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May 6, 2002

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SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 6, 2002 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Small Business Week
- (b) National Assoc. of Letter Carriers (NALC) Food Drive Day

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) River Bend Historic House Tour
- (b) Recognition of Eagle Claw School of Kung Fu

INVOCATION: Pastor Roland Zimany, Luther Memorial Church

02-1098 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-1199 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1100 3. APPROVING CONSENT AGENDA - items 3 through 44: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-1101 4. The following Beer/Liquor Applications. **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (1) Kum & Go #142, 4140 Park Ave., C Beer.
- (2) Kum & Go #120, 101 Army Post Road, C Beer.
- (3) Kum & Go #195, 5000 SW 9th St., C Beer.
- (4) Kum & Go #743, 3733 Easton Blvd., C Beer.
- (5) Kum & Go #114, 2919 E. 14th St., C Beer.

RENEWAL APPLICATIONS

- (6) Southgate Amoco, 3401 SE 14th St., C Beer.

WITHDRAWN (7) ~~Soccer Coffee Bar & Tavern, 2718 Douglas, C Beer.~~

- (8) Garfields Restaurant, 1111 E Army Post Rd., C Liquor.
- (9) J Benjamins, 5800 Franklin Ave, C Liquor.
- (10) Depot, 3000 E Grand Ave., B Beer.
- (11) Steer & Stein, 3000 E Grand Ave., B Beer.
- (12) Evy's Lounge Inc., 1119 Grand Ave., C Liquor.

OUTDOOR SERVICE APPLICATIONS

- (13) Nacho Mammias, 216 Court Ave., C Liquor, for the Annual Blues Challenge on Court Avenue.

SPECIAL EVENTS APPLICATIONS

- (14) Des Moines Jaycees, 2101 Fleur Dr., Temporary B Beer Application for Special Event at Gray's Lake Terrace on May 25, 2002 in conjunction with Loop the Lake Run.
- (15) Younkers Tea Room/Iowa State Bank, 601 E. Locust St., Temporary C Beer Wine Application for Special Event at Iowa State Bank on May 9, 2002 in conjunction with Opening Reception of Iowa State Bank.

WITHDRAWN

02-1102 5. City Clerk to issue Coin Operated Machine Licenses.

02-1103 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

02-1104 7. Approving receipt of Martin Luther King, Jr., Parkway Redesign Report and Design Concept; authorizing negotiation of supplemental agreement with Earth Tech Service, Inc. for redesign of intersection and roadway, and negotiation of Intergovernmental 28E Agreement with Des Moines Water Works for rededication of right-of-way and utility relocation necessary for M.L. King, Jr., Parkway, north/south and east/west segments. ([Council Communication No. 02-245](#)) **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Brooks. Absent: McPherson.**

02-1105 8. Approving and authorizing execution of Iowa Department of Transportation Agreement for traffic signal installation at intersection of Highway 69 and County Line Road. ([Council Communication No. 02-238](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1106 9. Approving Amendment No. 1 with Howard R. Green for Professional Services Agreement in conjunction with the Des Moines Wastewater Reclamation Facility Digester Gas Piping System Improvements, in an amount not to exceed \$12,800. ([Council Communication No. 02-239](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1107 10. Approving execution of Agreement for Professional Services with HOK Sports, Inc. in conjunction with the Sec Taylor Stadium Field Replacement. ([Council Communication No. 02-240](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

11. Resolution Ordering Construction of the following:

02-1108 (A) 42nd Street and University Avenue Traffic Signal Upgrade, Receiving of Bids, (5-21-02), and Setting Date of Hearing, (6-3-02). (Construction Estimate - \$108,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1109 (B) 2002 ACC Pavement Milling and Resurfacing, Receiving of Bids, (5-21-02), and Setting Date of Hearing, (6-3-02). (Construction Estimate - \$992,400). **Moved by Vlassis to adopt. Staff requested to advise if 50th, Franklin to Hickman can be included in this project. Motion Carried 7-0.**

02-1110 (C) Construction of East Grand Avenue Parking Lot - 400 Block, Receiving of Bids, (5-21-02), and Setting Date of Hearing, (6-3-02). (Construction Estimate - \$105,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1111 (D) Construction of Merle Hay Road Widening at University Avenue, Receiving of Bids, (5-21-02), and Setting Date of Hearing, (6-3-02). (Construction Estimate - \$64,890). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

02-1112 (A) Des Moines Metropolitan WRA, Wastewater Reclamation Facility, Process Control System Replacement, Brown Bros., Inc. \$8,006.72 is now due and \$130,395.14 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1113 (B) Grays Lake Resource Center Railing, Larson & Larson Construction, LLC., \$4,095 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1114 13. Communications from various contractors requesting permission to sublet on public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1115 14. Approving partial payments on three public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

02-1116 15. Approving, adopting and levying deficiency assessments for various locations on Schedule No. 2002-36. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-1117 16. Establish Fair Market Value and authorizing acquisition of property at 1350 Market Street, (Point West L.L.C.) for the Martin Luther King, Jr. Parkway Project by gift, negotiation, or condemnation, \$300,000 plus closing costs. **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1118 17. Approve and accept Permanent Easements for Carmen Estates Sanitary Sewer (Richard V. & Cheryl E. Hickie, and Clifford R. & Vickie K. Darrah), \$1.00 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1119 18. Approve and accept Right-of-Way Documents for I-235 (Dale & Jennifer Call) Sanitary Sewer relocation, Group 2, \$190 plus additional costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1120 19. Approving final subdivision plat entitled EASTER LAKE COVE PLAT 1, in vicinity of S.E. 27th Street and north of Easter Lake Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-1121 20. Recommendation of Council Member Tom Vlassis to appoint Garry Caldbeck to Seat 11 on the Licensing and Appeals Board for a three year term commencing April 1, 2002 to

expire April 1, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1122 21. Recommendation of Council Member Mike McPherson to appoint Sylvester L. Forrester to Seat 10 on the Park and Recreation Board for a four year term commencing June 30, 2001 to expire June 30, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1123 22. Recommendation of Council Member Tom Vlassis to reappoint Shirlee Reding, Seat 9 on the Greater Des Moines Sister City Commission commencing April 28, 2002 to expire April 28, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSURES

02-1124 23. Approving recommendation of Street Use Team (SUT) to close the following street.
Moved by Hensley to adopt. Motion Carried 7-0.

(1) Jim Stevens, representing Nacho Mammass, requesting permission to close Court Avenue from 3rd Street to 2nd Street on Saturday, May 18, 2002 from 4:00 PM to 1:00 AM for the Annual Court Avenue Blues Challenge.

(2) Tom Vlassis, representing St. George Greek Orthodox Church, requesting permission to close Cottage Grove from 35th Street West to East side of the Church driveway on Sunday, June 2, 2002 from 10:00 AM to 9:00 PM for the Annual Greek Food Fair.

(3) Don Meyer, representing 5th Avenue Block Party, requesting permission to close 5th Avenue from Denver to Beckwith on Sunday, May 25, 2002 from 12:00 PM to 10:00 PM for a Neighborhood Block Party.

CITY PLAN COMMISSION RECOMMENDATIONS

02-1125 24. Vacation of a portion of the North/South alley between SW 9th Street and SW 8th Street encroached upon by a house, upon a request from Bonnie Sullivan at 802 Gray Street.
Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.

SETTING DATE OF HEARINGS

02-1126 25. On ordinance to formally vacate any remaining public alleys between 1st and 2nd, north of Vine for Vine Street Limited Partnership, (5-20-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1127 26. On Assessment of \$300 penalties to thirteen (13) Cigarette Permittees for violation of Iowa Cigarette Laws, selling cigarettes to minors, (5-20-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1128 27. On proposal to sell City-Owned Property known as 1013 Mulberry Street and 1016 Walnut Street to Principiant Hotel Company, L.C., \$161,567, (5-20-02). **Moved by Hensley to**

adopt. Motion Carried 7-0.

02-1129 28. On Final Connection Fee Ordinance for Southeast Airport Area Trunk Sewer System Benefited District, (6-3-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-1130 29. Approving payment of \$713.15 to Ahlers Law Firm for assistance in resolution of various issues associated with the acquisition of environmental contaminated properties for the Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1131 30. Approving payment of \$119.86 to Spiegel & McDiarmid Law Firm for assistance to the City in conjunction with the City's Airport PILOT charge. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1132 31. Approving payment of \$27.00 to Ahlers Law Firm for assistance in resolution of certain environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1133 32. Approving payment of \$187.50 to Ahlers Law Firm for environmental law counsel services in conjunction with the acquisition of the Irwin Chemical Building at 401 S.E. 6th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-1134 33. Submitting various traffic regulation changes as follows, ([Council Communication No. 02-231](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Stop Sign Reversals Due to Permanent Street Closures.

(2) Two-Sided Parking Restriction--Railroad Avenue between SW 62nd Street and SW 63rd Street.

(3) Extension of Hours for Reserved Parking Spaces--East 5th and East Grand Municipal Lot.

(4) Corner Clearance--North Side of Emma Avenue East of SW 2nd Street.

(5) Corner Clearance--South Side of College Avenue East of 28th Street.

02-1135 34. Submitting out-of-state travel request for Andrew Juelfs, Merrill Stanley, Allen McKinley, Mark Gregory, Ted Pierce and Eric Anderson. ([Council Communication No. 02-227](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

02-1136 35. Communication from Drake Area Business Association on behalf of the Drake Area Farmers' Market requesting permission to display a banner over University Avenue west of 25th Street between the months of June and September, 2002. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

02-1137 36. Approving Grant Application with Employee and Family Resources for May 2002 for compliance with underage alcohol purchases with the Des Moines Police Department. [\(Council Communication No. 02-248\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1138 37. Authorizing Fire Department to continue to utilize 1300 Scott Street as an Interim Training Facility. [\(Council Communication No. 02-249\)](#). **Moved by McPherson to defer consideration to June 3, 2002. Motion Carried 7-0.**

38. Bids for the following:

02-1139 (A) Utility Equipment Company, (Mike Coryn, President, Des Moines), Midwestern Culvert, (Brian Stone, President, Ankeny), Iowa Concrete Products, (Lynn Schuler, President) for an annual contract with two (2) additional one year renewal options for concrete, metal and polyvinyl chloride pipe materials to be used the by the Pubic Works Department, \$139,950. [\(Council Communication No. 02-232\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1140 (B) Dewey Ford, (Mark Vuckovich, President, Des Moines) for two (2) compact four door station wagons, State of Iowa Contract, Municipal Code section 2-725(c) to be used by the Community Development Department, \$30,240.16. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1141 (C) Charles Gabus Ford, (Charles Gabus, President, Des Moines) for four (4) mid-size four door sedans and three (3) small extended cab pickup trucks, State of Iowa Contract No.'s CT-2753 and CT-2764, Municipal Code section 2-725(c) to be used by the Community Development Department, \$112,473.66. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1142 39. Authorizing Finance Director to draw checks on check register of May 10, 2002; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 6 and May 13, 2002; and to draw checks for the biweekly payroll due employees on May 17, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-1143 40. 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. **Moved by Hensley that this ordinance do now pass, [#14,081](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-1144 41. On vacation of a parcel south of 420 E. Army Post Road to Splish Splash Auto Bath Inc. **Moved by Hensley that this ordinance be considered and given second vote for passage.**

Motion Carried 7-0.

02-1145 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,082](#).**

Motion Carried 7-0.

02-1146 42. Amending Chapter 114 of the Municipal Code to establish a Commercial Loading Zone on the west side of 27th Street south of Forest Avenue. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1147 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,083](#).**

Motion Carried 7-0.

02-1148 43. Amending Chapter 114 of the Municipal Code, to allow waiver of parking permit fees in the Court Avenue Entertainment District for events on weekdays, from 6:00 PM to 8:00 AM, and anytime during weekends or established holidays. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1149 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,084](#).**

Motion Carried 7-0.

02-1150 44. Amending Chapter 74 of the Municipal Code regarding vendor fees in city parks and recreation facilities. ([Council Communication No. 02-243](#)). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Brooks.**

02-1151 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,085](#).**

Motion Carried 6-1. Nays: Brooks.

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

ORDINANCES - FIRST CONSIDERATION

02-1152 45. Amending Chapter 102 of the Municipal Code regarding responsibility for maintenance and definitions of maintenance of sidewalks, and extends sidewalk replacement time from 30 to 90 days. ([Council Communication No. 02-234](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Hearing Items 58 through 68 next****

02-1153 46. Amending Chapter 94 of the Municipal Code relating to the amortization period for public improvements to sidewalks from ten years to five years. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1154 47. Resolution regarding amending Chapter 98 of the Municipal Code relating to modification of the solid waste ordinance to reflect a \$9.00 per month dumpster fee for owners of four-plexes desiring two-yard dumpsters rather than curbside collection for their tenants, for referral to Legal to prepare proper legislation. ([Council Communication No. 02-233](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1155 48. Amending Chapter 2 of the Municipal Code relating to the powers and duties of the City Manager regarding execution of certain real estate documents. ([Council Communication No. 02-247](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1156 49. Amending Chapter 74 of the Municipal Code relating to temporary fee adjustments for the Park and Recreation Department as determined in Sections 74-176 through 74-186, for special projects, promotions, and programs. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

02-1157 (A) Final consideration of ordinance above, (waiver requested by Parks and Recreation Department), 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, #14,086. Motion Carried 6-1. Nays: Brooks.**

02-1158 50. Amending Chapter 46 of the Municipal Code regarding addition of new Article XI - False Fire Alarms, relating to fire prevention and protection code, and title change to adopt "International" Fire Code. ([Council Communication No. 02-235](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1159 51. Amending Chapter 102 of the Municipal Code relating to the fees and allowed location and design for bus benches. ([Council Communication No. 02-242](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage, as amended to shorten the time period for compliance of existing benches to December 31, 2003. Motion Carried 5-2. Nays: Cownie and Vlassis.**

02-1160 52. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance--West Side of North Union Street North and South of East Madison Avenue.

(2) Corner Clearance--North Side of Enden Lane West of Winegardner Road.

(3) Corner Clearance--South Side of Grandview Avenue East of East 25th Street.

(4) Corner Clearance--East Side of SW 26th Street South of Stanton Avenue.

(5) Corner Clearance--West Side of East 8th Street South of East University Avenue.

(6) One-Sided Parking Restriction--West Side of SE 18th Court North of East Creston Avenue.

02-1161 (A) Final consideration of ordinance above. **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, [#14,087](#). Motion Carried 7-0.**

COUNCIL REQUESTS

02-1162 53. From Mayor Daniels to discuss renaming First Street to the original name of Water Street for the area of Locust south to Scott Street. **Moved by Vlassis to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

02-1163 54. From Marc Beltrame, 3409 S.W. 44th Place, to speak regarding summertime events at Grays Lake. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

02-1164 55. From Byron Creek, 4412 N.E. 14th, requesting to speak regarding his business property. **Moved by McPherson to receive and file. Motion Carried 7-0.**

02-1165 56. From Ward Ogden, 1906 S.W. Frazier Avenue, requesting to speak regarding individuals dumping in Yeader Creek. **Moved by Hensley to receive, file and grant the request to speak; refer to staff for review and recommendation. Motion Carried 7-0.**

02-1166 57. From Kim Flipppo, 2706 East 35th Street, requesting to speak regarding possible street closure of 3500 East Sheridan. **Moved by McPherson to receive, file and grant the**

request to speak; refer to City Manager and traffic safety committee for an expedited review and recommendation. Motion Carried 7-0.

****Council considered Items 69 through end of agenda next****

HEARINGS (Opened at 5:38 P.M.)(Items 58 thru 68)

02-1167 58. On adoption of proposed resolution of necessity for Residential Sidewalk Construction; Schedule No. 2002-02. **Moved by Coleman to adopt. City Manager to report on feasibility of widening sidewalks on a portion of SE 14th to allow bikers to access recreational trail. Motion Carried 7-0.**

02-1168 (A) Authorization to acquire the necessary right-of-way. **Moved by Coleman to adopt. Motion Carried 7-0.**

59. On issuance of the following General Obligation Bonds:

02-1169 (A) Not to exceed \$26,100,000 -- to be used for various public improvement infrastructure projects, radio system improvements and vehicles for Fire and Police Departments, cemetery and parks improvements. [\(Council Communication No. 02-230\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1170 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1171 (B) Not to exceed \$11,990,000 -- to be used for planning and implementing urban renewal project activities. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1172 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1173 (C) Not to exceed \$1,000,000 -- to be used for remodeling and improvements at various City buildings. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1174 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1175 59. (D) Not to exceed \$895,000 -- improvements at the Zoo, Botanical Center, pools and various City Buildings. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1176 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1177 (E) Not to exceed \$690,000 -- to be used for municipal building improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1178 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1179 (F) Not to exceed \$970,000 -- to fund acquisition and installation of City-wide information and communications systems. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1180 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1181 60. On request from Crown Cleaners, Inc, to rezone property at 2130 E. Park Avenue from "C-1" (Neighborhood Retail Commercial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), subject to conditions. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-1182 (A) Communication from Plan and Zoning Commission. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1183 (B) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1184 (C) Final consideration of ordinance above, (waiver requested by Philip Pigneri), 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, [#14,088](#). Motion Carried 7-0.**

02-1185 61. On Zoning text amendment to require single-family dwellings in the "R-2" (One and Two-Family Residential district), and in the "R-3" and R-4" (Multiple Family Residential districts), to conform to the design standards currently applicable in the "R-1" Districts. **Moved by McPherson to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**

02-1186 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-1187 62. On vacation and conveyance of a portion of the North/South alley right-of-way and a portion of E. 5th Street right-of-way in the vicinity of 431 E. Locust Street, to Blood Center of Central Iowa, \$8,850. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1188 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1189 (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, [#14,089](#). Motion Carried 7-0.

02-1190 63. On Zoning text amendments, to expressly prohibit expansion or structural alteration of non-conforming uses in the "U-1" (Floodplain) and "FW" (Floodway) Districts. **Moved by Cownie to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**

02-1191 (A) First consideration of ordinance above. **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1192 64. On SW 8th and 9th Street Viaducts over M.L. King Jr. Parkway Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Pressure Concrete Incorporated (David Carroll, President, Florence, AL), \$113,393.80. **Moved by Hensley to adopt. Motion Carried 5-2.**
Nays: Cownie and Vlassis.

02-1193 (A) Approving contract, bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Vlassis.**

02-1194 65. On 401 SE 6th Street (Irwin Chemical Building) Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Wicker Demolition (Linda L. Wicker, Owner, DSM), \$52,439.00. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1195 (A) Approving contract, bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1196 66. On Wells Fargo Replacement Parking Lot: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp (J.M. Yonker, President, Grimes), \$128,835.50. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1197 (A) Approving contract, bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1198 67. On College Avenue Storm Sewer Improvement-7th Street to 12th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Construction LLC (Steve Gillotti, President, Grimes), \$345,822.00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1199 (A) Approving contract, bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

68. On actions regarding the Eastern Downtown Area:

02-1200 (A) Resolution continuing the hearing on the Zoning Text Amendment creating a new

"Capitol Dominance Overlay District" and the hearing on proposed rezoning of the East Downtown Area to impose the "Capitol Dominance Overlay District" to May 20, 2002. ([Council Communication No. 02-246](#)) **Moved by Brooks to adopt. Motion Carried 5-1-1. Pass: Vlassis. Absent: Coleman.**

02-1201 (B) Resolution receiving the proposed Design Guidelines for the Eastern Gateway Area for review, and return to Council for action at a later date. ([Council Communication No. 02-251](#)). **Moved by Brooks to adopt. City Manager to review these guidelines with current developers. Motion Carried 5-1-1. Pass: Vlassis. Absent: Coleman.**

* * END HEARINGS at 6:50 P.M. * *

****Council considered Items 46 through 57 next****

APPROVING

02-1202 69. Recommended Areaway Ordinance amendment, to allow certain features, such as awnings and canopies to remain in place and exempt from fees, in certain areas such as City-sponsored streetscape projects, buildings listed in National Register of Historic Places and NPC-zoned areas. ([Council Communication No. 02-250](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-1203 70. Authorizing City Manager to negotiate a contract for professional services with Douglas Hoerr, Landscape architect for Phase II landscaping of City Hall and the adjacent parking lot, and for the provision of consulting services for landscape projects in Des Moines. ([Council Communication No. 02-244](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Brooks.**

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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.

1. Request of Mayor Preston Daniels to discuss the following:

02-1204 (A) Vacant building at 1301 21st Street. **Moved by Vlassis to discuss and refer to City Manager and Legal for review and recommendation. Motion Carried 6-1. Absent: McPherson.**

02-1205 (B) Condition of property at 1556 24th Street. SPONSOR: Daniels. **Moved by Vlassis to discuss, and refer to City Manager for review and recommendation. Motion Carried 7-0.**

02-1206 2. Approving Citizens for Community Improvement (CCI) Application for HUD Housing Counseling Program, to provide Predatory Lending/Financial Literacy Program. [\(Council Communication No. 02-252\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

3. Resolutions regarding the Metropolitan Planning Organization (MPO): SPONSOR: Coleman

02-1207 (A) Approve proposed 2002/03 MPO Unified Planning Work Program. **Moved by Coleman to adopt. MOTION FAILED 2-5. Yeas: Coleman and Hensley. Nays: Daniels, Cownie, McPherson, Brooks and Vlassis.**

02-1208 (B) Approve the MPO Budget for FY 2002/03. **Moved by Coleman to adopt. MOTION FAILED 1-6. Yeas: Coleman. Nays: Daniels, Cownie, Hensley, McPherson, Brooks, Vlassis.**

02-1209 (C) Affirm commitment to the 28E Agreement and authorize the City Manager to pay our assessment based on sixty cents per capita. **Moved by Coleman to adopt. Motion Carried 4-3. Nays: Cownie, Brooks and Vlassis.**

02-1210 4. Request from Council Member Tom Vlassis, to allow Mr. Cal Sale, 1410-19th, to speak regarding the number of animals allowed at a residence. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Brooks.**

A G E N D A

BOARD OF HEALTH

May 6, 2002

02-1211 MOTION TO CONVENE, **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

02-1212 (A) 2333 Capitol Avenue (vacant) Titleholder: We Buy Houses, L.C., Attn: Scott E. Thomas, Registered Agent and Legal Interest Holders: Dynamic Enterprises Corporation, Attn: Richard K. Hanson, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1213 (B) 519 Pioneer Road (vacant) Titleholder: R & S Investments, L.L.C., Attn: Matthew D. Kern, Registered Agent; Contract Buyer: Jack V. Methany a/k/a Jack V. Metheny; and Legal Interest Holders: Dynamic Enterprises Corporation, Attn: Richard K. Hansen, Registered Agent, HP/US Bank, Attn: Chris Newhouse, and Associates Finance, Inc., Attn: CT Corporation

System, Register Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1214 (C) 2811 E. 37th Street (vacant) Titleholder: The Wolford Corporation, Attn: Rod Wolford, Registered Agent; Contract Buyers: James C and Joan Brown, and Legal Interest Holders: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to remove the following structures:

02-1215 (A) 3308 6th Avenue, Titleholder, Margaret J. Pope. **Moved by McPherson to defer consideration to June 3, 2002. Motion Carried 7-0.**

02-1216 (B) 1703 16th Street, Titleholder, Heartland Communication, Inc., Contract Buyers, Doris Burch and Lonnie Burnsworth. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1217 (C) 1721 21st Street, Titleholder, 5914 Tonka, LLC. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1218 3. Release of demolition cost reserve escrowed under policy number 5136170 regarding property known as 1244 E. 27th Street owned by Robert Willson and Cheryl Twiss. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1219 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS