

# 2002 Roll Calls

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June 17, 2002

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## SUMMARY OF DES MOINES CITY COUNCIL MEETING

**June 17, 2002 4:30 P.M.**

### **PROCLAMATIONS - 4:15 P.M.:**

Juneteenth

### **SPECIAL PRESENTATIONS - 4:15 P.M.:**

East High School Destination ImagiNation Team

**INVOCATION:** Pastor Tony Thurston, College Avenue Christian Church

02-1489 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-1490 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1491 3. APPROVING CONSENT AGENDA - items 3 through 73: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

### **LICENSES AND PERMITS**

Approving

02-1492 4. The following Beer/Liquor Applications. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **RENEWAL APPLICATIONS**

(1) Beggars Banquet, 2306 University Ave., B Beer.

(2) Dahls Foods, 6200 SE 14th Street, C Beer.

- (3) Dahls Foods, 4121 Fleur Dr., C Beer.
- (4) Fareway Store #975, 3000 SE 22nd Street, C Beer.
- (5) Hy Vee Store #4, 4707 Fleur Dr., C Beer.
- (6) QuikTrip #530, 2300 E 14th Street, C Beer.
- (7) QuikTrip #534, 2945 E University Ave., C Beer.
- (8) QuikTrip #535, 1501 E Grand Ave., C Beer.
- (9) QuikTrip #554, 901 SW 63rd Street, C Beer.
- (10) Southside Tobacco, 2432 SW 9th Street, C Beer.
- (11) Tavern South Pizza & Pasta, 1106 Army Post Rd., C Beer/Wine.
- (12) Art House On Ingersoll, 2809 Ingersoll, C Liquor.
- (13) ~~Generations, 319 Court Ave., C Liquor.~~
- (14) Hilltop Lounge & Restaurant, 2820 Hubbell Ave., C Liquor.
- (15) Racing Corner, 2956 E Grand Ave., C Liquor.
- (16) ~~Splash Seafood Bar & Grill, 303 Locust St., C Liquor.~~
- (17) Best Inns & Suites, 6221 Army Post Rd., B Liquor.
- (18) Hotel Fort Des Moines, 1000 Walnut St., B Liquor.
- (19) Dahls Foods, 6200 SE 14th Street, B Wine.
- (20) Dahls Foods, 4121 Fleur Dr., B Wine.
- (21) Fareway Store #975, 3000 SE 22nd Street, B Wine.
- (22) Hy Vee Store #4, 4707 Fleur Dr., B Wine.
- (23) QuikTrip #530, 2300 E 14th Street, B Wine.
- (24) QuikTrip #534, 2945 E University Ave., B Wine.
- (25) QuikTrip #535, 1501 E Grand Ave., B Wine.

(26) QuikTrip #554, 901 SW 63rd Street, B Wine.

### **TRANSFER TO NEW LOCATION**

(27) Toad Holler, 1820 E Army Post Rd., Transfer of C Liquor License to Des Moines Water Works for Lazer Fest on August 18, 2002. Pending Building, Electrical and Fire inspections.

### **SPECIAL EVENTS APPLICATIONS**

(28) Court Avenue Brewing Company, 309 Court Avenue, Temporary Outdoor Service Area, for the City View Tenth Anniversary Celebration on July 13, 2002. Pending Building, Electrical, Zoning and Fire inspections.

(29) Chucks Restaurant, 3612 6th Ave., Five Day B Beer application for the Annual Highland Park Sweet Corn Feed on July 13, 2002. Pending Building and Fire inspections.

(30) Embassy Suites Hotel, 2101 Fleur Dr., Five Day B Beer application for Country on the River on June 26th and Nitefall on the River on June 27th (During Des Moines Arts Festival). Pending Building and Fire inspections.

02-1493 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1494 6. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **PUBLIC IMPROVEMENTS**

02-1495 7. Approving professional services agreement with Black and Veatch Corporation (Leonard C. Rodman, CEO, Kansas City, MO) for design and construction phase services for the WRF Power Generation System Improvements, not to exceed \$199,975. ([Council Communication No. 02-338](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1496 8. Approving professional services agreement with Earth Tech, Inc. (Diane Creel, CEO, Longbeach, CA) for design services for the Des Moines Agrimergent Technology Park Storm Water Study and Storm Sewer Design, not to exceed \$278,548. ([Council Communication No. 02-339](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1497 9. Execution of 28E agreement with Iowa Department of Transportation, Boards of Water Works Trustees for Des Moines and West Des Moines, City of West Des Moines, City of Windsor Heights, Urbandale Sanitary Sewer District and Urbandale-Windsor Heights Sanitary District for the distribution of federal funds received for the relocation of utilities in connection with the reconstruction of I-235. ([Council Communication No. 02-334](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1498 10. Authorizing the City Manager to Approve Iowa Department of Transportation Change Orders/Supplemental Agreements up to \$25,000 associated with I-235 Preconstruction Agreements. ([Council Communication No. 02-341](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN**02-1499 11. Approving Professional Services Agreement with Pulley & Associates, in conjunction with the Police Dispatch Center Renovation, \$62,500. ([Council Communication No. 02-336](#)).

02-1500 12. Approving Change Order No. 2 with Grimes Asphalt & Paving Corporation for additional work in conjunction with the East Grand Avenue Parking Lot - 400 Block Contract, in an amount of \$16,720.25. ([Council Communication No. 02-340](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1501 13. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for Beaver Avenue Pedestrian Signal Relocation-2900 Block, Baker Electric, Inc, \$2,179.30 is now due and \$1,147.00 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

14. Resolution Ordering Construction of the following:

02-1502 (A) Durable Pavement Markings-2002, Receiving of Bids, (7-2-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$131,387). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1503 (B) Easter Lake Retention Basins-Phase 2, Receiving of Bids, (7-2-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$864,468). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1504 (C) 2002 Sidewalk Replacement Program-Designated Neighborhoods, Receiving of Bids, (7-2-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$246,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1505 (D) 2002 Sidewalk Replacement Program, Receiving of Bids, (7-2-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$219,500). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1506 (E) Greater Des Moines Softball Park, Contract 2, Receiving of Bids, (7-9-02), and Setting Date of Hearing, (7-22-02). (Construction Estimate - \$1,532,850). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1507 15. Approving partial payments on eighteen (18) public improvement projects. (Call City Clerk's Office for list.) **Moved by McPherson to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

02-1508 16. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of May 2002 for certification to Polk County. **Moved by McPherson to adopt. Motion Carried 7-0.**

17. Resolutions levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) as follows:

02-1509 (A) Schedule No. 2002-05. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1510 (B) Schedule No. 2002-27. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1511 (C) Schedule No. 2002-76. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1512 18. Resolution levying assessments for costs of Nuisance Abatement-2001 Sidewalk Repair program, Schedule No. 2002-33. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1513 19. Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for May 2002 in amount of \$749.28. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

02-1514 20. Conditional approval of final subdivision plat for Lakewood Cove Plat 1, located in vicinity of Evergreen Avenue and Lakewood Lane, subject to necessary title opinion and attachments to plat. ([Council Communication No. 02-311](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1515 21. Approving Negotiated Settlement and authorizing the Purchase Agreement for 1213 Locust Street from Matthew and Marilyn Leydens for the Western Gateway Project, \$247,500. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1516 22. Approving Sidewalk Cafe lease for property in the vicinity of 302 Court Avenue to Johnny's on Court at an annual rate of \$493.50. ([Council Communication No. 02-320](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1517 23. Approve and Accept Right-Of-Way documents for properties located on East 35th Street for the Gay Lea Wilson Recreational Trail Project, \$8,600 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1518 24. Approve and Accept Form of Quit Claim Deed for 2518 East 35th Street for the Gay Lea Wilson Recreational Trail Project **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1519 25. Approve and accept Warranty Deed for 2575 Easter Lake Drive (Clifford Raydean and Vickie Kathleen Darrah) for the Easter Lake Retention Basins Project-Phase 2, \$5,200 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1520 26. Approving Structure Removal Contract with Sherman Hill Association, \$7500, to move 940 19th Street to Sherman Hill neighborhood and renovate. ([Council Communication No. 02-324](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

02-1521 27. Recommendation of Mayor Preston Daniels to reappoint Madaline Clark to the Des Moines Municipal Housing Governing Board for a one-year term commencing July 1, 2002 to expire July 1, 2003. **Moved by McPherson to approve. Motion Carried 7-0.**

02-1522 28. Recommendation of Mayor Preston Daniels, for the reappointment of Mary R. Harlan to Seat 1 on the Public Housing Board for a three-year term commencing June 30, 2002 to expire June 30, 2005. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1523 29. Recommendation of Council Member Christine Hensley, for the reappointment of Brendan Comito to Seat 6 on the Public Housing Board for a three-year term commencing June 30, 2002 to expire June 30, 2005. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1524 30. Recommendation of Mayor Preston Daniels, for the reappointment of Dale A. VandeHaar to Seat 5 on the Board of Library Trustees for a six-year term commencing July 1, 2002 to expire July 1, 2008. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1525 31. Communication from Joseph Aiello advising of his resignation from the City Plan Commission (Seat 5) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-1526 32. Recommendation of Council Member At-Large Frank Cownie, to appoint Brook Edward Rosenberg to the City Plan Commission (Seat 5) for a five-year term commencing July 1, 2001 to expire July 3, 2006. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1527 33. Communication from Gerald Morelock advising of his resignation from the Public Arts Commission (Seat 10) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-1528 34. Recommendation of Des Moines Neighbors, Inc. for the appointment of Joanne Corigliano to the Public Arts Commission (Seat 10) for a three year-term commencing May 31, 2002 to expire May 31, 2005. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1529 35. Communication from Douglas MacKinnon advising of his resignation from the Zoning Board of Adjustment (Seat 2) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

### **STREET CLOSURES**

02-1530 36. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by McPherson to adopt. Motion Carried 7-0.**

- (1) Bill Wheeler, representing Highland & Oak Park Neighborhood, requesting permission to close Sixth Avenue from Euclid Avenue to Douglas Avenue on Saturday, July 13, 2002 from 2:00 to 9:00 PM for the Third Annual Parks Area Sweet Corn Feed.
- (2) Margaret Durbala, representing Kenway Drive Block Party, requesting permission to close Kenway Drive from Beavercrest Drive to Maryland Pike on Saturday, June 29, 2002 from 4:00 to 10:00 PM for a neighborhood block party.
- (3) Merry Cunningham, representing True Bible Baptist, requesting permission to close Shawnee from Amherst to North Union on Saturday, June 22, 2002 from 11:00 AM to 5:00 PM for annual church picnic and games.
- (4) Cindy Blobaum, representing 37th Street Block Party, requesting permission to close 37th Street at University Avenue (deadend street) on Thursday, July 4, 2002 from 10:00 AM to 4:00 PM for a neighborhood block party.
- (5) Doris Stroud, representing Garden Avenue Block Party, requesting permission to close Garden Avenue from 11th Street to 12th Street on Thursday, July 4, 2002 from 1:00 to 7:00 PM for a neighborhood block party.
- (6) Vanessa Wulf, representing Twana Drive Block Party, requesting permission to close Twana Drive from 46th Street to 48th Street on Thursday, July 4, 2002 from 3:00 to 9:00 PM for a neighborhood block party.
- (7) Stella Neill, representing Anawim Housing, requesting permission to close Indiana Avenue at 8th Street and 7th Street at Indiana Avenue from 12:00 Noon on Tuesday, June 25, 2002 to 12:00 Noon on Wednesday, June 26, 2002 for a community open house dedication of Riverbend Duplexes/Homes.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

02-1531 37. Regarding recommended approval of the proposed Capitol Gateway East Design Guidelines. **Moved by Brooks to receive and file, and to refer to the City Manager and Legal Department to prepare the necessary amendments to the City-Wide Urban Revitalization Plan and the Metro Center Urban Renewal Plan to implement such guidelines, for further consideration by the City Council, and to other appropriate Boards and Commissions. Motion Carried 7-0.**

02-1532 38. Regarding recommended approval of the proposed design of the Greater Des Moines Softball Park at 5090 NE 46th Street. **Moved by McPherson to receive and file. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

02-1533 39. On Zoning text amendment to the Entertainment Sign Overlay District Standards, to

prohibit roof mounted signs, (7-8-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1534 40. On request from Stan Holt, d/b/a Des Moines Feed Company, to rezone property at 2009 & 2015 Hubbell Avenue, from "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "M-1" (Light Industrial), to allow for expansion of the existing feed mixing and packaging operation, subject to conditions, (7-8-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1535 41. On request from Stanbrough/Walters Land Development Company, to rezone property at 5646 SE 36th Street, from "R1-90" (Large Lot One-Family Residential) to "PUD" (Planned Unit Development), for Shoreline at Easter Lake, with a maximum of 47 single-family lots at a minimum width of 70', 52 townhome units and 72 condominium apartment units, (7-8-02). **Moved by McPherson to adopt. Motion Carried 6-1 Nays: Brooks.**

02-1536 42. On renaming of a segment of 1st Street and SW 1st Street, between Walnut Street and SE 1st Street, south of the Raccoon River, to Water Street and SW Water Street, (7-8-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1537 43. On vacation of subsurface rights of Crocker Street, south of 905 8th Street, and granting a permanent easement, to Beckley Properties, L.C. for \$158.50, (7-8-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1538 44. On proposal from MidAmerican Energy to obtain a license for property at SW 9th and Thomas Beck Road, for use as a gas regulator valve station, \$3,000, (7-8-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1539 45. On proposal to execute an option to sell and convey property in the vicinity of the Hubbell Tract, to Iowa Primate Learning Sanctuary, (7-8-02). ([Council Communication No. 02-321](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

02-1540 46. Approving payment of \$3,711.38 to Duncan, Green, Brown, Langeness & Eckley, for representation of the City in matters relating to the airport parking garages. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1541 47. Approving payments of \$326.70 to Myers & Jenkins and \$109.17 to Phillips, Goldman & Spence, P.A. for representation of City in the Trans World Airlines, Inc. bankruptcy. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1542 48. Approving payment of \$2,164.34 to Ahlers, Dorweiler, Haynie, Smith & Allbee, P.C. for services related to Supplement No. 5 of the Master Lease Program. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1543 49. Approving payment of \$7,199.81 to Liberty Mutual Insurance Companies as subrogee of Zach and Denise Smith and payment of \$4,089.99 to Zach and Denise Smith for



damage subrogation claim and contents claim as a result of a sewer backup on April 9, 2002.

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

02-1544 50. Approving payment of \$36,266.66 to James Caulkins for settlement of workers' compensation claim as a result of injuries sustained during course and scope of his employment.

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

02-1545 51. Approving retention of Chester C. Woodburn III for representation of Ron Wakeham in the federal district court lawsuit entitled David Griffith v. City of Des Moines, et al at the rate of \$95.00 per hour. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **CITY MANAGER COMMUNICATIONS**

02-1546 52. Submitting out-of-state travel request for Robert Utter. ([Council Communication No. 02-318](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

### **APPROVING**

02-1547 53. Request from Downtown Community Alliance on behalf of Regency Builders, for permission to display 64 banners on 32 poles in downtown Des Moines, (Locust Street and 5th Avenue) during July and August 2002, to promote various Parks events. **Moved by McPherson to receive, file and approve banner design as submitted. Motion Carried 7-0.**

02-1548 54. 28E agreement with Friends of the Botanical Center whereby the Parks Department will assume management of all operations and revenues from all guest services currently performed by the Friends of the Botanical Center. ([Council Communication No. 02-330](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1549 55. Agreement with Salisbury Oaks Neighborhood Association regarding Tonawanda Drive Landscaping Improvements. ([Council Communication No. 02-333](#)). **Moved by Hensley to adopt and authorize City Manager to waive insurance for this project for the Summer & direct Manager and Legal to develop insurance requirements for volunteers and non-profits performing work in the City, based upon complexity. Motion Carried 7-0.**

02-1550 56. Request from MTA to provide free parking in the 7th and Center Park and Ride for shuttle service during the 2002 Iowa State Fair; Friday evenings and weekends. ([Council Communication No. 02-331](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1551 57. Annual insurance renewal for the period July 1, 2002 through June 30, 2003. ([Council Communication No. 02-342](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1552 58. Edward Byrne Memorial State & Local Law Enforcement Program Grant for contract between the City of Des Moines and Rock In Prevention. ([Council Communication No. 02-309](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1553 59. 28E Agreement Polk County E911 Board for COPLINK Public Safety Data Sharing Project with the Des Moines Police and Fire Departments. [\(Council Communication No. 02-314\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1554 60. Contract with Iowa Governor's Traffic Safety Bureau (Impaired Driving Program) to receive additional funds for officers' overtime and equipment, \$17,710. [\(Council Communication No. 02-326\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN**02-1555 61. Amendment One to the St. Joseph Emergency Family Shelter Project transferring remaining \$18,885 of CDBG funding from utilities and supplies to personnel.

02-1556 62. Approval of the FY 2003 Notices of Funding Availability (NOFA) for the Fourth Action Year (2003) of the current Housing and Urban Development (HUD) Consolidated Plan. [\(Council Communication No. 02-315\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1557 63. Emergency Shelter Grant (ESG) contract by and between the Iowa Department of Economic Development and the City of Des Moines, \$381,451 of ESG funding for period of July 1, 2002 to June 30, 2003. [\(Council Communication No. 02-316\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1558 64. Application for Federal Funds, \$45,000, related to incorporating Smart Growth and Brownfields Revitalization in the Des Moines Agrimergent Technology Park. [\(Council Communication No. 02-317\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1559 65. City Economic Development Loan for \$20,000 to Hicklin Engineering, L.C. for transfer of its Sparks, Nevada operations to 4060 Dixon Street, creating ten or more jobs. [\(Council Communication No. 02-310\)](#). **Moved by McPherson to approve. Motion Carried 7-0.**

02-1560 66. Civil Service Entrance lists for Housing Services Custodian and Housing Services Bookkeeper. **Moved by McPherson to receive and file. Motion Carried 7-0.**

67. Bids for the following:

02-1561 (A) Fire Gear (Ross Cochran, President, Grand Junction, CO) for annual contract to furnish fire coats at \$599.64 each and bunker pants at \$402.64 each to be used by the Fire Department. (Twelve bids mailed, five bids received). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1562 (B) Aramsco (Bill Kenworthy, President, Thorofare, NJ) for decontamination shelters to be used by the Fire Department, \$45,322.07. (Twenty seven bids mailed, three bids received). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1563 (C) Quality Control Equipment Company (W.H. Weissenburger, President) for flow meters to be used by the Wastewater Reclamation Facility, \$25,382. (Fourteen bids mailed, eight

bids received). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1564 (D) Mid-Land Equipment Company (Gery Haag, President, Ankeny) for one hydraulic track excavator to be used by the Sewer Maintenance Division, \$83,700. (Ten bids mailed, eight bids received). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1565 68. Waiver of the application of the competitive bidding requirement of the City's purchasing ordinance, and approving payment to Mid-Land Equipment Company for rental of hydraulic excavator for the performance of emergency work in excess of \$25,000, \$31,500. ([Council Communication No. 02-322](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1566 69. Exemption from competitive bidding requirement for procurement of emergency repair and replacement parts for air handler at Wastewater Reclamation Facility, and approving purchase from Excel Mechanical Co. Inc., in the amount of \$27,986. ([Council Communication No. 02-344](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1567 70. Authorizing Finance Director to draw checks on registers of June 21, June 28, and July 5, 2002; and for the bills of the Municipal Housing Agency for the weeks of June 17, June 24 and July 1, 2002; and to draw checks for biweekly payroll due employees on June 28, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **ORDINANCES - SECOND CONSIDERATION**

02-1568 71. 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. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1569 72. On Council-initiated request to rezone property in the 500 block of North Valley Drive, from "FW" (Floodway) to "U-1" (Floodplain). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1570 73. On Connection Fee Ordinance for Southeast Airport Area Trunk Sewer System Benefited District. ([Council Communication No. 02-335](#)) **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**\*\*Council considered Item 100 and Hearings next\*\***

#### **ORDINANCES - FIRST CONSIDERATION**

02-1571 74. Amending Chapter 2 of the Municipal Code, to allow amendment to Long-Term Airport Concession contracts. ([Council Communication No. 02-323](#)) **Moved by Hensley that**

**this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1572 (A) Final consideration of ordinance above. **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, [#14,109](#). Motion Carried 7-0.**

02-1573 75. Amending Chapter 114 of the Municipal Code regarding traffic regulations as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Revise Municipal Code for Four-Hour Meters Already In Place--South Side of Pleasant Street, East of 10th Street.

(2) Reversal of Parking Restrictions in conjunction with the Conversion of Park Street to a Two-Way Street.

(3) Corner Clearance--East Side of 48th Street, North of Hickman Road.

02-1574 (A) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,110](#). Motion Carried 7-0.**

### COMMUNICATIONS/REPORTS

02-1575 76. From Bradley Hamilton, 422 E. Locust Street, regarding the East Gateway Streetscape Project and East 4th Street Block Study. **Moved by Vlassis to grant the request to speak. Motion Carried 7-0.**

02-1576 77. From Samantha and Gregory Ekstein regarding impoundment of vehicle from rental property. **Moved by McPherson to grant the request to speak. Motion Carried 7-0.**

**WITHDRAWN**02-1577 78. From Milan Ott, 1700 Franklin, of the Mondamin Presidential Neighborhood Association regarding renovation of a public nuisance home at 1703 16th Street.

02-1578 79. From Quang To, 5321 Valdez Drive, regarding clean up charges for 1619-6th Avenue and administrative hearing decision. **Moved by Vlassis to grant the request to speak, and uphold the Hearing Officer's decision. Staff will work with Mr. To regarding his concerns. Motion Carried 7-0.**

02-1579 80. From Larry Goode, 204 SW 2nd Street, requesting to purchase property directly south of his building. **Moved by Hensley to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1. Absent: Coleman.**

## COUNCIL REQUESTS

02-1580 81. From Council Member Hensley, to initiate process to vacate and convey the alley between 24th and 25th Street from School to Kingman. **Moved by Hensley to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-0. Mayor Daniels declares a conflict of interest, and abstains from voting.**

**\*\*Council considered Item 98 through end of agenda next\*\***

### HEARINGS (Opened at 6:40 P.M.) (Items 82 thru 97)

02-1581 82. On Laurel Hill Basketball Court Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder, President, DM), \$50,985. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

02-1582 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

02-1583 83. On WRF Digester Fall Protection Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

84. On Fleur Drive Widening from Army Post Road to County Line Road, (IDOT Project):

02-1584 (A) Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

02-1585 (B) Resolution on Submission of bids and designating lowest responsible bidder as Corell Contractor, Inc., & Subsidiary, (Steve Corell, President, WDM), \$1,630,184.31. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

02-1586 (C) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

02-1587 85. On Fleur Drive Resurfacing from McKinley Avenue north to Railroad Viaduct (north of Bell Avenue): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate, REJECTING Bids and setting new date for receiving bids by the Iowa DOT, (7-16-02). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

02-1588 86. On proposed Agreement for Amendment of Annexation Moratorium Agreement, Voluntary Severance of Territory, and Joint Application for Voluntary Annexation of Territory,

with Norwalk, for two properties in the vicinity of Relocated Highway 5, Hwy 28, and 80th Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1589 87. 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. ([Council Communication No. 02-312](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1590 (A) Communication from City Plan Commission, finding the amendment in conformance with the 2020 Community Character Land Use Plan. **Moved by Brooks to receive and file. Motion Carried 7-0.**

02-1591 (B) Authorization for acquisition of property for Phase 1 of the Agrimergent Technology Park Project. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1592 88. On Upper Union Park Sewer Separation Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KRI Company, (Warren Rognes, President, Ames), \$2,769,824.50. ([Council Communication No. 02-337](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1593 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1594 (B) Approving Supplemental Agreement No. 1 with Veenstra and Kimm, not to exceed \$36,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1595 89. On lease agreement with Des Moines Independent Schools for construction and maintenance of parking lot at Prospect Park. ([Council Communication No. 02-319](#)) **Moved by Cownie to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

02-1596 90. 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. ([Council Communication No. 02-313](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1597 (A) Communication from City Plan Commission, finding the amendment in conformance with the 2020 Community Character Land Use Plan. **Moved by Brooks to receive and file. Motion Carried 7-0.**

02-1598 91. On vacation and conveyance of portions of the east/west alley between 27th and 28th Streets, south of Cottage Grove, to SRS, Inc., \$25; Michael T. and June McClish, \$25; and to Aaron Bowen, \$75. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1599 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1600 (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, [#14,111](#). Motion Carried 7-0.**

02-1601 92. On request from John Yeager, d/b/a RonJohn, Inc., to rezone property at 1511 High Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial), to allow for reuse of the existing building and site by the A-Dong Restaurant and another future commercial lease tenant with pedestrian scale parking requirements. **Moved by Hensley to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-1602 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1603 (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, [#14,112](#). Motion Carried 7-0.**

02-1604 93. On Zoning Ordinance amendment to revise the Entertainment Sign Overlay regulations to increase allowances for building signs that project over the public rights-of-way. **Moved by Coleman to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**

02-1605 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1606 94. On amendment to the Zoning Ordinance, to clarify language regarding the vision clearance requirements for private driveways. **Moved by Cownie to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**

02-1607 (A) First consideration of ordinance above. **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1608 95. On 15/16th Streets Connector - M. L. King Jr. Parkway to Walnut Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company Ltd., (Duane Burkhardt, President, DM), \$981,860. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

02-1609 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

02-1610 96. On Masonic Temple Sidewalk Reconstruction: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Taylor Construction Group, L.L.C., (Douglas Ohde, Chief Operating Office, DM), \$171,645. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1611 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1612 97. On 4th and Grand Garage Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Western Waterproofing Co. Inc., (William L. Bishop, President, WDM), \$738,836. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1613 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* END HEARINGS at 7:15 P.M. \* \*

**\*\*Council considered Item 74 through end of agenda next\*\*  
APPROVING**

98. Authorizing and providing for issuance of the following bonds, and levying a tax to pay:

02-1614 (A) \$30,920,000 General Obligation Bonds, Series 2002E. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1615 (B) \$8,515,000 General Obligation Bonds, Series 2002F (Urban Renewal). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1616 (C) \$2,205,000 General Obligation Bonds, Taxable Series 2002G. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1617 99. Recommendation to combine the Architectural Advisory Committee and the Urban Development Board into a new board to be known as the Urban Design Review Board. ([Council Communication No. 02-329](#)) **Moved by McPherson to approve recommendation and authorize City Manager and Legal Department to prepare appropriate legislation to implement recommendation, as amended to add two (2) more members for a total of three (3) at-large. Motion Carried 7-0.**

100. The following 2003 health care rates:

02-1618 (A) Renewal rates with Coventry Health care of Iowa HMO for active public safety personnel. ([Council Communication No. 02-328](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**



02-1619 (B) Renewal (2003) rates for active and retired employees health insurance plans. [\(Council Communication No. 02-327\)](#). **Moved by Vlassis to adopt. City Manager to report back on July 8 on the following for the retiree group: (1) Prescription Coverage Option. (2) Response to proposed state "Cafeteria Plan". (3) Split year's payment to Reserve Fund. In addition, City Manager to start a Claims Analysis Report for Council and follow up on a proposed change in the Insurance "Calendar Year". Motion Carried 5-2. Nays: Cownie and McPherson.**

02-1620 101. Designating the City's class of membership within the Metro Waste Authority and approving Authority's proposed Comprehensive Solid Waste Plan. [\(Council Communication No. 02-325\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1621 102. Joint Program with Laborers Local 177 to provide training to apprentice laborers in sidewalk replacement in the King-Irving Neighborhood during the 2002 construction season. [\(Council Communication No. 02-332\)](#) **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1622 103. Escrow and Disbursement Agreement regarding Deposit and Disbursement of Economic Development Grant and Loan Proceeds for Masonic Temple Building Development. [\(Council Communication No. 02-343\)](#) **Moved by Brooks to adopt. Motion Carried 7-0.**

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#### **EXTRA ITEMS**

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

02-1623 1. Request of Council Member Brooks, to discuss the need for "Wheelchair Crossing" signs at the intersection of SE Virginia and SE 22nd and/or SE Park and SE 22nd. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer to City Manager and City Traffic Engineer for implementation, and for a survey of sidewalks in the area to assure they are accessible to shopping in the area. Motion Carried 7-0.**

02-1624 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:45 P.M. Motion Carried 7-0.**