

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 2, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

Administrative Professionals Week

INVOCATION: Father Peter Cade, St. George Greek Orthodox Church

01-928 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-929 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-930 3. APPROVING CONSENT AGENDA - items 3 through 56: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-931 4. Communication from Legal Department regarding April 2, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer

01-932 5. George Davis dba Davis Concessions - Savage Softball Complex, 2601 Hubbell; New Application (With Sunday Sales and Outdoor Service) - Application submitted 3-12-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

6. NUMBER NOT USED.

Class "C" Beer Licenses

7. NUMBER NOT USED.

01-933 8. H & A Mini Mart Corporation, Anoop Singh, President dba H & A Mini Mart, 5901 Fleur Drive; Renewal - Expires 5-2-01 (With Sunday Sales) - Application submitted 3-9-01. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

Class "B" Wine Licenses

01-934 9. Trittoria Foods, Inc., Alyce Mattis, President dba Trattoria/Pasticceria, 207-215 4th

Street; New Application submitted 3-19-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-935 10. Taylor WS, Inc., Ric Silvestrini, President dba Silvestrini's, 3015 Merle Hay Road #1; Renewal - Expires 4-20-01 (With Sunday Sales) - Application submitted 3-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-936 11. F.B.M., Inc., Frank A. Beadaro, President dba Alpine Tap Room, 2720 Ingersoll; Renewal - Expires 4-20-01 - Application submitted 3-9-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-937 12. Famous Dave's Ribs, Inc., Martin J. O'Dowd, President dba Famous Dave's, 4351 Merle Hay Road; Renewal - Expires 4-27-01 (With Sunday Sales) - Application submitted 3-9-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-938 13. Plik Corporation, Michael E. Hines, President dba Greenwood Lounge, 3707 Ingersoll; Renewal - Expires 4-23-01 - Application submitted 3-9-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-939 14. The Sands Volleyball Club, Inc., Michael Sprecher dba The Sands Volleyball Club, 6214 Grand Avenue; New Application (With Sunday Sales and Outdoor Service) - Application submitted 3-22-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor/"E" Liquor

01-940 15. Service American Corporation, John T. Dee, President dba Sec Taylor Stadium, 350 Southwest 1st Street; New Application (With Sunday Sales and Outdoor Services) - Application submitted 2-28-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

01-941 16. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #3/Regal Liquors, 3221 Southeast 14th Street; Renewal - Expires 4-20-01 - Application submitted 2-20-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Temporary Outdoor Services

01-942 17. Forest Avenue Tavern, Inc., Andrew White, Manager dba Peggy's Tavern, 3020 Forest Avenue; Temporary Outdoor Service for Drake Relays - 4-26-01 thru 04-29-01. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-943 18. Lowell M. Coil dba University Cafe, 3506 University; Temporary Outdoor Service

for Drake Relays - 4-25-01 thru 4-29-01. Subject to acceptable Fire Inspections. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-944 19. MJK Beverage Management LLC, William Kelly, President dba West End Lounge, 2309 Forest; Temporary Outdoor Service for Drake Relays - 4-24-01 thru 4-28-01. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

Authorizing

01-945 20. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-946 21. Approving execution of agreement for professional services with Brian Clark and Associates, Inc., (Brian Clark, President), in conjunction with the Highland Park Streetscape Project - \$91,500. ([Council Communication No. 01-166](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

22. Resolution ordering construction of the following:

01-947 (A) Durable Pavement Markings-Army Post Road, receiving of bids (4-17-01), and setting date of hearing (4-23-01), (Construction estimate - \$73,737.50). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-948 (B) 823 Walnut Street Demolition, receiving of bids (4-17-01), and setting date of hearing (4-23-01), (Construction estimate - \$365,000). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

01-949 23. Resolution Ordering Construction of the Hubbell Avenue Bridge over Four Mile Creek--IDOT Project, Setting Date of Hearing (4-16-01), (Construction Estimate - \$1,303,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-950 24. Approving designation of lowest responsible bidder, contract and bond, and permission to sublet, on the E. 20th Street Trunk Sanitary Sewer Relining - Cleveland Avenue to E. Washington Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-951 25. Approving contract and bond, and permission to sublet, on the Des Moines Metropolitan Reclamation Facility - Biosolids Storage Facilities project. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-952 26. Approving Contract and Bond for Glendale Cemetery Block H Sidewalk, with Universal Concrete LTD, (estimated cost is \$11,628). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-953 (A) Approving Contract and Bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-954 (B) Professional Services Agreement with Earth Tech, Inc., (Diane Creel, CEO, Long Beach CA), for construction phase services, not to exceed \$380,000. ([Council Communication No. 01-159](#)). **Moved by Hensley to refer back to the City Engineer for a review of fees. Motion Carried 7-0.**

01-955 (C) Electric Distribution System Agreement with MidAmerican Energy Company, for removal of overhead electrical lines and replacement with below ground electrical circuit, not to exceed \$35,883.95. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-956 28. Approving execution of Federal Aviation Administration grant Project Number 3-19-0027-29 for construction of Runway 5-23, from Runway 13L-31R to southwest end. ([Council Communication No. 01-165](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-957 29. Approving Private Construction Contract between McAninch Corporation, (Dwayne McAninch, President-Contractor), and Hubbell Realty Company, (James W. Hubbell III, President-Owner), for construction of Sanitary Sewer Improvement to serve 501 SW 7th Street--\$34,475. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-958 30. Approving Change Order No. 1 with Munro Construction Company (Pat Munro, President) for additional work in conjunction with Drake Municipal Observatory Restoration Project - \$16,856. ([Council Communication No. 01-158](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-959 31. Communication from ASI Sign Systems, (Thomas B. Latimer, President, Grinnell) requesting permission to sublet certain items on the Gray's Lake Signs Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-960 32. Approving partial payments on seven (7) public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

01-961 33. Notice to levy assessment for cost of Nuisance Abatement-NAC Emergency Order (Community Development) on Schedule No. 2001-06. **Moved by Hensley to adopt. Motion Carried 7-0.**

34. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules:

01-962 (A) Schedule No. 2001-04 in the amount of \$1184.26 that was assessed against the wrong property. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-963 (B) Schedule No. 2001-02 in the amount of \$159.96 that was assessed against the wrong property. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-964 35. Revising Fair Market Value and authorizing acquisition of a property within the North/South Segment of the Martin Luther King, Jr. Parkway Project by gift, negotiation, or condemnation - \$39,001. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-965 36. Accepting Documents for acquisition of 2000 SE 1st Street for the Indianola Avenue Connector Project - (John Joseph Ligouri and Bonnie Ligouri), \$152,600 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-966 37. Accepting Documents for acquisition of 1541 East Walnut Street for the Capitol East Urban Renewal Project - (Salvador Valdez-Oellana & Maria M. Mercado deOrellana), \$51,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-967 38. Accept Right-of-Way documents for Douglas Avenue Widening at Beaver Avenue Project (4505 Douglas Avenue and 4444 Douglas Avenue) - \$36,828 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-968 39. Authorization to close on lots to developers in the Frisbee Park area. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-969 40. Request from Michael Anderson, to retroactively receive tax abatement in 1999 instead of 2000, for 1316-22nd Street. ([Council Communication No. 01-156](#)). **Moved by Hensley to adopt. City Manager to explore feasibility of a tax abatement reminder to be included in water billings each Fall. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-970 41. On proposed Zoning Ordinance text amendment, to permit use of electric fences that meet Underwriter Laboratories' standards of safety, (4-16-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-971 42. On proposed Zoning Ordinance text amendment, to reduce the amount of protest necessary to require a supermajority of the City Council to approve a proposed rezoning, (4-16-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-972 43. On conveyance of City-owned property at 1758 Cleveland, to Jose Gallardo, \$3,500, (4-16-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-973 44. Approving payment of \$432.54 to Speigel & McDiarmid Law Firm for legal services in connection with the City's response to FAA concerns regarding the City's Airport PILOT

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

01-974 45. Approving payment of \$557.79 to Greg and Christine Page for towing and car rental expenses as a result of an auto accident on February 8, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-975 46. Resolution to approve settlement of appeal from condemnation award, Carpenter Uniform Company, 205-12th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-976 47. Submitting traffic regulation changes, to add stop control at the "T" intersection of 57th and Kingman Avenue. ([Council Communication No. 01-153](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

01-977 48. Submitting out-of-state travel requests for the following Sister City Commission Members--Robert Utter, A. Joyce Smith, Trudy Mayo, and Helen Dagley. ([Council Communication No. 01-155](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

01-978 49. Receipt of Legislative Update for the 2001 Session. **Moved by Hensley to receive and file the attached report. Motion Carried 7-0.**

01-979 50. City of Des Moines Municipal Housing Agency Five-Year and One-Year Agency Plan. ([Council Communication No. 01-154](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

01-980 51. Receipt of Competitive Progress Report for the Second Quarter of FY 2000-2001, for the Des Moines Metropolitan Wastewater Reclamation Facility. ([Council Communication No. 01-157](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-981 52. Updated Lead Based Paint Transition Strategy and extension of transition assistance period for compliance with Lead Based Paint Rule. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

01-982 53. Authorizing execution of Federal Documents to access federal funds related to the City of Des Moines' Brownfields Showcase Community Designation. ([Council Communication No. 01-160](#)). **Moved by Hensley to approve. Motion Carried 4-1-2. Nays: Brooks. Absent: McPherson and Vlassis.**

WITHDRAWN01-983 54. Approving professional services agreement with IMAGETek, (Ted Kruzan, President, Urbandale) for document imaging services for Wastewater Reclamation Authority - \$64,497.06. ([Council Communication No. 01-164](#))

WITHDRAWN01-984 55. Bid awarded to Metro Construction Services, (3300 SW 7th Street, Joe Buxton, President) for annual contract of concrete construction services for use by City Departments, \$59,631. (Thirteen bids mailed-four received).

01-985 56. Authorizing acting Finance Director to draw checks on registers of March 30, 2001 and April 6, 2001, and for the bills of the Des Moines Municipal Housing Agency for the weeks beginning April 2, 2001 and April 9, 2001, and to draw checks for bi-weekly payroll due on April 6, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-986 57. Amending Blank Park Zoo fees and charges for 2001. ([Council Communication No. 01-162](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: McPherson and Vlassis.**

COMMUNICATIONS/REPORTS

01-987 58. From Citizens for Community Improvement regarding contract real estate sales in Des Moines. **Moved by Brooks to receive, file and grant the request to speak. Motion Carried 7-0.**

01-988 59. Request from Flatt Tire, 724 SE 14th, to purchase alley adjacent to their property. **Moved by Brooks to receive, file and refer to City Manager and Legal for review and recommendation. Motion Carried 6-1. Absent: Coleman.**

01-989 60. From Julie Gayle Hess, 3403 Thompson Avenue, requesting to speak regarding the Des Moines Human Rights Commission. **Moved by Coleman to receive and file. Motion Carried 7-0.**

01-990 61. From Matthew Gerhards, 1016 24th Street, to speak regarding tenant rights and fines. **Moved by Brooks to receive, file and grant the request to speak. Motion Carried 7-0.**

HEARINGS (Opened at 5:30 P.M.) (Items 62 thru 68)

WITHDRAWN01-991 62. On appeal from Chester Swinnie, 2216 Clark Street, regarding Administrative Hearing Officer's decision on impounded vehicle.

01-992 63. On vacation of portions of the E. Second Street right-of-way between E. Grand and E. Locust to 300 East Locust L.P. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**

01-993 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be**

considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.

01-994 (B) Approving Development Agreement with 300 East Locust L.P., for redevelopment of 300 E. Locust Street. ([Council Communication No. 01-152](#)) **Moved by Coleman to approve and adopt. Motion Carried 6-1. Nays: Brooks.**

01-995 (C) 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, [#13,937](#). Motion Carried 6-1. Nays: Brooks.**

01-996 64. On 812 Mulberry Street Asbestos Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Active Thermal Concepts, Inc., (Terry Beard, Owner/Operator, Cedar Rapids), \$31,240. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

01-997 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

01-998 65. On Gray's Lake Resource Center Railing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Larson & Larson Construction LLC, (Jeffrey Larson, President, DM), \$81,900. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-999 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1000 66. On WRF Exhaust Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corn States Metal Fabricators, Inc., (Randall Golay, President, WDM), \$45,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1001 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1002 67. On Easton Boulevard Bridge Repainting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Vlassis. Pass: Hensley.**

01-1003 68. 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. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1004 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-1005 (B) 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, [#13,938](#). Motion Carried 7-0.

* * END HEARINGS at 5:35 P.M. * *

APPROVING

01-1006 69. Amending and continuing the temporary moratorium on construction to permit the orderly consideration of amendments to the flood plain and floodway boundaries on the Four Mile Creek Basin, east of E. 38th Street, between Easton Boulevard and Hull Avenue, through June 25, 2001. ([Council Communication No. 01-163](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1007 70. Approving professional services agreement with Joseph J. Bell, Jeff Rowat and L.E. Calvert for Special Assessment Valuation Services from April 2, 2001 to April 1, 2002. ([Council Communication No. 01-161](#)). **Moved by Hensley 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.

01-1008 1. Approving Change Order No. 1 with P.G. Construction, (Keith Purdy, President, DM) for additional work in conjunction with the 2000 Sidewalk Replacement Program - Public Works Contract, not to exceed \$13,512.10. ([Council Communication No. 01-167](#)). SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-1009 2. Approving Agreement with Access Air-John Ruan, for payment of liabilities under Personal Guaranty, to allow repayment over a four-year period. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

01-1010 3. Authorizing payment of condemnation award for acquisition of 11, 11 1/2, 13 and 17 Indianola Avenue, from H.N.Z. Ltd., for the Indianola Avenue Connector Project, \$245,000 plus costs. SPONSOR: Mayor Daniels. **Moved by Brooks to adopt. Staff to work with Italian/American Cultural Center, to preserve emblems on their building as a part of their history. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

April 2, 2001

01-1011 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

01-1012 1. Communication regarding demolition cost reserve escrowed for 1426-16th 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. The Engineering Department to cause the following structures to be removed:

01-1013 (A) 1321 Ascension; titleholder, First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1014 (B) 1243 E. 26th Court; titleholder, Associates Finance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1015 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:50 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS