

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 7, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Iowa School Board Recognition
- (b) Small Business Week

SPECIAL PRESENTATIONS - 4:15 P.M.:

Corporation for Economic Development

INVOCATION: Pastor Michael Richter, Glen Echo Christian Church

01-1280 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-1281 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1282 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-1283 4. Communication from Legal Department regarding May 7, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-1284 5. Edelstein, Inc., Deena Edelstein, Owner dba Duds 'N Suds, 2552 Hubbell; Renewal - Expires 5-18-07 (With Sunday Sales) - Application submitted 3-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1285 6. Des Moines Jaycees, Joe Fernandez, President dba Seniom Sed, Nollen Plaza 3rd & Locust; Renewal - Expires 5-20-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1286 7. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, Fleur Drive - Gray's Lake; New Application for 5 day License for event on June 28, 2001

- Nitefall On The River - (With Outdoor Service) - Application submitted 5-2-01. Subject to submission of acceptable building, electrical, zoning, and fire inspections . **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1287 8. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, Fleur Drive - Gray's Lake; New Application for 5 day License for event on July 15, 2001 - Jet Ski Show - (With Sunday Sales and Outdoor Service) - Application submitted 5-2-01. Subject to submission of acceptable building, electrical, zoning, and fire inspections. ([Council Communication No. 01-241](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

Class "C" Beer Licenses

01-1288 9. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #506, 5000 Southwest 9th Street; Renewal - Expires 6-5-01 (With Sunday Sales) - Application submitted 4-11-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1289 10. Mora Inc., Manuel Mora, Owner dba La Tapatia, 1700 East Grand; Renewal - Expires 5-1-01 (With Sunday Sales) - Application submitted 4-16-01. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-1290 11. Krueger Ent. Inc., Donald W. Krueger, President dba Southgate Amoco, 3401 Southeast 14th Street; Renewal - Expires 5-29-01 (With Sunday Sales) - Application submitted 4-18-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine Licenses

01-1291 12. Hoyt Sherman Place Foundation, J. D. Newlin, Shareholder dba Hoyt Sherman Place, 1501 Woodland Avenue; Renewal - Expires 5-26-01 (With Sunday Sales) - Application submitted 3-29-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1292 13. Rolling Ball, L.L.C., Amedeo Rossi, Member dba The Lift, 222 4th Street; New Application (With Sunday Sales) - Application submitted 3-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1293 14. Easy Starts Restaurant, Inc., Angelo Ligdis, President dba Olympic Flame Restaurant, 514 East Grand; Renewal - Expires 5-13-01 - Application submitted 4-11-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-1294 15. Benboe, Inc. Tim Holmes, President dba B & B Que, 2712 Beaver; New Application (With Sunday Sales and Outdoor Service) - Application submitted 4-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1295 16. UPT Inc., Joe Gatto, President dba Baratta's Restaurant, 2320 South Union;

Renewal - Expired 4-30-01 (With Sunday Sales) - Application submitted 3-27-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1296 17. Evy's Lounge Inc., Evelyn Rogers, President dba Evy's, 1119 Grand Avenue; Renewal - Expires 5-20-01 (With Sunday Sales) - Application submitted 4-16-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1297 18. Noah's Inc., Noah Lacona, President dba Noah's Ark, 2400 Ingersoll; Renewal - Expires 5-18-01 - Application submitted 4-20-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1298 19. M and R Investments Inc., Randall Bradley, Owner dba Sudsuckers, 1511 E. Army Post Road; Renewal - Expires 5-30-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-23-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Outdoor Services

01-1299 20. Nacho Business, Inc., Jim Stevens, Owner dba Nacho Mamma's, 216 Court Avenue; Request for temporary Outdoor Service for Sixth Annual "Blues Challenge" on Saturday May 19, 2001. Application submitted 4-20-01. Subject to submission of electrical and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

01-1300 21. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-1301 22. Authorization to proceed with Fire Station No. 6 Renovation, (SE 6th and Hartford), which is included in 2001-2002 Capital Improvements Program and Operating Budget. ([Council Communication No. 01-220](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1302 23. Approving Agreement with Iowa Interstate Railroad, Ltd. for Street Crossing Improvement on SW 1st, SW 2nd, SW 3rd, SW 4th and SW 5th Streets at Vine Street. ([Council Communication No. 01-229](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1303 24. Approving professional Services Agreement with Stanley Consultants, Inc., (Michael D. Flattery, Vice-President) for design services for the Crawford Creek Watershed Conceptual Design, not to exceed \$176,792.60. ([Council Communication No. 01-231](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

25. Resolution Ordering Construction of the following:

01-1304 (A) Renovation of 2600 Dean Avenue, receiving of bids (5-22-01), and setting date of hearing (6-4-01), (Construction Estimate - \$65,000). **Moved by McPherson to adopt. Motion**

Carried 7-0.

01-1305 (B) Solid Waste Building Reroofing, receiving of bids (5-22-01), and setting date of hearing (6-4-01), (Construction Estimate - \$160,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1306 (C) University Avenue Restriping - 31st Street to 4800 Block Project, receiving of bids (5-22-01), and setting date of hearing (6-4-01), (Construction Estimate - \$80,450). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1307 (D) Avenue F.M. Hubbell Widening at E. 33rd Street Project, receiving of bids (5-22-01), and setting date of hearing (6-4-01), (Construction Estimate - \$458,178). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1308 (E) M. L. King Jr. Parkway Storm Sewer Outlet Extension - 1500 Block, receiving of bids (5-22-01), and setting date of hearing (6-4-01), (Construction Estimate - \$230,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1309 (F) M. L. King Jr. Parkway Paving SW 16th Street to SW 7th Street--IDOT Project, setting date of hearing (5-21-01), (Construction Estimate - \$5,945,446.22). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1310 (G) Douglas Avenue Widening At Beaver Avenue,--IDOT Project, setting date of hearing (5-21-01), (Construction Estimate - \$1,717,422.60). **Moved by McPherson to adopt. Motion Carried 7-0.**

26. Approving Intermediate Paving of Five Streets:

01-1311 (A) Communication from City Manager. **Moved by McPherson to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**

01-1312 (B) Preliminary Resolution for construction. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1313 (C) Fixing Values of Lots. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1314 (D) Adopting Preliminary Plat and Schedule, Estimate of Costs and Proposed plans and specifications. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1315 (E) Setting Date of Hearing on Proposed Resolution of Necessity, (6-4-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

27. Recommendation from City Engineering regarding SE 22nd Street and E Park Avenue Sidewalks, Schedule No. 2000-01:

01-1316 (A) Accepting work and ordering preparation of plat and schedule of assessments.

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

01-1317 (B) Adopting and levying final schedule of assessments and providing for payment.
Moved by McPherson to adopt. Motion Carried 7-0.

28. Report of Chief Civil Engineer showing construction progress, amount due and funding availability for the following:

01-1318 (A) Allied Demolition Contract No. 2, Al DeCarlo Demolition Co., \$8,146.07 is now due and \$8,417.50 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1319 (B) Argonne Armory Air Quality Improvements, Baker Mechanical, Inc., \$2,799.95 remaining balance is now due and payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1320 (C) WRA Raw Sewage Pump Station Improvements, John T. Jones Construction Company, \$22,800.05 is now due and \$412,548.90 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1321 29. Approving Private Construction Contract for storm sewer improvements on the east side of E. 17th Street between Mattern Avenue and Washington Avenue to service Deco Tool Supply at 1701 E. 17th Street between C. I. Carlisle Mechanical, Inc., (Craig I. Carlisle, President), Contractor and (Dennis Quinn), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1322 30. Approving partial payments on ten (10) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1323 31. Approving Petition and Waiver forms for Sidewalk Program/Request to Repair Sidewalk for three property owners, and Sidewalk Program/Request to Repair Driveway from two property owners authorizing City Engineer to proceed with construction. **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

32. Authorizing Engineering Department to levy the following NAC Emergency Order Assessment Schedules:

01-1324 (A) Schedule No. 2001-52. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1325 (B) Schedule No. 2001-28. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1326 (C) Schedule No. 2001-08. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1327 33. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility Fees for

the month of March 2001 for certification to Polk County. (Call City Clerk's Office for list).
Moved by McPherson to adopt. Motion Carried 7-0.

01-1328 34. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for April 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

35. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules, an administrative hearing was held, and charges against the property were waived:

01-1329 (A) Schedule No. 2001-27, 2629-31 Westover Blvd., in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1330 (B) Schedule No. 2001-26, 922 40th Place, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1331 (C) Schedule No. 2001-26, 1076 42nd Street, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

36. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules that were already paid in full:

01-1332 (A) Schedule No. 2001-01, 1109 Pennsylvania, in the amount of \$135. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1333 (B) Schedule No. 2001-07, 1421 Richmond Avenue, in the amount of \$225. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1334 (C) Schedule No. 2001-25, 5 Park Avenue, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1335 (D) Schedule No. 2001-05, 1814 6th Avenue, in the amount of \$135. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-1336 37. Establishing fair market value and authorizing acquisition of properties for the 11th/12th Streets Connector, Martin Luther King, Jr. Parkway to Cherry Street Project (Mercy Properties, Inc. and Allied Development Company) 1100 Cherry--\$72,080 and 1212 Cherry--\$78,860..**Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-1337 38. Establishing fair market value and authorizing acquisition of property for the Fifteenth Street Corridor improvements project at 210 - 15th Street and 201 - 16th Street by Beckley Properties, LLC. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

01-1338 39. Establish a revised fair market value and authorize acquisition of 107 5th Street from Auto-Park Corporation, Ralph Bumpilori, President, for The Court Avenue Entertainment Center Project - \$160,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1339 40. Payment of Condemnation Awards for acquisition of various properties in vicinity of 11th and Market Streets from Union Pacific Railroad Company and others for the Martin Luther King, Jr. Parkway Project-\$650,345 plus sheriff's fees and jury expenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-1340 41. Approve and accept right-of-way documents for 4532 Douglas Avenue from Richard J. Connor and Margaret A. Connor for Douglas Avenue widening at Beaver Avenue Project-\$3,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1341 42. Approve and accept right-of-way documents for 3251 Hubbell Avenue from Charles W. Iles, Inc. for the Avenue F.M. Hubbell widening at E. 33rd Street Project -\$4,400 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1342 43. Approve and accept permanent easement for street turnaround for construction of 1999 Paving Program - SW 12th Street, Army Post Road to Dead End North Project from Marilyn A. Harding and Marc S. Harding & Janet Witte at 6304 SW 12th-\$439. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-1343 43-I Recommendation of Council Member Tom Vlassis for the reappointment of Claudelle Tiedemann to the Citizen Odor Board to expire in April 1, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

STREET CLOSINGS

44. Approving recommendation of Street Use Team for exception regarding length of time request for the following street closings:

01-1344 (A) Lorinda Herrstom, representing Ronald McDonald House, 1441 Pleasant Street requesting permission to close SW 1st, 1st Street and Riverside Drive from Court Avenue to SE 1st/Scott Street Bridge, 2nd Avenue from 3rd Street connection to Grand Avenue, Market Street from SW 2nd Street to SW 1st Street, Elm Street from SW 2nd to SW 1st Street and Eastbound Grand Avenue from 2nd Avenue to Pennsylvania Avenue on Saturday, May 19, 2001 from 8:00 A.M. until 9:30 A.M. for a 5K Run. **Moved by McPherson to approve the street closure 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.**

01-1345 44. (B) Elizabeth Plasket, representing University of Northern Iowa, Cedar Falls, IA requesting permission to close the west two lanes of Court Avenue from Kasson Street to E. 14th Street on Saturday, May 19, 2001 from 7:00 A.M. until 3:00 P.M. for the Alliant Energy Iowa

Electrathon Event. **Moved by McPherson to approve the street closure 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.**

01-1346 (C) Jim Stevens, representing Nacho Mammias, 216 Court Avenue requesting permission to close Court Avenue from 2nd Street to 3rd Street on Saturday, May 19, 2001 from 3:00 P.M. until 1:00 A.M. for the Sixth Annual "Blues Challenge". **Moved by McPherson to approve the street closure 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.**

01-1347 (D) Mike Palmer, representing The Allied Group, 701 5th Avenue requesting permission to close Walnut Street, from 50' short of 10th Street to 12th Street on Wednesday, May 23, 2001 from 6:00 A.M. until 7:00 P.M. for a groundbreaking ceremony. **Moved by McPherson to approve the street closure 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.**

CITY PLAN COMMISSION RECOMMENDATIONS

01-1348 45. Regarding recommended DENIAL of request from City Traffic Engineer for a long-term temporary closure of SE 9th Street between E. Edison and E. Hillside. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1349 46. Regarding recommended DENIAL of request from City Traffic Engineer for a long-term temporary closure of CB&Q Street between SE 25th Court and SE 30th Street. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1350 47. Regarding recommended conditional approval of preliminary subdivision plat entitled "West Woodside Acres", for 56 single-family residential lots submitted by Dave Pittman, NW 60th Avenue and NW 6th Drive, (property within the 2 mile area of subdivision jurisdiction). **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1351 48. Regarding recommended approval of preliminary subdivision plat entitled "Woods on the River Plat 5", for 156 single-family residential lots submitted by Clarke Company, Ltd., at 2515 East Riverwoods Avenue. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1352 49. Regarding recommended approval of preliminary subdivision plat entitled "Easter Lake Cove", for 63 single-family residential lots submitted by Oaks Mills L.C., at 2606 Easter Lake Drive. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1353 50. Regarding recommended approval of preliminary subdivision plat entitled "Easter Lake Estates Plat 7", for 79 single-family residential lots submitted by Oaks Development Company, at 2700 Easter Lake Drive. **Moved by McPherson to receive and file. Motion Carried 7-0.**

51. NUMBER NOT USED.

SETTING DATE OF HEARINGS

01-1354 52. On issuance of not to exceed \$6,500,000 General Obligation Hotel and Motel Tax Refunding Bonds, Series 1992A, (5-21-01). ([Council Communication No. 01-221](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1355 53. On request from Midwest Office Tech, for rezoning of property at 1810 High Street, from "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-3A" (Central Business District Support Commercial), subject to applicant agreeing that issuance of a building permit is subject to approval of exterior design elevations and materials by the Planning Director, (5-21-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1356 54. On request from St. Andrew's Group to rezone property at 5405 E. Indianola Avenue at Easter Lake Drive, from "R1-80" (One Family Residential) and "R1-90" (Large Lot One-Family Residential) to PUD, and to approve conceptual plan for development of Carman Estates, 165 single-family lots, 32 single-family attached townhomes, 10 acres reserved for Low Density and 21 acres reserved for Low/Medium Density Residential and 25 acres reserved for Medium Density Residential, (5-21-01). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-1357 55. On vacation of a segment of SW 6th Street between a point 32.76 feet north of Market Street to Elm Street, for purposed of the M.L. King Jr. Parkway Project, (5-21-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-1358 56. Approving payment of \$7,512.66 to Angie Shutts of Whitfield & Eddy, P.L.C. for representation of Officer Cynthia Donahue in case of William L. Taylor v. Cynthia Donahue, Greg Dickel and Martin Siebert. **Moved by McPherson to approve payment. Motion Carried 7-0.**

01-1359 57. Approving payment of \$4,168.15 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce Wilson and Val Wilson, Jr., Administrators of Estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 7-0.**

01-1360 58. Approving payment of \$5,775.25 to Linda Keller and Des Moines Chrysler Plymouth for property damage and tow bill as result of an auto accident on April 5, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1361 59. Approving payment of \$807.16 to John L. Corbett of Spiegel & McDiarmid Law Firm for representation of the City in connection with City's response to FAA concerns regarding City's Airport PILOT charge. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1362 60. Approving payment of \$1008.08 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in resolution of environmental matters in conjunction with development of Kiwanis Nature Island. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1363 61. Approving payment of \$1,899.85 to Miller & Van Eaton, P.L.L.C. for review of application for sale of Heritage Cablevision, Inc. d/b/a AT&T Broadband to Mediacom Communications Corporation. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-1364 62. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-219](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) One-Sided Parking Restrictions--Easter Lake Park Subdivision.

(2) One-Sided Parking Restrictions--Brook Run Village Subdivision.

(3) Corner Clearance--North Side of Garfield Avenue West of East 30th Street.

01-1365 63. Submitting out-of-state travel requests for Paul Bushore, Annette Graeve, Andrea Hauer, Jackie Nickolaus, Theodore Jefferson, Tom Vlassis and Dan Ritter. ([Council Communication No. 01-217](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING

01-1366 64. Communication from Iowa State Fair, requesting temporary head-in parking along north side of Dean Avenue, from E. 31st Street to E. 34th Street; temporary fencing to curb along Dean Avenue from E. 31st Street to E. 30th Street; and "No Parking" signs in the area east of E. 34th Street (Gate 7) and Grand Avenue, both north to University and south to Walnut, during the Fair. **Moved by McPherson to receive, file and grant the request. Motion Carried 7-0.**

01-1367 65. Quarterly Treasurer's Report for the nine months ended March 31, 2001. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1368 66. Grant Agreements between the City of Des Moines, Iowa and HUD for SHP funds for implementation of Buchanan Transitional Living Center Project (\$298,174) and Lighthouse Transitional Living Project (\$82,067) for local homeless programs. ([Council Communication No. 01-224](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1369 67. Budget Revisions to 1999 Public Housing Service Coordinator Grant for submission to the United States Department of Housing and Urban Development to transfer a portion of budget from supportive services to administration. ([Council Communication No. 01-225](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1370 68. Submission of Des Moines Municipal Housing Agency's Revised Calculation of

2001 Performance Funding System Operating Subsidy to U.S. Department of Housing and Urban Development to include Emergency Utility funding. ([Council Communication No. 01-226](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

69. Bids for the following:

01-1371 (A) Neenah Foundry Company, (Neenah, WI., William Barnett, President) for manhole castings to be used by the Public Works Department (Sewer Division), \$30,600. (Six bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1372 (B) Motorola Inc., (Schaumburg, IL), State of Iowa Contract No. CT1199 (Municipal Code Section 2-725(c)) for mobile radios and accessories to be used by the Police Department, \$39,422.32. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1373 69. (C) Varec Flame arrestor assemblies for digester complex by Miller Mechanical Specialities, Inc., (DM, Craig Miller, President) sole area wide distributor. (Municipal Code section 2-725 (a) (7)). Sole source and competitively bid, \$64,316.70. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1374 (D) Burns Electric, (6529 NW 6th Street, Mike Burns, President) for an annual agreement for street light repair services to be used by the Traffic and Transportation Department, \$55,000. (Seven bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1375 (E) Primary and secondary suppliers for an annual contract for concrete, metal and polyvinyl chloride pipe materials to be used by the Public Works Department, \$139,950. (Eight bids mailed-four received). (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1376 (F) Owen Christ Auto Body, (1221 Keo Way, Lawrence Christ, President) for District 1 (west side) and American Towing, (2114 Southeast 14th Street, Richard Tibbetts, President) for District 2 (east side) for annual agreement for towing and storage of abandoned vehicles to be used by the Police Department. Bid from City Wide Towing was non-compliant due to failure to produce Certificate of Occupancy and incomplete insurance and performance bond requirements. (Nine bids mailed-three received). ([Council Communication No. 01-239](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1377 70. Civil Service Entrance Lists for Police Officer and Purchasing Agent, and Promotional Lists for Senior Clerk Typist and Light Equipment Operator. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1378 71. Authorizing Acting Finance Director to draw checks on registers of May 11, 2001 and May 18, 2001, and for the bills of the Des Moines Municipal Housing Agency for the weeks of May 7, 2001 and May 14, 2001; and to draw checks for biweekly payroll due city employees on May 4, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-1379 72. Amending Chapter 102 of the Municipal Code regarding Snow and Ice Removal Citation Challenge procedure. **Moved by McPherson that this ordinance do now pass, [#13,943](#). Motion Carried 4-3. Nays: Flagg, Brooks and Vlassis.**

01-1380 73. Amending Chapter 78 of the Municipal Code regarding solicitation of funds, decreasing the percentage of funds utilized for the cost of administration, from 45 to 20 percent. **Moved by McPherson that this ordinance do now pass, [#13,944](#). Motion Carried 7-0.**

01-1381 74. 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. **Moved by Brooks that this ordinance do now pass, [#13,945](#). Motion Carried 7-0.**

01-1382 75. Amending Chapter 74 of the Municipal Code, to allow the Park Board to establish the hours of operation for all park facilities. **Moved by McPherson that this ordinance do now pass, [#13,946](#). Motion Carried 7-0.**

01-1383 76. Amending Chapter 74 of the Municipal Code to allow consumption of alcohol in Gray's Lake Park Observation Deck. **Moved by Hensley that this ordinance do now pass, [#13,947](#). Motion Carried 7-0.**

01-1384 77. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Coleman that this ordinance do now pass, [#13,948](#). 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.

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

Council considered Items 92, Ex. 1 and Hearing Items 84-91 next

ORDINANCES - SECOND CONSIDERATION

01-1385 78. Amending Chapter 42 of the Municipal Code regarding distribution of handbills and newspapers at private premises, as amended. **Moved by McPherson that this ordinance be considered and given second vote for passage as amended further, to delete item (2)g. Motion Carried 7-0.**

01-1386 (A) Receipt of communications regarding above. **Moved by McPherson to receive and file. Motion Carried 7-0.**

****Mayor Daniels left the meeting at 7:03 P.M.****

ORDINANCES - FIRST CONSIDERATION

01-1387 79. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given first vote passage. Motion Carried 6-1. Absent: Daniels.**

(1) Reversal of Two-Way Stop--East 15th Street and Richmond Avenue.

(2) Placement of Two-Way Stops--Chesterfield Neighborhood.

(3) Speed Limit Reduction--Park Avenue between Fleur Drive and Valley Drive.

(4) Removal of Taxicab Stand and Installation of New Parking Metered Spaces--East Side of 8th Street North of Walnut Street.

COUNCIL REQUESTS

01-1388 80. From Council Member Archie Brooks to discuss efforts to save two homes that are scheduled for demolition as part of the Indianola Avenue project, (3 and 9 Columbus Avenue). **Moved by Brooks to receive and file. Motion Carried 6-1. Absent: Daniels.**

01-1389 (A) Setting Date of Hearing on conveyance of City-owned property at 202 E. Fulton Drive, to GiDon, L.C., to be used as a site for historical home to be moved from 3 Columbus Avenue, \$6,450, (5-21-01). ([Council Communication No. 01-244](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATIONS/REPORTS

01-1390 81. From Val-Vista Estates, 6901 SE 14th Street regarding permission for private long sewer connection along Bloomfield Road West of Indianola Road to service F & J Mobile Home

Park at 7500 Bloomfield Road. **Moved by Brooks to receive, file and approve the request and refer to staff. Motion Carried 6-1. Absent: Daniels.**

01-1391 82. From William Scott, 234 SE Bundy, request to speak regarding trash and recyclable program. **Moved by Hensley to receive, file and grant request to speak. Motion Carried 6-1. Absent: Daniels.**

01-1392 83. From Kurt Just, 1218 Virginia, regarding qualifying for an exception certificate. **Moved by Coleman to receive, file and grant the request to speak; refer to City Manager and Legal for a report by June 4th on Police response to a call from South Beach, reporting that a James Wright (a/k/a Big Valley) was a customer in South Beach. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

****Council considered Items 93 through end of agenda next****

HEARINGS (Opened at 6:05 P.M.) (Items 84 thru 91)

01-1393 84. On issuance of not to exceed \$10,500,000 General Obligation Refunding Bonds (for an essential corporate purpose)-Series 1992C and 1992G. ([Council Communication No. 01-222](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1394 (A) Instituting Proceeding to take additional actions for issue of Bonds. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

85. On issuance of 2001 General Obligation Bonds as follows: ([Council Communication No. 01-223](#)).

01-1395 (A) \$9,475,000 (Essential Corporate Purpose), for planning, undertaking and carrying out Urban Renewal Project Activities. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks**

01-1396 (1) Instituting Proceedings to take additional action for issue of bonds. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1397 (B) \$986,000 (General Corporate Purpose), for remodeling, reconstruction and improvement of various City facilities. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1398 (1) Instituting Proceedings to take additional action for issue of bonds. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

85. On issuance of 2001 General Obligation Bonds as follows: ([Council Communication No. 01-223](#)).

01-1399 (C) \$641,000 (General Corporate Purpose), for remodeling, reconstruction and improvement to various City facilities, and acquisition of software for City-wide information and communication systems. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1400 (1) Instituting Proceedings to take additional action for issue of bonds. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1401 (D) \$938,000 (General Corporate Purpose), for acquisition and installation of hardware infrastructure and data migration equipment. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1402 (1) Instituting Proceedings to take additional action for issue of bonds. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1403 (E) \$21,310,000 (Essential Corporate Purpose), for improvements to various city facilities and/or properties. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1404 (1) Instituting Proceedings to take additional action for issue of bonds. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-1405 86. On Parking Lease Agreement with 300 East Locust L.P., for portion of vacated East Second Street between Grand and Locust, \$35 per space per month. ([Council Communication No. 01-235](#)). **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

01-1406 87. On request from Fleur Properties, L.C., to rezone property at 7600 Fleur Drive, from "R1-80" (One Family Residential) to "PUD" (Planned Unit Development), for development of the "Airport Crossroads" Concept Plan with 17 lots available for business park and supporting commercial use, subject to revisions. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

01-1407 (A) First consideration of ordinance above **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

01-1408 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,949. Motion Carried 6-1. Absent: Coleman.**

01-1409 88. On request from Erickson Development, Inc., to rezone property at 3010 E. Pine Avenue, from "A-1" (Agricultural) to "PUD" (Planned Unit Development), for development of the "Three Lakes Estate II" Concept Plan proposing 209 single-family lots and 194 units of attached townhomes. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

01-1410 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

01-1411 (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, [#13,950](#). Motion Carried 6-1. Absent: Coleman.**

01-1412 (C) Recommendation from Plan and Zoning Commission, regarding amendment to the Des Moines 2020 Community Character Land Use Plan. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

01-1413 89. On Building Official's determination that the structure at 2201 Forest Avenue constitutes a public nuisance. ([Council Communication No. 01-234](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1414 90. On 2001 ACC Pavement Milling and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Robert G. Horner, Chairman, DM), \$1,262,800. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1415 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1416 91. On assessment of \$300 penalty to 7 Cigarette Permittees, for violation of Iowa Cigarette Laws (sale to minors). **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:40 P.M. * *

****Council considered Items 78 through 83 next****

APPROVING

01-1417 92. Selection of Downtown Preservation Partners, LLC, as developer for Masonic Temple Rehabilitation Project. ([Council Communication No. 01-236](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Flagg abstained from voting.**

WITHDRAWN01-1418 (A) Establishing fair market value and authorizing acquisition of property for Western Gateway Project in the Metro Center Urban Renewal Development Area-Masonic Temple Association of Des Moines, Iowa, 1011 Locust Street - \$800,000.

****Council considered Extra Items 1 next****

****Council Member McPherson left the meeting at 7:30****

01-1419 93. Approving feasibility study with Polk County for locating a County Senior Community Center on City-owned land along Franklin Avenue. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

****Council Member Coleman left the meeting at 7:31****

01-1420 94. Contract with Italian-American Center to allow salvage of exterior materials from the Stemma D'Italia Building at 11-17 Indianola as a result of Indianola Connector project. ([Council Communication No. 01-218](#)) **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1421 95. Memorandum of Agreement with State Historic Society of Iowa for historic, architectural and archaeological resources at 6th and University grocery store site. ([Council Communication No. 01-238](#)) **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1422 96. Authorizing agreement for professional services with SRI International regarding market research for the proposed Des Moines Agribusiness Park. ([Council Communication No. 01-227](#)) **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1423 97. Authorizing issue of a Request for Proposals (RFP) in conjunction with City Hall and Armory Security System. ([Council Communication No. 01-228](#)) **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1424 98. Amendment to Intergovernmental 28E Agreement for the promotion of tourism and convention activities in the greater Des Moines, Iowa area to include the City of Altoona. **Moved by Hensley to adopt. City Manager will report on Altoona's contribution. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1425 99. Submission of Community Economic Betterment Account Venture Project Component (CEBA Venture) Application to State of Iowa for Lighthouse Communications, Inc., (666 Walnut). ([Council Communication No. 01-240](#)) **Moved by Hensley to approve. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1426 100. Approving an \$80,000 loan to Beckley Properties, L.L.C. for development of a new automotive service facility. ([Council Communication No. 01-232](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1427 101. Approving a \$45,000 City Loan and Collateral Documents, for Paper Systems, Inc. to develop a new container product. ([Council Communication No. 01-233](#)) **Moved by Hensley to approve. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

102. Actions with regard to the proposal by EDS Customer Relationship Management (CDM) to develop a new office/warehouse/distribution facility containing approximately 405,000 sq. ft. of interior space within the Airport Business Park south of Relocated Army Post Road. ([Council Communication No. 01-242](#)):

01-1428 (A) Resolution to approve submission of a CEBA application to the State of Iowa for EDS Customer Relationship Management (CDM). **Moved by Hensley to approve. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1429 (B) Set Hearing on application of Richard Marguiles (officer) on behalf of ABC Partners, L.P. (owner) to amend the "PBP" conceptual plan for a portion of the Airport Business Park south of Relocated Army Post Road to establish a site containing approximately 28 acres for the proposed facility, (5-21-01). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1430 103. Approving Agreement with Road Contractors, Inc. (Steve Gillotti, President) for Extension of Southwest Airport Sanitary Trunk Sewer to serve property in vicinity of Army Post Road and SW 42nd Street, known as "City Gateway". ([Council Communication No. 01-230](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1431 (A) Setting Date of Hearing on Final Connection Fee Ordinance for Northwest Airport Area Trunk Sewer System Benefitted District, (6-4-01). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1432 (B) Setting Date of Hearing on Final Connection Fee Ordinance for Southwest Airport Area Trunk Sewer System Benefitted District, (6-4-01). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1433 104. Accepting Developer-initiated Redevelopment Proposal from Anawim Housing Inc., to redevelop a portion of Disposition Parcel 97-A in the Metro Center Urban Renewal Area, (1233 and 1243 7th Street). ([Council Communication No. 01-237](#)) **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

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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.

01-1434 1. Communication regarding selection of location in Downtown for new Science Center of Iowa and request for City assistance. SPONSOR: HENSLEY. ([Council Communication 01-243](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1435 2. Recommendation of Council Member At-Large George Flagg, to appoint William F. Horstman to the Housing Appeals Board, three-year term commencing March 16, 2000 to expire March 16, 2003. SPONSOR: Flagg. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1436 3. Receipt of Legislative Update for the 2001 Session. SPONSOR: Mayor Daniels. **Moved by Brooks to receive and file report. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1437 4. Approving recommendation of Council Member Hensley, to appoint Jim Fleming as a City Representative to the Polk County Deer Task Force. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

A G E N D A

BOARD OF HEALTH May 7, 2001

01-1438 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

AUTHORIZING

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

WITHDRAWN01-1439 (A) 3020 Fleur Drive (vacant) Titleholder: Katherine J. Lyman; Legal Interest Holders: Wells Fargo Home Mortgage, Inc., f/k/a Brenton National Bank of Des Moines, Attn: Corporation Service Company, Registered Agent.

01-1440 (B) 1323 - 7th Street (vacant) Titleholder: Herbert Maddux. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1441 (C) 221 E. 15th Street (vacant) Titleholder: Wonevia Penney. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

WITHDRAWN01-1442 (D) 1703 - 16th Street (vacant) Titleholder: Heartland Communications, Inc., Attn: Prentice Hall Corporation System, Registered Agent; Contract Buyers: Lonnie J. Burnsworth and Doris I. Burch.

01-1443 2. Release of demolition cost reserve held under claim number 7134709 regarding property known as 1922 E. Walnut Street owned by Sandra Chavez and Victor Chavez. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

01-1444 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:40 P.M. Motion Carried 4-3. Absent: Daniels, Coleman and McPherson.**

DES MOINES-CITY OF SKYWALKS