

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 5, 2000 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

Des Moines Public School Honor Students

PROCLAMATIONS - 4:00 P.M.:

(A) Cosmic Connections - PLDM

(B) Des Moines Caregivers

(C) National Homeownership Week

INVOCATION: Pastor Tim Diebel, First Christian Church

00-1582 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-1583 I. Presentation of proposed Public Art Program for the City of Des Moines. **Moved by Vlassis to receive and file, and to refer the proposal to the City Manager for further recommendation. Motion Carried 7-0.**

00-1584 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1585 3. APPROVING CONSENT AGENDA - items 3 through 92: **Moved by Coleman to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

00-1586 4. Communication from Legal Department regarding June 5, 2000 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-1587 5. Kyle W. Maxwell dba Beggars Banquet, 2306 University; Renewal - Expires 6-23-00 - Application submitted 5-8-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1588 6. Des Moines Wings, LP, Rod French, Partner dba Hooters of Des Moines, 6815 Southwest 9th Street; New Application for 5 day license (With Sunday Sales and Outdoor

Service) for Hawkfest 2000 to be held on June 16, 17, 18, 2000 - Application submitted 5-30-00. Subject to submission of acceptable building, electrical, fire, and zoning inspections. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1589 7. Mitchell Long dba Original Coney Island, 520 Locust - Ste. 210; Renewal - Expires 6-16-00 - Application submitted 5-19-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1590 8. NPC International, Inc., James K. Schwartz, President dba Pizza Hut, 1435 Army Post Road; New Application - (With Sunday Sales) - Application submitted 5-24-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1591 9. NPC International, Inc., James K. Schwartz, President dba Pizza Hut, 3704 NE 14th Street; New Application - (With Sunday Sales) - Application submitted 5-24-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1592 10. River Cater Company, Inc., , John Q. Hammons, President dba Embassy Suites Hotel, 101 E. Locust; New 5 day licenses for (5) locations for the Des Moines Art Festival on 6-23-00 thru 6-25-00 (With Sunday Sales and Outdoor Service) Subject to submission of acceptable building, electrical, zoning, and fire inspections and vice reports. **Moved by Coleman to adopt. Motion Carried 7-0.**

(1) Booth A - East 1st & Walnut.

(2) Booth B - 1st & Walnut.

(3) Booth C - Court Ave. between 1st & E. 1st.

(4) Booth D - Court Ave. between 1st & E. 1st.

(5) Booth E - 1st & E. 1st.

Class "C" Beer Licenses

00-1593 11. Albertsons, Inc., Peter L. Lynch, President dba Albertsons, 3400 East 33rd Street; Renewal - Expires 6-20-00 (With Sunday Sales) - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1594 12. Albertsons, Inc., Peter L. Lynch, President dba Albertsons, 100 Army Post Road; Renewal - Expires 6-20-00 (With Sunday Sales) - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1595 13. Secondo No. 2, Inc., Joseph P. Logsdon, President dba Exquisite Cafe, 2809 Ingersoll; New Application submitted 4-21-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1596 14. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #11, 3940 E. 29th Street; Renewal - Expires 6-26-00 (With Sunday Sales) - Application submitted 4-6-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1597 15. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #516, 901 East University; Renewal - Expires 6-16-00 (With Sunday Sales) - Application submitted 4-21-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

00-1598 16. Albertsons, Inc., Peter L. Lynch, President dba Albertsons, 3400 East 33rd Street; Renewal - Expires 6-20-00 - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1599 17. Albertsons, Inc., Peter L. Lynch, President dba Albertsons, 100 Army Post Road; Renewal - Expires 6-20-00 - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1600 18. Secondo No. 2, Inc., Joseph P. Logsdon, President dba Exquisite Cafe, 2809 Ingersoll; New Application submitted 4-21-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1601 19. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #11, 3940 E. 29th Street; Renewal - Expires 6-26-00 - Application submitted 4-6-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1602 20. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #16, 901 East University; Renewal - Expires 6-16-00 - Application submitted 4-21-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

00-1603 21. Concession Corporation of America, Tom Altman, President dba Fiesta Restaurant, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expired 5-31-00 (With Sunday Sales and Outdoor Service) - Application submitted 5-24-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1604 22. Hoyt Sherman Place Foundation, David Schladetzky, Executive Director dba Hoyt Sherman Place, 1501 Woodland; New Application (With Sunday Sales) - Application submitted 5-22-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

00-1605 23. AMF Bowling Centers, Inc., Michael P. Bardaro, President dba AMF Classic Lanes, 3200 Delaware; Renewal - Expires 6-18-00 (With Sunday Sales) - Application submitted 5-19-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1606 24. Michael Mercurio dba Beegs Lounge, 3418 East 14th Street; Renewal - Expires 6-13-00 - Application submitted 5-19-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1607 25. Marilyn J. Johns dba C.J.'s II, 316 East 30th Street; Renewal - Expires 6-17-00 (With Sunday Sales) - Application submitted 5-9-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1608 26. PMJ, Inc., James E. Daughenbaugh, President dba Carl's Place, 1620 Woodland; Renewal Expires 6-5-00 (With Sunday Sales) - Application submitted 5-8-00. (Deferred from 6-5-00 Council Meeting.) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Brooks.**

00-1609 27. The Des Moines Community Playhouse, John Viars, Manager dba Des Moines Playhouse, 831 42nd Street; Renewal - Expires 6-28-00 (With Sunday Sales) - Application submitted 5-2-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1610 28. NJB, Inc., Norma J. Brodersen, President dba Hickman Pub, 2335 Hickman Road; Renewal - Expired 6-2-000 (With Sunday Sales) - Application submitted 4-28-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1611 29. Constance M. Derry dba The Hideaway Lounge, 4845 Merle Hay Road; Renewal - Expires 6-8-00 - Application submitted 4-17-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1612 30. Principal Hotel Company, L.C., E. Jeffrey Hunter, President dba Hotel Fort Des Moines, Walnut Street Bridge Between 1st Street & East 1st Street; New Application for 5 day license for the Des Moines Art Festival on 6-23-00 thru 6-25-00. (With Sunday Sales and Outdoor Service) - Application submitted 5-15-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1613 31. S & R Anderson, Inc., Ronald W. Anderson, President dba Hull Ave Tavern, 834 Hull Avenue; New Application (With Sunday Sales) - Application submitted 5-22-00. **Moved by Coleman to adopt. No live music is allowed until Mr. Anderson meets with the Legal Department and an acceptable agreement is reached regarding live music. Motion Carried 6-1. Nays: McPherson.**

****Council considered item 94 then Hearings next****

WITHDRAWN00-1614 32. Okoboji Grill of South Des Moines, Inc., William Leroy Gessmann, President dba Okoboji Grill of South Des Moines, 200 West Army Post Road; Renewal - Expires 6-19-00 (With Sunday Sales and Outdoor Service) - Application submitted 5-15-00.

Class "E" Liquor Licenses

00-1615 33. Albertsons, Inc., Peter L. Lynch, President dba Albertsons, 3400 East 33rd Street; Renewal - Expires 6-20-00 - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1616 34. Albertsons, Inc., Peter L. Lynch, President dba Albertson, 100 Army Post Road; Renewal - Expires 6-20-00 - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Transfers

00-1617 35. Campbell's Concessions, Inc., Calvin Campbell, President dba Tourism Building, 3000 East Grand - Iowa State Fairgrounds requesting temporary transfer of Class "B" Beer Permit to Varied Industries Plaza for Golden Circle Games to be held on June 21 and 22, 2000. - Application submitted 5-19-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Authorizing

00-1618 36. City Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1619 37. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1620 38. City Treasurer to issue refunds. **Moved by Coleman to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

00-1621 39. Approving contract and bond with Van Hauen & Associates, Inc. for emergency sanitary sewer repair in the 600 block of Foster Drive - \$34,700. **Moved by Coleman to adopt. Motion Carried 7-0.**

40. Approving contract and bond for the following:

00-1622 (A) Williams Street Bridge over Four Mile Creek Deck Repair, Cramer and Associates, Inc. (Robert Cramer, President) - \$74,440. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1623 (B) 2000 Sidewalk Replacement Program, Double T Asphalt Co., Inc. (Kathleen B. Burris, President) - \$152,802.50. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1624 41. Professional Services Agreement with Black & Veatch, a Limited Liability Partnership, (P. J. Adam, CEO, Kansas City, MO), for the WRA Biosolids Storage Facility Design - \$375,000. ([Council Communication No. 00-246](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

00-1625 42. Private Construction Contract between Corell Contractor, Inc., (Steve Corell, President-Contractor), and Ladco Development, Inc., (Jon Garnaas, President-Owner), for construction of Sanitary and Storm Sewer Improvements for Highland Park Family Physicians Clinic, located at 1550 E. Euclid Avenue - \$52,390. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1626 43. Professional Services Agreement with The Larkin Group, Inc., (M. Clark Thompson, President, Kansas City, MO) for the design of a new water playground at M. L. King, Jr. Park, not to exceed \$11,800. ([Council Communication No. 00-260](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

00-1627 44. Professional Services Agreement with Larson Architecture, LLC, (Rick Larson, President, West Des Moines) for the design of a new shelter and community building at M. L. King, Jr. Park, not to exceed \$24,600. ([Council Communication No. 00-261](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

00-1628 45. Private Construction Contract between Rhiner Bros. Plbg. Co., Inc., (Dale L. Rhiner, President-Contractor) and Munro Construction Co., (Pat Munro, President-Owner), for Storm Sewer Improvements for the installation of a Storm Sewer Manhole on SW 10th Street between Army Post Road and Leland Avenue, locally known as 1010 Army Post Road - \$2,400. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1629 46. Private Construction Contract between The Underground Company, (Duane J. Burkhardt, President-Contractor), and Hubbell Realty, (Jim Hubbell III, President-Owner), for Storm Sewer Improvements for a new MC intake along the north curb line of Murphy Street 95' west of the west curb line of SW 7th Street - \$3,465. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1630 47. Supplemental Agreement No. 6 for Professional Services with Snyder & Associates, Inc., (Dennis Snyder, President, Ankeny) for additional work on the Urban Design Standard and Specification Manuals for the Central Iowa Area - \$29,970. ([Council Communication No. 00-259](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

48. Resolution Ordering Construction of the following:

00-1631 (A) 2000 City-Wide PCC Pavement Restoration Program, Receiving of Bids, (6-20-00), and Setting Date of Hearing, (6-26-00), (Construction Estimate - \$249,860). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1632 (B) Fire Stations Window Replacement, Receiving of Bids, (6-20-00), and Setting Date of Hearing, (6-26-00), (Construction Estimate - \$76,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1633 (C) Grandview Park Shelter Improvements, Receiving of Bids, (6-20-00), and Setting Date of Hearing, (6-26-00), (Construction Estimate - \$130,000). **Moved by Coleman to adopt.**

Motion Carried 7-0.

00-1634 (D) Gray's Lake Recreational Trail Lighting, Receiving of Bids, (6-20-00), and Setting Date of Hearing, (6-26-00), (Construction Estimate - \$310,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1635 (E) University Avenue Bridge Parapet Wall Modification, Receiving of Bids, (6-20-00), and Setting Date of Hearing, (6-26-00), (Construction Estimate - \$97,100.30). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1636 49. Approving partial payments on ten (10) public improvement projects. (Call City Clerk's Office for listing). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1637 50. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the E. 18th Street Storm Sewer-100 Block, Underground Company, Ltd., \$1,601.60 is now due and \$1,968.40 remaining balance payable at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1638 51. Communication from Cramer and Associates, Inc. Delmer Cramer, President, 990 NE 44th Avenue, Des Moines for an extension of time until July 14, 2000 for the City-Wide Sanitary Sewer Gates Repair. **Moved by Coleman to receive, file and grant the extension of time until July 14, 2000. Motion Carried 7-0.**

00-1639 52. Authorization to proceed with various projects included in the 2000-2001 Capital Improvements Program and Operating Budget. ([Council Communication No. 00-258](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

53. NUMBER NOT USED.

SPECIAL ASSESSMENTS

00-1640 54. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of May, 2000, for Certification to Polk County Treasurer, (call the City Clerk's Office for list). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1641 55. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for May 2000. **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

00-1642 56. Establishing Fair Market Value and authorizing acquisition of a property located at 11, 11 1/2, 13 and 17 Indianola Avenue in conjunction with Indianola Avenue Connector Project, from HNZ Limited, Inc. - Titleholder, and Des Moines Desserts, Simon Abdallah, Jerry Woolery, apartments - Leaseholders - \$216,000. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

00-1643 57. Authorizing Issuance of Certificate of Completion for Disposition Parcel No. 18A (1901 Dixon Street)/Guthrie Avenue Business Park Urban Renewal Area to Frederick C. James and release of good faith deposit. **Moved by Coleman to approve. Motion Carried 7-0.**

00-1644 58. Authorizing release of Mortgage from Robert Tursi, dba Latin King Restaurant, E. 22nd and University. **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

00-1645 59. Recommendation of Mayor Preston Daniels for appointment of Neva Wells to the Civil Service Commission for a four-year term to expire April 5, 2004. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1646 60. Recommendation of Mayor Preston Daniels for reappointment of Mary Campos to the Civil Service Commission for a four-year term to expire April 5, 2004. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1647 61. Recommendation of Council Member Michael McPherson for reappointment of Fredrick Wegner to the Access Advisory Board for a four-year term to expire June 15, 2004. **Moved by Coleman to adopt. Motion Carried 7-0.**

STREET CLOSINGS/STREET USE

00-1648 62. Approving request from Cathy Bergman, representing Iowa Dance Theatre, 6720 Hickman requesting permission to close 4th Street from Walnut to Court Avenue on Thursday, June 29, 2000 from 5:00 to 10:00 P.M. for a dance performance. **Moved by Coleman 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.**

00-1649 63. Approving exception regarding length of time request from Adrienne Millhollin, representing Downtown Partnership, Inc./Clear Channel Radio/SPUR Event Management, 4725 Merle Hay Rd., Suite 205, to close Court Avenue Bridge from E. 1st Street to 1st Street and Riverside Drive from 1st Street to SW 1st Street on Thursday, July 20, 2000, 7:00 P.M. through Sunday, July 23, 2000, 6:00 P.M. for A Taste of Des Moines. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

00-1650 64. Approving exception regarding length of time request from Pastor Barbara J. Robinson, representing Believer's Worship Ministry, 640 SE 28th Street, to close SE 28th Street from Scott to Maury on Saturday, June 17, 2000 from 11:00 A.M. to 8:45 P.M. for a Church Festival. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

00-1651 65. Approving exception regarding length of time request from Jim Stevens,

representing Nacho Mamma's, 216 Court Avenue, has requested a block party in the north/south alley south of Court Avenue between 3rd and 2nd Street (Nacho Mamma's and Judge Roy Bean's) on Wednesday, June 21, 2000 from 5:30 to 11:00 P.M., Friday, June 23, 30, August 4, and September 1, 2000 from 5:30 P.M. to 12:00 A.M., Saturday, June 17, 24, and July 22, 2000 from 5:30 P.M. to 12:00 A.M. and Sunday, July 2, 2000 from 5:30 P.M. to 11:00 P.M. for staging for musical groups (one application - 9 events). **Moved by Coleman to approve the closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

00-1652 66. Regarding request from City Traffic Engineer, supported by the Waterbury Neighborhood Association, to vacate a segment of the Ingersoll Avenue right-of-way that runs into Waterbury Road between Polk Blvd and 48th Street. **Moved by Coleman to adopt, and to authorize the Public Works Department to remove the excess pavement and to realign the street as proposed. Motion Carried 7-0.**

00-1653 67. Regarding request from Dorothy B. Sheid, 2620 37th Street, for vacation and conveyance of a 24' x 135' strip of Sheridan Avenue right-of-way lying north of the applicant's property. **Moved by Coleman to receive and file, and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

00-1654 68. Regarding recommendation from Architectural Advisory Committee, for the proposed Shuttle Parking Lot at SW 11th and Market Street. **Moved by Coleman to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

00-1655 69. On conveyance of west 1/2 of the vacated north/south alley right-of-way adjoining 905 Shaw Street, to Richard L. Lester, \$25, (6-19-00) **Moved by Coleman to adopt. Motion Carried 7-0.**

WITHDRAWN00-1656 70. On vacation and conveyance of E. Vine Street between SE 6th and SE 7th Street, south of existing railroad tracks, to Van Vleet, Inc., \$4,000, (6-19-00).(Council Communication No. 00-250)

00-1657 71. On amendment to the Comprehensive Plan, and request for rezoning, for property located from 30th Street east to the alley right-of-way west of 25th Street and from University Avenue to Brattleboro Avenue from "R-3" Multiple Family Residential to "NPC" Neighborhood Pedestrian Commercial, (Drake University) (6-19-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1658 72. On request from Oaks Development Company (John Kline and Randy Walters, Partners), to rezone property in the 2400 block of E. Park Avenue from "R1-80" (One Family Residential) to an "R1-60" (One Family Low Density Residential), subject to conditions, (6-19-00)--Hearing will require 6/7 vote for approval. **Moved by Coleman to adopt. Motion Carried**

7-0.

00-1659 73. On request from Mora, Inc., to rezone property at 1460 Des Moines Street, from "R1-60" (One Family, Low Density Residential) to "C-1" (Neighborhood Retail Commercial), (6-19-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1660 74. On request from Oaks Development Company, (John Kline and Randy Walters, Partners), to amend the PUD Conceptual Plan, for "Meadowlands" , (approx. 53 acres of vacant land north of the intersection of Bloomfield Road and Indianola Avenue), to allow for revision in Townhome design and configuration, (6-19-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1661 75. On amendment to Zoning Ordinance regarding definition of junk vehicles, (6-19-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-1662 76. Approving payment of \$2,613.47 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1663 77. Approving payment of \$7,776.89 to John L. Corbett of Spiegel & McDiarmid Law Firm for consultation and representation services in conjunction with the City's response to FAA concerns regarding the City's Airport PILOT charge. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1664 78. Approving payment of \$80 to James Nervig of Petosa, Petosa, Boecker & Nervig law firm for legal services in conjunction with property acquisition for Martin Luther King, Jr. Parkway, and several economic development projects. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1665 79. Approving payment of \$6,928.45 to Jeanette Stevenson and Betts Cadillac and \$942.59 to Enterprise Rent A Car for bodily injury and property damage resulting from an auto accident on April 6, 2000. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

00-1666 80. Submitting out-of-state travel requests for Preston Daniels, Matthew Rosen, Joseph Oppe, Tracey Bailey, Ronald Wakeham, Bruce Bergman and Terrence Timmins. [\(Council Communication No. 00-244\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1667 81. Submitting traffic regulation changes as follows, [\(Council Communication No. 00-247\)](#). **Moved by Coleman to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-North Side of East Edison Avenue East of SE 6th

Street.

- (2) "25 mph" School Zone Signing-Madison Avenue at Woodlawn Elementary School.
- (3) Mid-Block School Crossing Signal and "25 mph" School Zone Signing-SE 22nd St. at the new South Side Elementary School.
- (4) Traffic Signal Installation-SW 42nd St. and Park Avenue.
- (5) Four-Way Stop-Cleveland Avenue at Hutton Street.
- (6) Relocation of Taxicab Stand and Parking Meters-700 Block of Grand Avenue.
- (7) Installation of Loading Zone-North Side of Walnut Street West of 14th Street.
- (8) Corner Clearance Parking Restriction-North Side of Walnut Hill Avenue East of 59th Street.

APPROVING

00-1668 82. Supplement Nos. 1 and 2 to Municipal Code of City of Des Moines. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1669 83. Agreement with Eastgate Plaza, L.L.C. regarding replacement of parking lot pavement for the East Euclid Avenue Detention Basin and Stormsewer Improvement Project. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1670 84. Submission of a Technical Assistance Grant for the Drug Elimination Program to the United States Department of Housing and Urban Development (HUD) for approximately \$50,000 of in-kind services. **Moved by Hensley to approve. Motion Carried 7-0.**

00-1671 85. Iowa Arts Council Service Contract in the amount of \$1,250 for the period of July 1 to December 31, 2000 for The Highland Park Mural Project. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1672 (A) Professional Services Agreement with Jim Engler, local artist and Grandview College Professor of Art for implementation of The Highland Park Mural Project to be completed by September 30, 2000, not to exceed \$5,025. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1673 86. Extension of Lease with Jann Realty LP, to provide storage of vehicles for the Police Department. ([Council Communication No. 00-245](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

87. Bids for the following:

00-1674 (A) Dewey Ford, Inc., (444 E. 4th Street, Mark Vukovich, President) for a pickup truck to be used by the Public Works Department (Sewer Maintenance), \$20,990. (Seven bids mailed-five received). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1675 (B) Intergraph Corporation, (St. Paul, MN, Jim Medlock, President) for road design and sewer design software and maintenance to be compatible with existing equipment to be used by the Engineering Department. (Municipal Code Section 2-86(a) (6) for sole area wide distributor), \$15,660. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1676 (C) Clive Power Equipment Co., (Clive), for two (2) zero turning radius mowers to be used by the Park and Recreation Department, \$16,800. Bids from Big Bear Equipment Co. and Moss Brothers, Inc. did not meet specifications, therefore, non-compliant. (Eleven bids mailed-four received). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1677 (D) Town Planning Collaborative, (Minneapolis, MN, Michael Lamb, Principal) for a consultant in town planning for area bordering Easter Lake and Ewing Park to be used by the Community Development Department to approve RFP No. G20000-253, \$10,000. (Sixteen proposals mailed, four received) ([Council Communication No. 00-253](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1678 88. Authorizing Finance Director to draw checks on registers of June 2, 2000 and June 9, 2000, and for the bills of the Des Moines Municipal Housing Agency for the weeks beginning May 30, 2000 and June 5, 2000; and to draw checks for biweekly payroll due employees on June 2, 2000. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

00-1679 89. Amending Section 38-26 of the Municipal Code, regarding ambulance service fees. **Moved by Coleman that this ordinance do now pass, #13,826. Motion Carried 7-0.**

00-1680 90. On adoption of the Municipal Code of the City of Des Moines, 2000. **Moved by Coleman that this ordinance do now pass, #13,827. Motion Carried 7-0.**

00-1681 91. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Coleman that this ordinance do now pass, #13,828. Motion Carried 7-0.**

(1) Removal of Parking Restriction--North Side of Pleasant Street from 8th Street to 9th Street.

(2) Corner Clearance Parking Restriction--West Side of 60th Street North of Cummins Parkway.

ORDINANCES - SECOND CONSIDERATION

00-1682 92. On Zoning Ordinance text amendment, Section 2A-3, regarding definition of "accessory building". **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

00-1683 93. Amending Chapter 34 of the Municipal Code regarding cemetery hours. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

00-1684 94. Request to speak and communications regarding Arts District and BMS Building at 304-15th Street. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager to come back to Council on 8-7-00 with a report regarding City's role and with a financial analysis. Motion Carried 7-0.**

00-1685 95. From attorneys for Commonwealth Electric Company, regarding rezoning, and vacation and conveyance of property in vicinity of Second St. Place, south of College and north of Clark. **Moved by Vlassis to receive, file and refer to City Manager and Legal Department for review and recommendation. Motion Carried 5-2. Absent: Coleman and Brooks.**

00-1686 96. From attorneys for Stew Hansen's Dodge City, Inc., regarding right in/right out driveway access to the northwest corner of Martin Luther King Jr. Parkway and Ingersoll Avenue. **Moved by Hensley to receive, file and refer to City Manager for review and recommendation. City Manager will coordinate a meeting during the week of June 20, with IDOT, City staff and property owners. Motion Carried 7-0.**

00-1687 97. From Kathie Swift, Marketing Director for Iowa State Fair requesting waiver of fees assessed for barricade use and parking meter suspension in conjunction with Street Use Permit for the Iowa State Fair Parade, continued from May 15, 2000. **Moved by Brooks to receive, file and approve waiver of the fees for this year only. Motion Carried 6-1. Nays: Hensley.**

00-1688 (A) Reconsideration of Roll Call 00-1560, regarding waiver of fees for the Mayor's Charity Cruise. **Moved by Brooks to receive, file and approve waiver of fees for this year only. Motion Carried 6-1. Nays: Hensley.**

HEARINGS (Opened at 5:59 P.M.) (Items 98 thru 108)

00-1689 98. On recommended approval of request from Acanthus Lodge No. 632, A.F. and A.M., (Larry Bell, Officer), to rezone property at 4133 Urbandale Avenue, from R1-60 (One Family Low Density Residential), to a conditional R-3 (Multiple Family Residential). **Moved by Flagg to adopt. Motion Carried 7-0.**

00-1690 (A) First consideration of ordinance above, (requires 6 votes for passage, due to sufficient protest). **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-1691 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Flagg that the rule requiring that an ordinance 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, #that this ordinance do now pass, #13,829. Motion Carried 7-0.**

00-1692 99. On conveyance of vacated north/south alley right-of-way adjoining 1260 E. 22nd Street, to Donald G. and Martha Lehman, \$50. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1693 100. On conveyance of north/south alley right-of-way adjoining 1318 E. 22nd Street, to Geraldine J. Hall, \$25. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-1694 101. On conveyance of the east/west alley right-of-way between Milton and Guthrie Avenues and E. 14th and E. 16th, to Douglas and Christine L. Thompson, \$25. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1695 102. On vacation and conveyance of north/south alley right-of-way between South Union and Indianola, to abutting property owners, Richard C. and Jo Elaine Felice, \$25 and to William E. and Dorothy A. Darnall, \$25. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-1696 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-1697 (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, #13,830. Motion Carried 7-0.**

00-1698 103. On conveyance of east/west alley right-of-way between SE 8th and SE 9th Streets north of Jackson Avenue, to Lee W. and Darlene K. Myers, \$25. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-1699 104. On recommended approval of request from Andrew Jacobs, to rezone property at 3835 University Avenue from "R-3" (Multiple Family Residential) to a "C-0" (Commercial-Residential District), subject to conditions. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1700 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-1701 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the**

ordinance do now pass, #13,831. Motion Carried 7-0.

00-1702 105. On recommended denial of request from Evelyn McElvogue and Pamela Rockwell, to rezone property at 3105 & 3115 Indianola Avenue, from R1-60 (One Family , Low Density Residential, to "C-2" (General Retail and Highway Oriented Commercial). **Moved by Brooks to adopt denial. Motion Carried 7-0.**

00-1703 106. On recommended denial of a request from Larry Brown and Joseph Domeier, dba The Art Store, to rezone property at 600 Martin Luther King Jr. Parkway, from "C-1" (Neighborhood Retail Commercial) to a Limited "C-2" (General Retail and Highway Oriented Commercial). **Moved by Hensley to adopt denial. Motion Carried 5-2. Nays: Coleman and Flagg.**

00-1704 106I On adoption of the proposed resolution of necessity for the SE 22nd Street and E. Park Avenue sidewalks, (requires 6 votes for approval) **Moved by Brooks to adopt. City Manager to review assessment and attempt to reduce amounts by using Public Works Crews. Motion Carried 7-0.**

00-1705 (a) Communications regarding proposed Resolution of Necessity for the SE 22nd Street and E. Park Avenue Sidewalks. **Moved by Brooks to receive and file. Motion Carried 7-0.**

00-1706 107. On appeal from Mark Carlson, 3013 Woodland Avenue, #314, DM, regarding denial of taxicab license. **Moved by Hensley to grant the license. Motion Carried 6-1. Nays: Vlassis.**

00-1707 108. On appeal from Paula Robb, 2721 Easton Boulevard, regarding Administrative Hearing Officer's vicious animal declaration. **Moved by McPherson to uphold declaration. Motion Carried 7-0.**

* * END HEARINGS at 6:34 P.M. * *

Council considered Items 43, 44, and 52, then 93 thru end of agenda next

CITY MANAGER RECOMMENDATIONS

00-1708 109. Regarding Police Department's use of Citations. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

WITHDRAWN00-1709 110. Regarding recommendation to deny request for voluntary annexation from Grace Church, 4200 E. 25th Street, and Pearl Homes Partnership, property in vicinity of I-235, south of Broadway and north of Aurora, (51 acres). (Council Communication No. 00-243).

APPROVING

00-1710 111. Intergovernmental 28E Agreement with City of Urbandale, for Police and Fire emergency response to Merle Hay Mall. ([Council Communication No. 00-256](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1711 112. Concept for a 28E Agreement between Park and Recreation Department and Des Moines Water Works for horticultural maintenance of open spaces in and around Grays Lake. ([Council Communication No. 00-257](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-1712 113. Request For Proposals (RFP) for professional services for Fleur Gateway Area and designation of City staff to provide assistance. ([Council Communication No. 00-249](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1713 114. Application for enterprise zone benefits and authorizing enterprise zone property tax exemption for Allied Gateway Campus project to Des Moines Enterprise Commission. ([Council Communication No. 00-248](#)). **Moved by Hensley to approve. Motion Carried 6-1. Nays: Flagg.**

115. Sale of General Obligation Bonds:

00-1714 (A) \$22,910,000 Series 2000D. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1715 (B) \$2,040,000 Taxable Series 2000E. ([Council Communication No. 00-251](#)), ([Council Communication No. 00-254](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1716 116. Selection of McGladrey & Pullen, LLP/Mississippi Valley Practice as the City's Independent Financial Auditor. ([Council Communication No. 00-262](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

00-1717 1. Consideration of request from neighborhood in the area of E. 21st and Tichenor, regarding construction of I-235 and a potential economic development project. SPONSOR: McPherson. **Moved by McPherson to receive, file and refer to City Manager. Motion Carried 7-0.**

00-1718 2. Setting Date of Hearing on vacation and conveyance of Air Rights over Locust Street

between 9th and 10th, and amending existing agreement with The Graham Group, for a private pedestrian bridge over Locust, (6-19-00). SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1719 3. Discussion regarding closing of the Eastside Post Office. SPONSOR: Brooks **Moved by Brooks to refer to the City Manager to send a letter to the Post Master General, encouraging them to consider keeping the East Side Branch open. Motion Carried 7-0.**

00-1720 4. Request from Mr. Chris Andrews, to speak regarding the Des Moines International Airport Board. SPONSORS: Brooks and Coleman. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

00-1721 5. Request from Council Member Coleman, to discuss successful "Summer in the City" event last week, at Nollen Plaza. SPONSOR Coleman. **Moved by Coleman to receive, file and grant the request to speak. Refer to City Manager and Parks Director to coordinate additional services for this event. Motion Carried 7-0.**

00-1722 6. Approving Oakridge Neighborhood's application for HUD Safe Neighborhood Grant. SPONSOR: Hensley. ([Council Communication No. 00-255](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

June 5, 2000

00-1723 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:

00-1724 (A) 1324 Buchanan (vacant) Titleholders: Carol Johnson, James Johnson; Legal Interest Holders: Madelyn Rooney, Tim Haines; Tax 9-ATTN: John Zajicek, Partner, Tax 9-ATTN: John Davis, Partner, East Des Moines National Bank n/k/a Community State Bank. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1725 (B) 1100 Fremont, (vacant) Titleholders: F. E. Freestone, Deceased; Ruth Freestone, Deceased; Heirs of Titleholders: Betty J. Hanson, Heirs of Marguerite Dales, Deceased: James Dales, Doris Dales; Heirs of Mary Dales: Barbara Malone Administrator of Mary Dales Estate. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1726 2. Release of demolition cost reserve held under claim number 14M69512 regarding property known as 1547 - 33rd (Garage) owned by Onechanh and Ngeune Keoothai. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1727 3. Demand for payment for insurance cost reserve to the City of Des Moines for the structure at 2442 Des Moines owned by William G. and Maria L. Rothmeyer. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1728 4. Engineering Department to remove the public nuisance structure located at 687 26th Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-1729 MOTION TO ADJOURN. **Moved by Brooks to adjourn at 7:35 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS