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May 20, 2002

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SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 20, 2002 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Recognition of Spring Blast Volunteers
- (b) Polk County Affordable Housing Business Case
- (c) Excellence in Historic Preservation Awards

INVOCATION: Pastor Neil Cross, New Hope United Methodist Church

02-1220 1. ROLL CALL: **Present: Daniels, Brooks, Coleman and Hensley. Absent: McPherson. Council Member Vlassis entered the meeting at 4:43 PM, and Council Member Cownie entered the meeting at 6:10 PM.**

02-1221 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1222 3. APPROVING CONSENT AGENDA - items 3 through 60: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

LICENSES AND PERMITS:

Approving

02-1223 4. The following Beer/Liquor Applications. **Moved by Vlassis to adopt. City staff to follow up with a 3 and 6-month audit of restaurant sales figures for item (4)--Soccer Coffee Bar & Tavern, 2718 Douglas. Motion Carried 5-2. Absent: Cownie and McPherson.**

NEW APPLICATIONS

(1) Romance Cafe, 1454 2nd Ave., B Beer.

~~(2) Royal Flush Restaurant, 4440 Hubbell Ave., C Liquor.~~

(3) Stranded by the Tracks, 1922 Hubbell Ave., C Liquor.

RENEWAL APPLICATIONS

(4) Soccer Coffee Bar & Tavern, 2718 Douglas, C Beer/Wine.

(5) Git N Go Store #3, 100 Watrous Ave., C Beer.

(6) Brew Haus Lounge, 830 McKinley Ave., C Liquor.

(7) Git N Go Store #31, 2601 SW 9th St., C Beer.

(8) Steer & Stein, 3000 E Grand Ave., C Beer.

(9) Donna's Lounge, 4424 SE 14th ST., C Liquor.

(10) Carls Place, 1620 Woodland Ave., C Liquor.

(11) Hoyt Sherman Place, 1501 Woodland Ave., C Beer/Wine.

(12) Seniom Sed Friday Fest, 313 Locust St., B Beer.

(13) Savery Hotel and Spa, 401 Locust St., B Liquor.

(14) Spaghetti Works, 308 Court Ave., C Liquor.

~~(15) Hickman Pub, 2335 Hickman Rd., C Liquor.~~

(16) Big K Mart #4160, 2535 Hubbell, C Beer.

(17) Big K Mart #4160, 2535 Hubbell, B Wine.

(18) Hideaway Lounge, 4845 Merle Hay Rd., C Liquor.

(19) King Ying Low Restaurant, 223 4th St., C Liquor.

~~(20) Mercy Hospital Medical Center, 1111 6th Ave., C Liquor.~~

(21) Kwik Shop #539, 1372 E 14th St., C Beer.

(22) University Library Cafe, 3506 University, C Beer/Wine.

(23) Suites of 800 Locust, 800 Locust, B Liquor.

~~(24) Best Western Starlite Village, 929 3rd St., "B" Liquor.~~

TRANSFER TO NEW LOCATION

- (25) Depot, 3000 E Grand Ave., B Beer, Temporary Transfer of License to the Midway area for the Golden Circle Games on June 19, 2002.
- (26) Depot, 3000 E Grand Ave., B Beer, Temporary Transfer of License to the Plaza Stage Area for the World Pork Expo on June 6, 2002 to June 9, 2002.

Approving

SPECIAL EVENTS APPLICATIONS

- (27) Des Moines Marriott, 25 E Court Ave., Five day application (Booth A) for Latino Festival on May 25, 2002, pending building, electrical, zoning and fire inspections.
- (28) Des Moines Marriott, 25 E Court Ave., Five day application (Booth B) for Latino Festival on May 25, 2002, pending building, electrical, zoning and fire inspections.

02-1224 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1225 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:

02-1226 (A) 4th and Grand Garage Renovation - Phase 2, Receiving of Bids, (6-11-02), and Setting Date of Hearing, (6-17-02). (Construction Estimate - \$1,181,825). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1227 (B) 15th/16th Streets Connector - M.L. King Jr. Parkway to Walnut Street, Receiving of Bids, (6-11-02), and Setting Date of Hearing, (6-17-02). (Construction Estimate - \$1,085,735). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1228 (C) Laurel Hill Basketball Court Improvements, Receiving of Bids, (6-11-02), and Setting Date of Hearing, (6-17-02). (Construction Estimate - \$52,925). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1229 (D) Masonic Temple Sidewalk Reconstruction, Receiving of Bids, (6-11-02), and Setting Date of Hearing, (6-17-02). (Construction Estimate - \$200,000). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1230 (E) Upper Union Park Sewer Separation Phase 1, Receiving of Bids, (6-11-02), and Setting Date of Hearing, (6-17-02). (Construction Estimate - \$2,429,825). **Moved by Hensley to**

adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.

02-1231 (F) Fleur Drive Resurfacing from McKinley Avenue North to Railroad Viaduct (North of Bell Avenue), joint project with IDOT, Setting Date of Hearing, (6-17-02). (Construction Estimate - \$794,742.20). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1232 (G) Fleur Drive Widening from Army Post Road to County Line Road, joint project with IDOT, Setting Date of Hearing, (6-17-02). (Construction Estimate - \$1,680,683.95). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1233 (H) WRF Digester Fall Protection, Receiving of Bids, (6-11-02), and Setting Date of Hearing, (6-17-02). (Construction Estimate - \$60,000). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

8. Approving Private Construction Contracts for Easter Bay Colony, Plat 3:

02-1234 (A) Street Improvements for PCC paving between Sternquist Construction, Inc., (Britt Sternquist, President, Indianola), Contractor and Clarke Company, Ltd., (John J. Clarke, Des Moines), Owner - \$99,414. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1235 (B) Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, West Des Moines), Contractor and Clarke Company, Ltd., (John J. Clarke, Des Moines), Owner - \$112,900. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1236 (C) Storm Sewer Improvements between McAninch Corporation, (Douglas D. McAninch Corporation, (Douglas D. McAninch, President, West Des Moines), Contractor and Clarke Company, Ltd., (John J. Clarke, Des Moines), Owner - \$90,736. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

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

02-1237 (A) E. 20th Street Trunk Sanitary Sewer Relining-Dean Avenue to Cleveland Avenue, \$61,328.58 is now due and \$106,825.70 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1238 (B) Closes Creek - 27th Street to 28th Street & Forest Avenue Storm Sewer Improvements, \$85.50 is now due and \$48,265.97 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1239 (C) Approving Supplemental Agreement No. 2 with Veenstra & Kimm, Inc., (H.R. Veenstra, Jr., President) regarding an amendment to Professional Services Agreement for construction phase services for Closes Creek. **Moved by Hensley to adopt. Motion Carried 4-**

3. Absent: Cownie, McPherson and Vlassis.

02-1240 (D) Court Avenue Entertainment Parking Lot, Des Moines Asphalt and Paving Co., \$10,317.48 is now due and remaining balance of \$48,633.04 due at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1241 10. Accepting completed construction and approving final payment for 2000 Intermediate Paving Program, M Peterson Construction Co., \$0 is now due and remaining balance of \$54,675.74 due at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

(A) Resolutions accepting work and ordering preparation of Plat and Schedule of Assessments for the following:

02-1242 (1) Garfield Avenue from E. 32nd to E. 33rd. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1243 (2) SW 26th Street from Stanton to McKinley. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1244 (3) E. 36th Street from Arthur to E. Sheridan. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1245 (4) SW 12th Place from Army Post to dead end 300' north. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

10. (B) Resolutions adopting and levying Final Schedule of Assessments and providing for payment for the following:

02-1246 (1) Garfield Avenue from E. 32nd to E. 33rd. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1247 (2) SW 26th Street from Stanton to McKinley. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1248 (3) E. 36th Street from Arthur to E. Sheridan. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1249 (4) SW 12th Place from Army Post to dead end 300' north. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

11. Request for Extension of Time for the following:

02-1250 (A) Cramer & Associates, Inc. (Robert Cramer, President) for Martin Luther King, Jr. Parkway Stormwater Pump Station at S.W. 14th Street requesting extension of 64 calendar days with a completion date of June 18, 2002. [\(Council Communication No. 02-272\)](#). **Moved by**

Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.

02-1251 (B) M. Peterson Construction Co. (Merlin Peterson, President) for Martin Luther King, Jr. Parkway Paving (S.W. 2nd Street to S.W. 7th Street) requesting extension of 208 calendar days with a completion date of November 15, 2002. ([Council Communication No. 02-271](#))

Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Cownie and McPherson.

02-1252 12. Communication from M. Peterson Construction Co. requesting permission to sublet on M. L. King Jr. Parkway Paving - SW 16th Street to SW 7th Street public improvement project. **Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Cownie and McPherson.**

02-1253 13. Approving partial payments on fifteen (15) public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1254 14. Approving Petition and Waiver Form for 3406 - 1st Street for sidewalk program/request to repair driveway authorizing City Manager to proceed with said construction. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

SPECIAL ASSESSMENTS

02-1255 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of April 2002 for certification to Polk County. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1256 (A) Authorizing Engineering to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for April 2001. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

16. Deletion of NAC-Emergency Order Special Assessments for the following:

02-1257 (A) Schedule No. 2002-26 (5809 Franklin Avenue - \$145). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1258 (B) Schedule No. 2002-26 (2133 SE 9th - \$145). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1259 (C) Schedule No. 2002-75 (3025 E. Douglas Avenue - \$380.01). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

LAND/PROPERTY TRANSACTIONS

02-1260 17. Establishing Fair Market Value of property located at 31 East Creston, (Darrell H. Lovell) for the Crawford Creek Watershed Improvement Project, \$70,000 plus closing costs.

Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.

02-1261 18. Establishing Fair Market Value for the 15th to 16th Street Connector Project, located at 15th Street between Walnut Street and Falcon Drive, \$70,000 plus closing costs.

Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.

WITHDRAWN 19. Establishing Fair Market Value for property in vicinity of S.W. 16th Street and Mulberry Street for Martin Luther King, Jr. Parkway Project by gift, negotiation, or condemnation, (Iowa Interstate Railroad), \$13,000.

02-1262 20. Authorization to acquire Right-of-Way and easements in connection with the 15th to 16th Street Connector Project. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-1263 21. Recommendation of Mayor Preston Daniels to appoint Loyd Ogle to Seat #2 on the Park and Recreation Board for a four year term commencing June 30, 1999 to expire June 30, 2003. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

STREET CLOSURES

02-1264 22. Approving recommendation of Street Use Team (SUT) to close the following street. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

(1) Kurt Schaeffer, representing Dam To Dam, requesting permission to close Locust from 2nd Street to 5th Street from 5:30 to 11:30 AM and 3rd Street from Locust Street to Walnut Street from 7:00 to 11:30 AM on Saturday, June 1, 2002 for Dam To Dam Run Events.

(2) Barb Sorensen, representing Des Moines Symphony Association, requesting permission to close Grand Avenue Bridge from 1st Street to E. 1st Street from 12:00 Noon to 11:30 PM and Locust Street Bridge from 1st Street to E. 1st Street from 9:45 to 10:30 PM on July 3, 2002 (Raindate of July 4) for Fireworks Display.

(3) Steve Gude, representing 40th Place/Adams Neighbors, requesting permission to close 40th Place from Adams Avenue to Ashby Avenue on Sunday, June 9, 2002 from 3:30 to 8:45 PM for Neighborhood Block Party.

(4) Pam Wade, representing 47th Street Block Party, requesting permission to close 47th Street from Holcomb Avenue to Beavercrest Drive on Saturday, June 8, 2002 (Raindate of June 9) from 3:00 to 8:00 PM for Neighborhood Block Party.

(5) Cheryl Tillinghast, representing Christ the King School, requesting permission to close SW 7th Avenue from Wall Avenue to the Driveway north of the School Building on Tuesday, May 28, 2002 from 9:00 AM to 2:00 PM for Relay Day Events.

(6) Heather Lesley, representing Meadowwood Circle Neighborhood, requesting permission to close Meadowwood Circle at the end of the cul de sac on Saturday, June 8, 2002 from 3:00 to 7:00 PM for Neighborhood Block Party.

(7) Lynelle Scheidel, representing 41st Street Block Party Committee, requesting permission to close 41st Street from University Avenue to Forest Avenue on Saturday, June 8, 2002 from 4:00 PM to 12:00 AM for Neighborhood Block Party.

CITY PLAN COMMISSION RECOMMENDATIONS

02-1265 23. Regarding recommended approval of a preliminary subdivision plat in the vicinity of NE 46th Avenue and NE 22nd Street, owned by Central Recycling, (property within the 2-mile City Limit jurisdiction for review). **Moved by Hensley to receive and file. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

SETTING DATE OF HEARINGS

02-1266 24. On Second Amendment to the SE Agribusiness Urban Renewal Plan, to update Plan language to designate various acquisition and disposition parcels, and incorporate the recommendation of the Agrimergent Technology Park Report, (6-17-02). **Moved by Hensley to adopt. City Manager to clarify funding prior to the Hearing. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1267 25. On Sixth Amendment to the Metro Center Urban Renewal Plan, to encourage rehabilitation or redevelopment of properties along the 200-400 blocks of E. Grand and E. Locust, by designating properties for acquisition and disposition, (6-17-02). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1268 26. On 12th Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, to encourage quality commercial redevelopment along Iowa Highway 65/69 from County Line Road to its intersection with SE 14th, and along E. Indianola Avenue from Army Post Road to Highway 69, and expand the area to encompass recently annexed parcels in the vicinity of 6416 SE 36th and 6800 Chaffee Road, (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1269 27. On Council-initiated request to rezone property in the 500 block of North Valley Drive, from "FW" (Floodway) to U-1" (Floodplain), (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1270 28. On rezoning of property in the vicinity of 907 SW 62nd Street and 5701 Winona Avenue, from "U-1" (Floodplain) to "R1-60" (One Family, Low Density Residential) for area protected by levee, and to "FW" (Floodway) for area not protected by levee, subject to conditions, (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Vlassis. Absent: Cownie and McPherson.**

02-1271 29. On request to rezone property at 1571 E. McKinley, from "R1-80" (One Family Residential) and Ltd "C-2" (General Retail and Highway Oriented Commercial) to amended Ltd "C-2, to allow development of a hospice, assisted living and elderly independent living community, subject to conditions, (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Vlassis. Absent: Cownie and McPherson.**

02-1272 30. On conveyance of property in the vicinity of 2814 Chicago, subject to certain conditions, (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1273 31. On sale to Dorothy E. DeBonis, of a portion of vacated Bryant Street, west of SW First Street, \$75, (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1274 32. On 30 Day suspensions of Cigarette Permits for Krueger Amoco, 630 SW 9th Street, Quik Trip, 3941 SE 14th Street and Casey's, 4560 E. 14th Street for selling cigarettes to minors, (6-3-02). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-1275 33. Approving a payment of \$37,500 to Drake University for settlement of sewer construction and maintenance work performed in area of Drake Stadium for a full and complete release of the City. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1276 34. Approving payment of \$172.61 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit of Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City of Des Moines. **Moved by Hensley to approve payment. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

CITY MANAGER COMMUNICATIONS

02-1277 35. Submitting out-of-state travel request for Kerry Schneider, Robert Cox, Ross Hartline, Craig Zubrod, Jerry Pettegrew, Susan Low, and Charlie Hulkan. [\(Council Communication No. 02-254\)](#). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

APPROVING

02-1278 36. Receipt of Quarterly Financial Report for the nine months ended March 31, 2002. **Moved by Hensley to receive and file. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1279 37. Payment of \$11,823.47 to Spiegel & McDiarmid Law firm and continued retention

of Spiegel & McDiarmid in conjunction with Brownsfields Showcase Community and related projects. ([Council Communication No. 02-258](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1280 38. Submission of application for 2002-2003 Weed & Seed funding to the Executive Office for Weed & Seed (EOWS) in the amount of \$175,000. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1281 39. Acceptance of Contract with Iowa Governor's Traffic Safety Bureau to receive additional funds for the Impaired Driving Program for the period of July 1, 2002 to September 30, 2002, \$21,708.80. ([Council Communication No. 02-265](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1282 40. New annual Pintrak Maintenance Agreement for AFIS Workstation and the LiveScan Fingerprint Processing System for the Police Department for period of May 1, 2002 to expire April 30, 2003. ([Council Communication No. 02-255](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1283 41. Schedule for development of the 2003 Housing and Urban Development (HUD) Consolidated Plan for the allocation of CDBG, HOME and ESG funding. ([Council Communication No. 02-257](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1284 42. DMACC and HOME, Inc. Certifications of Consistency with the City's EZ/EC Strategic Plan and 2002 HUD Consolidated Plan for HUD Youth Build funding (Home Opportunities Made Easy, Inc.), to provide 50 low-income youth with training leadership development and construction trades. ([Council Communication No. 02-256](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1285 43. License Agreement with the Science Center (4500 Grand Avenue) for placement of two signs (400 M.L. King Jr. Parkway), announcing future construction of the Science Center which will remain in place until next spring when construction is anticipated to begin. ([Council Communication No. 02-259](#)). **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks Absent: Cownie and McPherson.**

44. NUMBER NOT USED.

02-1286 45. Execution of the Beaver Avenue and Meredith Drive intersection improvements Chapter 28E Joint Public Service Agreement with Polk County. ([Council Communication No. 02-273](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1287 46. Refinancing Document for Embassy Suites Hotel and continued lease of parking lot north of Locust Street between East First and Second Streets. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1288 47. Electrical Distribution Agreement submitted by MidAmerican Energy for supplying electrical power to the Greater Des Moines Softball Park. ([Council Communication No. 02-264](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1289 48. Agreement for Professional Services with Douglas Hoerr Landscape Architecture, Inc. for landscape projects. ([Council Communication No. 02-263](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1290 49. Federal Aviation Administration Airport Improvement Program (AIP) Grant Agreement for funding of FY2002 Phase 7 construction of Runway 5-23 Extension Project and some Runway 5-23 Protection Zone land acquisitions - \$11,111,878. ([Council Communication No. 02-267](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1291 50. Renewal of Intergovernmental 28E Agreement with Central Iowa Employment and Training Consortium (CIETC) to provide opportunities for citizens to acquire skills enabling them to seek and hold gainful employment. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

51. Bids for the following:

02-1292 (A) Dewey Ford, (Mark Vuckovich, President, Des Moines) for one 15,000 GVW truck with dump body to be used by the Parks Department, \$28,123.80. (Nine bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1293 (B) Orr Safety, (Bud Orr, President, Kansas City, MO.) for respirators, cartridges and self-contained breathing apparatus tanks to be used by the Fire Department, \$31,400.64. (Twenty-nine bids mailed-eight received). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1294 (C) Iowa Methodist Medical Center, (Eric Crowell, President, Des Moines) for health risk assessments for City employees to be used by the City of Des Moines Wellness Committee, \$29,500. (Ten bids mailed-two received). ([Council Communication No. 02-260](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1295 (D) Bid awarded to Criminalistics, Inc., (Janet Worsham, President, Miami Florida) for one bomb trailer to be used by the Police Department, \$25,995. Bid from Hurd's Custom Machinery did not meet specifications, therefore non-compliant. (Six bids mailed-three received). ([Council Communication No. 02-253](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1296 (E) Compact Computer Corporation, (Houston, Texas), Western States Contract Alliance (WSCA) price agreement #90-00151, Municipal Code section 2-725(f) for computer equipment to be used by the Information Technology Department, \$183,829. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1297 52. Civil Service entrance lists for Investigative Assistant, Departmental Systems Coordinator, and Guest Services Manager; and promotional lists for Truck Driver, Animal Control Field Supervisor, Fire Captain, Sewer Maintenance Worker, and Senior Police Officer. **Moved by Hensley to receive and file. List for Housing Services Custodian was withdrawn. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1298 53. Authorizing Finance Director to draw checks on check registers of May 17, May 24, and May 31, 2002; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 20 and May 27, 2002; and to draw checks for biweekly payroll due employees on May 31, 2002. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

ORDINANCES - SECOND CONSIDERATION

02-1299 54. Amending Chapter 102 of the Municipal Code relating to the fees and allowed location and design for bus benches, as amended to shorten the time period for compliance of existing benches to December 31, 2003. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1300 55. 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 Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1301 56. 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 Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

OWITHDRAWN 02-1302 (A) Final consideration of ordinance above, (waiver requested by Community Development Department), requires 6 votes.

****Council Member Vlassis entered the meeting at 4:43 PM****

02-1303 57. 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 second vote for passage. Motion Carried 4-1-2. Pass: Vlassis. Absent: Cownie and McPherson.**

02-1304 58. 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. **Moved by Hensley that this ordinance be considered and given**

second vote for passage. Motion Carried 5-2. Absent: Cownie and McPherson.

02-1305 59. 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. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1306 60. Amending Chapter 2 of the Municipal Code relating to the powers and duties of the City Manager regarding execution of certain real estate documents. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

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

****Council considered Item 76, and then 61 thru 68 next****

ORDINANCES - FIRST CONSIDERATION

02-1307 61. Amending Chapter 98 of the Municipal Code regarding 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. **Moved by Hensley to refer back to City Manager and Public Works to meet with Drake Neighborhood Association and others to address concerns raised. City Manager to report on potential loss of revenue. Motion Carried 5-2. Absent: Cownie and McPherson.**

02-1308 62. Amending Chapter 10 of the Municipal Code regarding prohibited acts and condition for approval of a liquor license, (minor code clarification). ([Council Communication No. 02-268](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and McPherson.**

WITHDRAWN02-1309 (A) Final consideration of ordinance above, (waiver requested by the Police Department), requires 6 votes.

02-1310 63. Amending Chapter 70 of the Municipal Code regarding transportation for purpose of prostitution. ([Council Communication No. 02-269](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

02-1311 64. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and McPherson.**

(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.

COUNCIL REQUESTS

02-1312 65. From Council Member Hensley, to discuss removing term limits for the Des Moines International Airport Board members. **Moved by Hensley to adopt recommendation to remove term limits for Des Moines International Airport Board, and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2. Absent: Cownie and McPherson.**

COMMUNICATIONS/REPORTS

02-1313 66. From Gerald LaBlanc, 8912 - 46th Avenue, N.E., Altoona, to speak regarding brush problems in Woodland Cemetery. **Moved by Hensley to grant the request to speak. Motion Carried 5-2. Absent: Cownie and McPherson.**

02-1314 67. From John Morrissey, 2913 Oxford Street, to speak regarding various traffic regulations in downtown. **Moved by Coleman to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation in 2 weeks. Motion Carried 5-2. Absent: Cownie and McPherson.**

02-1315 68. From Arthur Williams, 1101 Crocker, to speak regarding the Royal View Manor Tenant Association Board. **Moved by Brooks to grant the request to speak. This item will be placed on the next Municipal Housing Agency Governing Board agenda. Motion Carried 5-2. Absent: Cownie and McPherson.**

****Council considered Hearing Items 70 thru 74 next****

02-1316 69. From Eddie Kirkpatrick, 4554 - 3rd Street, to speak regarding City clean-up and due process at 3917 E. 40th Street. **Moved by Hensley to receive, file and grant the request to speak; refer to Legal Department for review. Motion Carried 4-3. Absent: Cownie, McPherson and Vlassis.**

HEARINGS (Opened at 5:40 P.M.) (Items 70 thru 74)

02-1317 70. On Assessment of \$300 penalties to nine (9) Cigarette Permittees for violation of Iowa Cigarette Laws, selling cigarettes to minors. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

71. Items regarding creation of a Capitol Dominance Overlay District:

02-1318 (A) Hearing on Zoning Text Amendment creating the district. ([Council Communication No. 02-266](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Cownie and McPherson.**

02-1319 (B) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and McPherson.**

02-1320 (C) Hearing on proposed rezoning of the East Downtown Area. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 5-2. Absent: Cownie and McPherson.**

02-1321 (D) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and McPherson.**

****Council Member Coleman left the meeting at 5:55 PM****

02-1322 72. On proposal to sell City-Owned Property known as 1013 Mulberry Street and 1016 Walnut Street to Principiant Hotel Company, L.C., \$161,676. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Coleman, Cownie and McPherson.**

02-1323 73. On vacation of any remaining public alleys between 1st and 2nd, north of Vine, for Vine Street Limited Partnership. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Coleman, Cownie and McPherson.**

02-1324 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Absent: Coleman, Cownie and McPherson.**

WITHDRAWN02-1325 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

02-1326 74. On Traffic Signals on E. 16th at E. Grand, and on Park Avenue at SW 24th Street, and in the 2800 block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KWS Inc., (Juli Rowell, President, Cedar Falls), \$25,201. **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Coleman, Cownie and McPherson.**

02-1327 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Coleman, Cownie and McPherson.**

*** * END HEARINGS at 6:01 P.M. * ***

Council considered Item 69, and then 75 thru end of agenda next

****Council Member Cownie entered the meeting at 6:10 PM****

APPROVING

02-1328 75. Resolution to enter into CEBA Loan Agreement with State of Iowa, and provide final approval for Financial Assistance from the City for EMCO Enterprises, Inc., 2121 E. Walnut. [\(Council Communication No. 02-270\)](#) **Moved by Brooks to approve. City Manager to report on use of odorous chemicals and or hazardous or harmful chemicals; also report on loan security guarantee. Motion Carried 5-2. Absent: Coleman and McPherson.**

76. Directing advertisement for sale of the following General Obligation Bonds, [\(Council Communication No. 02-274\)](#):

02-1329 (A) \$30,920,000 Series 2002E. **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Cownie and McPherson.**

02-1330 (B) \$8,515,000, Series 2002F (Urban Renewal) **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Cownie and McPherson.**

02-1331 (C) \$2,205,000, Taxable Series 2002G **Moved by Coleman to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Cownie and McPherson.**

77. Federal Home Loan Bank Affordable Housing Program Agreements from the following:

02-1332 (A) Bankers Trust Company. [\(Council Communication No. 02-261\)](#) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

02-1333 (B) West Des Moines State Bank [\(Council Communication No. 02-262\)](#). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: 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.

02-1334 1. Request of Council Member Brooks to discuss request from the South Des Moines

Girls Amateur Softball Association for changes in parking restrictions in the area of Havens and SW 12th to 14th. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 5-2. Absent: Coleman and McPherson.**

02-1335 2. Communication from City Manager submitting traffic regulation changes for the Masonic Temple. SPONSOR: Hensley. ([Council Communication No. 02-275](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2. Absent: Coleman and McPherson.**

02-1336 3. Request from Council Member Hensley to discuss permanent paving of Terrace Drive. SPONSOR: Hensley **Moved by Hensley to receive and file petitions, and refer to City Manager and Public Works, to report on time schedule for paving. Motion Carried 5-2. Absent: Coleman and McPherson.**

02-1337 4. Approving Class "B" Beer License for Loco Joes Nickel Arcade, 6550 SE Bloomfield Road. SPONSOR: Brooks. **Moved by Brooks to adopt, subject to completion of landscaping requirements prior to June 15, 2002. Motion Carried 5-2. Absent: Coleman and McPherson.**

02-1338 5. Setting Date of Hearing on proposal to convey easements for underground electrical lines, to MidAmerican Energy, vicinity of Vermont and Indiana, (6-3-02) SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

02-1339 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:23 P.M. Motion Carried 5-2. Absent: Coleman and McPherson.**

DES MOINES-CITY OF SKYWALKS