefer and to reappoint for a five-

year term to expire July 4, 2006. **Moved by McPherson to adopt. Motion Carried 7-0.**

STREET CLOSINGS

01-831 43. Approving exception regarding length of time request from Hans Hanson, representing Drake University, 2507 University, to close Clark Street from 27th Street to 28th Street and to close 28th Street from Forest to Clark, on Tuesday, April 24, 2001 until 6:00 A.M., Monday, April 30, 2001 in conjunction with the Drake Relays. **Moved by McPherson to approve the street closures listed, and approve any street closure continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-832 44. On continuation of lease agreement with Des Moines Power Boat Club for use of land at Birdland Park along the Des Moines River, (4-16-01). ([Council Communication No. 01-143](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-833 45. On proposal to grant a permanent easement on city property, Gray's Lake Underground Electrical Easement, (4-16-01). ([Council Communication No. 01-141](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-834 46. On Contract for Sale of Land for Private Redevelopment with Federal Home Loan Bank of Des Moines, including conveyance of land in the vicinity of 807-823 Walnut Street, (4-2-01).

01-835 47. On vacation and temporary lease of portions of the E. Second Street right-of-way between E. Grand and E. Locust to 300 East Locust L.P., (4-2-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-836 48. On vacation and sale of public rights-of-way and City-owned land included in the proposed redevelopment north of University Avenue between 6th Avenue and 9th Street - \$44,187.50, (4-2-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-837 49. On request from David Walters d/b/a DW Homes, Inc, to rezone property in the vicinity of 5901 SE 14th and 1535 E. Diehl Avenue, from "R1-80" (One Family Residential) and "C-2" (General Retail and Highway Oriented Commercial) to a "PUD" (Planned Unit Development) for development of the PUD Concept Plan for Stoney Point, with mixed highway commercial and Low Density residential use, subject to conditions, (4-16-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-838 50. Approving payment of \$1960.87 to Brown, Winnick, Graves, Gross, Baskerville, Schoenbaum P.L.C. for representation of Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-839 51. Approving payment of \$1772.60 to Davis, Brown, Koehn, Shors & Roberts P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-840 52. Approving payment of \$152 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in Mary Elaine (Kirsch) Sinclair as Administrator of the Estate of Adam Lawrence Clark v. City of Des Moines, Michael McBride and Timothy Peak. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-841 53. Submitting out-of-state travel requests for Joanne Pollock, John Krogmeier, Loren Lodge, William Moulder, Elly Walkowiak, Eric Anderson, Preston Daniels, Tom Vlassis, Mike McPherson and Terry Vorbrich. ([Council Communication No. 01-124](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Coleman.**

01-842 54. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-130](#)) **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--North Side of Leland Avenue East of SW 12th Street.

(2) Corner Clearance Parking Restriction--South Side of Arthur Avenue East and West of East 11th Street.

(3) Corner Clearance Parking Restriction--South Side of East Sheridan Avenue East of East 25th Street.

(4) Corner Clearance Parking Restriction--East Side of East 13th Street North of Arthur Avenue.

(5) Lengthen Corner Clearance--South Side of Pleasantview Drive East of SW 9th Street.

(6) Speed Limit Revision--Relocated Army Post Road from SW 28th Street to Iowa 28.

(7) One-Sided Parking Restriction--Each Street in Three Lakes Estates Subdivision South of East Army Post Road.

01-843 54-A Request from Council Member Hensley, to speak regarding speeding on Grand Avenue from 56th to 63rd Street. **Moved by Hensley to grant the request to speak. Refer to City Manager and Traffic Safety Committee, for review of speed limit to consider 30 MPH except in school zone. Motion Carried 7-0.**

APPROVING

01-844 55. Concessionaire Agreements with Midwest Concession for management of Nahas and

Northwest Family Aquatic Centers, and with Davis Concessions, for management of Birdland and Teachout Family Aquatic Centers, and Savage Softball Complex. ([Council Communication No. 01-137](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-845 56. Application for Iowa Arts Council grant to fund the Nitefall on the River concert series. ([Council Communication No. 01-135](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-846 57. Memorandum of Understanding with Des Moines Disc Golf Club for development of an 18-hole disc golf course at Ewing Park. ([Council Communication No. 01-136](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-847 58. Lease Agreement with Des Moines Metro BMX Club to install a BMX track at Ewing Park. ([Council Communication No. 01-142](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-848 59. Application to the Iowa Arts Council Grant Program to fund a contract employee to coordinate the Public Arts Commission, and intent to provide matching funds, not to exceed \$10,000, and 50% of one City Administrative Assistant's time, if successful in raising the other funds identified. ([Council Communication No. 01-132](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-849 60. Selection of Community Capital Group as consultant to assist with proposed HUD Brownfield Economic Development Initiative (BEDI) Grant Application - Court Avenue Entertainment Center Project. ([Council Communication No. 01-148](#)). **Moved by McPherson to approve. Motion Carried 6-1. Nays: Brooks.**

01-850 61. Authorizing prior approval for a partial exemption from property taxation on the value to be added by new construction at 601-611 East Locust Street, owned by Iowa State Bank Holding Company. **Moved by McPherson to adopt. Motion Carried 7-0.**

62. Grant Applications to Federal Home Loan Bank, to fund the Emergency Repair Loan Program for low-income owner-occupied units, from the following, ([Council Communication No. 01-131](#)):

01-851 (A) West Des Moines State Bank. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-852 (B) Bankers Trust. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-853 63. Acceptance of 2000-2001 Weed and Seed grant award of \$175,000 from the Executive Office for Weed and Seed. **Moved by McPherson to adopt. Motion Carried 7-0.**

64. Weatherization contracts with the State of Iowa:

01-854 (A) DOE-01-07J - \$198,772. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-855 (B) HEAP-02-07J - \$400,423. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-856 65. Family Self-Sufficiency Grant Application, to HUD - \$45,000. ([Council Communication No. 01-145](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-857 66. Budget Revisions for 1999 and 2000 Municipal Housing Agency Drug Elimination Grants. ([Council Communication No. 01-140](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-858 67. Grant Agreement with HUD for funding the 2001 HUD Consolidated Plan, (CDBG-\$5,313,000, HOME-\$1,427,000, and ESG-\$180,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-859 (A) Communication from City Manager regarding additional CDBG and HOME funds. ([Council Communication No. 01-134](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

01-860 68. Grant application for "Rock In Prevention" Program , \$200,000, submitted from the Police Department for continuing drug prevention program currently operating in 15 Des Moines schools. ([Council Communication No. 01-146](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-861 69. Application for Violence Against Women (DART) for the Police Department's Domestic Abuse Response Team funding from Governor's Office of Drug Control Policy in amount of \$18,083.75 from Des Moines Police seized funds. ([Council Communication No. 01-125](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-862 70. Grant application for the Youth At Risk, Governor's Office of Drug Control Policy Grant in the amount of \$36,370.41. ([Council Communication No. 01-126](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-863 71. Receipt of Legislative update for the 2001 Session. **Moved by McPherson to receive and file report. Motion Carried 7-0.**

01-864 72. Civil Service Lists for Sewer Maintenance Worker, Accountant, Plant Operator and Senior Engineering Technician. **Moved by McPherson to receive and file. Motion Carried 7-0.**

73. Bids for the following:

01-865 (A) Bituminous Materials & Supply L.P. (900 East Raccoon Street, Omer Ohl, V.P.) for an annual agreement for Emulsified Asphalt Materials to be used by the Public Works Department (Street Maintenance). (Two bids mailed-one received). (Call City Clerk's Office for material breakdown and prices). ([Council Communication No. 01-127](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-866 (B) Primary and secondary suppliers for an annual contract for asphalt cement concrete to be used by the Public Works Department (Street Maintenance). Des Moines Asphalt and Paving Co., (903 SE 22nd Street, Robert Horner, President) and Grimes Asphalt and Paving Corporation, (J. M. Yonker, President). (Two bids mailed-two received). (Call City Clerk's Office for material breakdown and prices). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-867 74. Authorizing Acting Finance Director to draw checks on register of March 16, 2001 and March 23, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks of March 19, 2001 and March 26, 2001 and to draw checks for bi-weekly payroll due on March 23, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-868 75. 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 do now pass, [#13,930](#). Motion Carried 7-0.**

01-869 76. Increasing the number of members on the Zoning Board of Adjustment to 7. **Moved by McPherson that this ordinance do now pass, [#13,931](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-870 77. On rezoning of property at 3700 Merle Hay Road, from "R-3" (Multiple Family Residential) to "C-2" (General Retail and Highway-Oriented Commercial), subject to conditions. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-871 (A) 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, [#13,932](#). Motion Carried 7-0.**

01-872 78. On rezoning of 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) for a neighborhood supermarket, general store and pharmacy. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-872-A (A) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,936](#). Motion Carried 7-0.**

01-873 79. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance be considered and given second vote for passage. 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.

01-874 (A) Final consideration of ordinance above. **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, [#13,933](#). Motion Carried 7-0.**

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

COUNCIL REQUESTS

01-875 80. Request from Council Member Archie Brooks, to discuss Easter Lake area access. **Moved by Brooks to receive, file and refer to City Manager, for a report back in 90 days. Motion Carried 7-0.**

01-876 81. Request from Council Member Archie Brooks, to discuss request for permission to remove a sidewalk at 2500-2502 SE 8th Street. **Moved by Brooks to receive, file and grant the request to remove the sidewalk. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

82. Request from Kurt Just, 1218 Virginia, to speak regarding the following:

01-877 (A) Hiring of off-duty officers. **No Motion Made. Mr. Just spoke to the Council.**

01-878 (B) Exception Certificate for South Beach Night Club. **No Motion Made. Mr. Just spoke to the Council.**

01-879 83. From Strategic Planning Commission regarding five-year report on recommendations for future strategic planning and the Strategic Planning Commission. **Moved by Coleman to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

01-880 84. From Chair of Neighborhood Revitalization Board regarding sale of public housing. **Moved by Hensley to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

WITHDRAWN01-881 85. From Steve Whelchel, 1742 Capitol Avenue, to speak regarding graffiti on his garage.

01-882 86. From Chair of Des Moines International Airport Board in regard to amending the Passenger Facility Charges at the Des Moines International Airport, effective 6-1-01. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

01-883 87. From Chair of Des Moines International Airport Board in regard to amending regulation of rates and charges at the Des Moines International Airport, effective 7-1-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

****Council considered Item 101 and 102 next****

INFORMAL HEARINGS (Opened at 7:14 P.M.) (Item 88)

01-884 88. On Capital Improvement, Operating budget and processes. **Moved by Coleman to receive, file and refer to the City Manager, to place on June 25th work session agenda. Motion Carried 7-0.**

HEARINGS (Opened at 7:15 P.M.) (Items 89 thru 100)

01-885 89. On Assignment of the Concession Agreement for Food and Beverage Operations at the Airport from Creative Host Services, Inc. to GladCo Enterprises, Inc. ([Council Communication No. 01-138](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-886 90. On City of Des Moines' 2000 Consolidated Annual Performance and Evaluation Report (CAPER). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-887 91. On request from Oak Mills L.C. (John Kline, Owner), 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, continued from 3-12-01. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-888 (A) First consideration of ordinance above, requires 6 votes due to sufficient protest. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-889 (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, [#13,934](#). Motion Carried 7-0.**

01-890 92. On assessment of \$300 penalty to 9 Cigarette Permittees, for violation of Iowa Cigarette Laws (sale to minors). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-891 93. On appeal from Steve Mallory, 3979 NE 44th Drive, DM, regarding recommended denial of taxicab license. **Moved by Flagg to grant the license, with a one year probation. Any further violations in the one year probationary period will cause revocation. Motion Carried 6-1. Nays: Vlassis.**

94. On Martin Luther King Jr. Parkway Stormwater Pump Station at SW 14th Street:

01-892 (A) Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids, ([Council Communication No. 01-129](#)). . **Moved by McPherson to adopt. Motion Carried 7-0.**

01-893 (B) Receipt of Bid Protest submitted by John T. Jones Construction Company. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-894 (C) Concurrence of City Engineer's Denial of John T. Jones Construction Co. Bid Protest, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President, 990 NE 44th Avenue, DM). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-895 95. On Des Moines Metropolitan Wastewater Reclamation Facility - Biosolids Storage Facilities: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Storey Construction Co., (Steve Tenney, Chief Financial Officer and Sec/Treas, Ames), \$5,243,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-896 (A) Agreement with Mid-American Energy, for installation of electrical service. ([Council Communication No. 01-128](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-897 96. On 823 Walnut Street Asbestos Abatement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Pro Environmental Abatement, (Robert V. Jorgenson, President, 1533 Ohio Street, DM), \$56,777. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-898 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-899 97. On 4th and Grand Garage relighting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Associated Electrical Services, (Russell J. Brenton, Partner/Owner, Pleasant Hill), \$364,110.

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

01-900 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-901 98. On East University Avenue Sanitary Relief Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates (Mark Van Hauen, President, Clive), \$963,639. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-902 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-903 99. On Ashworth Pool Painting and 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, WDM), \$33,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-904 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-905 100. On E. 20th Street Trunk Sanitary Sewer Relining - Cleveland Avenue to E. Washington Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by McPherson to adopt. Motion Carried 7-0.**

* * END HEARINGS at 7:29 P.M. * *

****Council considered Items 103 thru end of agenda next****

APPROVING

01-906 101. Receipt of communication from South Side Revitalization Partnership, regarding tax abatement requests for 2814 SE 14th, and 4300 SE 14th Street. **Moved by Brooks to receive and file. Motion Carried 7-0.**

01-907 (A) Resolution Denying tax abatement application for 2814 SE 14th Street, Jim Hall. **Moved by Brooks to overrule staff recommendations and approve application for tax abatement subject to applicant meeting Planning requirements within sixty (60) days. Motion Carried 7-0.**

01-908 (B) Resolution Denying tax abatement application for 4300 SE 14th Street, Irvin Winfrey. **Moved by Brooks to overrule staff recommendations and approve application for tax abatement. Motion Carried 7-0. ([Council Communication No. 01-150](#))**

01-909 102. Resolution to amend selection process for potential developers to rehabilitate the Masonic Temple building. ([Council Communication No. 01-147](#)). **Moved by Hensley to adopt the recommendations in Council Communication No. 01-147, and to amend the April 21, 2001 deadline to May 7, 2001 at noon for submission of items (a) and (b); and, to amend the date for Council to select a developer to the regularly scheduled meeting on May 7, 2001;**

and, clarifying item 3 to establish a 90-day time line until noon on June 25, 2001; and to further clarify that staff is directed to initiate relocation activities and to proceed with demolition, subject to Council approval of the demolition contract. City Manager to provide a more detailed schedule of the process to be followed by the City relative to developer proposals and City action, including a history of action taken up to this date. **Motion Carried 4-1-2. Nays: Vlassis. Abstain: Flagg and McPherson.**

01-910 (A) Resolution to Receive and File Communications from Urban Renewal Board, Architectural Advisory Committee and Gateway Steering Committee regarding Masonic Temple. **Moved by Hensley to receive and file. Motion Carried 4-1-2. Nays: Vlassis. Abstain: Flagg and McPherson.**

****Council considered Hearing Items 88 through 100 next****

01-911 103. Report from Public Works Director regarding implementation of automated garbage collection services. ([Council Communication No. 01-133](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-912 104. Economic Development Grant to Hubbell Realty for construction of office park along SW 7th Street. ([Council Communication No. 01-144](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-913 (A) Approval of development agreement with Hubbell Realty. **Moved by Hensley to approve and adopt. Motion Carried 6-1. Pass: 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.

01-914 1. First consideration of ordinance amending Chapter 114 of the Municipal Code regarding the traffic regulations as follows: SPONSOR: Brooks. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Parking Restriction--North Side of Des Moines Street East of Pennsylvania Avenue.

(2) Corner Clearance--South Side of East Madison Avenue East of East 23rd Street.

(3) Corner Clearance--East Side of 43rd Street South of College Avenue.

(4) Corner Clearance--West Side of SE 13th Street South of East Watrous Avenue.

(5) Installation of Handicapped Parking Meters and Loading Zone--Adjacent to 1206 Mulberry Street.

(6) Shorten Corner Clearance and Remove Handicapped Parking--West Side of 3rd Street North of New York Avenue.

(7) Handicapped Parking Meters--West End of Grand Avenue Bridge.

01-915 (A) 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, [#13,935](#). Motion Carried 7-0.**

01-916 2. Approval of Skywalk Agreement with Hubbell Realty SPONSOR: Hensley. **Moved by Hensley to approve and adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

March 26, 2001

01-917 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

01-918 1. Communication regarding demolition cost reserve escrowed for 1211-21st Street. **Moved by Vlassis 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.**

2. Court Authority to abate the public nuisance at the following locations:

01-919 (A) 1807 Mondamin (vacant) Titleholder: First National Acceptance Company, Attn: Prentice Hall System, Registered Agent, and Contract Buyer: Evelyn Y. Wagner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-920 (B) 1711 Williams (vacant) Titleholder: Heirs of Harry R Robbins: Garcia Robbins, Randy Robbins, Robert Robbins, Ronald Robbins and Legal Interest Holders: U.S. Bank National Association, Attn: C. T. Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-921 (C) 1120 - 21st Street (vacant) Titleholder: Raymond J. Olson and Legal Interest Holders: HLS/US Bank, Attn: Chris Newhouse. **Moved by Vlassis to adopt. Motion Carried 7-**

0.

01-922 3. The Engineering Department to cause the structure at 3312 8th Street to be removed.
Moved by Vlassis to adopt. Motion Carried 7-0.

01-923 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:45 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS