

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 9, 2002

SPECIAL PRESENTATIONS - 4:00 P.M.

- (a) Recognition of Mobile Crisis Unit - Des Moines Police Department
- (b) Recognition of Des Moines Firefighters regarding August 8th Fire
- (c) Recognition of Iowa Army and Air National Guard and Reserves

PROCLAMATIONS - 4:15 P.M.

Proclamations related to September 11th

- (a) Standing Tall 2002
- (b) National Community Service Week and United Way's "Day of Caring"

4:30 P.M.

I. Presentation of Colors: Des Moines Police and Fire Honor Guards

II. Pledge of Allegiance

III. Invocation - Pastor Tony Thurston, College Avenue Christian Church

IV. Honor Guard Retires

02-2121 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-2122 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2123 3. APPROVING CONSENT AGENDA - items 3 through 55: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-2124 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (1) M & M Food Mart, 1372 E 14th Street, C Beer.
- (2) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., C Beer.
- (3) Coffeeshouse Productions, 1011 Locust Street, C Liquor.
- (4) Frathouse, 508 Clifton Avenue, C Liquor.
- (5) Hideaway Lounge, 4845 Merle Hay Rd., C Liquor.
- ~~(6) Los Pinos, 3311 SE 14th Street, C Liquor.~~
- (7) Victory Lane Motor Sports Cafe, 3801 Easton Blvd., C Liquor.
- (8) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., B Wine.
- (9) Outlet Cigarette Beer & Liquor, 4538 Lower Beaver Rd., E Liquor.

RENEWAL APPLICATIONS

- (10) Caseys General Store, 4560 E 14th Street, C Beer.
- (11) Merle Hay Handimart, 4151 Merle Hay Rd., C Beer.
- (12) One Stop Food Mart, 1800 SE 14th Street, C Beer.
- (13) QuikTrip # 560, 2300 Martin Luther King, C Beer.
- (14) Wal Mart Supercenter, 5101 SE 14th Street, C Beer.
- (15) India Star, 3620 Beaver Avenue, C Beer/Wine.
- (16) Big Dog Bar & Grill, 2222 Forest Avenue, C Liquor.
- (17) Chi Chis, 1201 E Army Post Rd., C Liquor.
- (18) Merle Hay Lanes, 3800 Merle Hay Rd., C Liquor.
- ~~(19) Embassy Suites Hotel, 101 E Locust Street, B Liquor.~~
- (20) Cigar Source, 3305 Ingersoll Avenue, B Wine.
- (21) Merle Hay Handimart, 4151 Merle Hay Rd., B Wine.

(22) QuikTrip # 560, 2300 Martin Luther King, B Wine.

(23) Wal Mart Supercenter, 5101 SE 14th Street, B Wine.

(24) Wine Etc., 555 Walnut Street, B Wine.

(25) Wal Mart Supercenter, 5101 SE 14th Street, E Liquor.

OUTDOOR SERVICE APPLICATION

(26) Christophers, 2816 Beaver Avenue, C Liquor License. Temporary outdoor service area from September 20 through September 22, 2002 in conjunction with the Beaverdale Fall Festival. Pending Building inspection.

02-2125 (27) Breadeaux Pizza, 1901 Beaver Avenue, B Beer, 5 Day license for Beaverdale Fall Festival. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2126 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

02-2127 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

02-2128 7. Authorizing execution of agreements with Union Pacific Railroad Company for repair of street closings at Dixon Street, Madison Avenue, and Aurora Avenue, \$50,000. ([Council Communication No. 02-481](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2129 8. Approving Change Order No. 2 with Corell Contractor, Inc., (Steve Corell, President, West Des Moines) for additional work in conjunction with the Martin Luther King, Jr. Parkway Paving-Ingersoll Avenue to Center Street in an amount of \$57,179.18. ([Council Communication No. 02-482](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**

02-2130 9. Authorizing execution of MidAmerican Energy Company Agreement to provide underground electrical service for the street lighting on the Masonic Temple Sidewalk Reconstruction Project at 10th Street and Locust Street, \$850. ([Council Communication No. 02-484](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 10. Authorizing execution of agreement for professional services with Malcom Pirnie, Inc.-Independent Environmental Engineers, Scientists and Consultants, (William Dee, President and CEO, White Plains, New York) in conjunction with the WRF Site Operations Assessment. (Council Communication No. 02-486)

11. Resolution Ordering Construction of the following:

02-2131 (A) Vactor Building Roof Replacement, (310 SE 4th), Receiving of bids, (9-24-02), and Setting Date of Hearing, (10-07-02). (Construction Estimate - \$30,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2132 (B) Waveland Golf Course Cart Paths, Receiving of bids, (9-24-02), and Setting Date of Hearing, (10-07-02). (Construction Estimate - \$ 493,000). ([Council Communication No. 02-491](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-2133 12. Approving partial payments on fourteen (14) public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

02-2134 (A) 2001 Sidewalk Replacement Program (Public Works), \$7,265.55 is now due and \$7,276.69 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2135 (B) 2001 Sidewalk Replacement Program (Designated Neighborhoods), \$817.98 is now due and \$18,797.92 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2136 (C) 2001 City-Wide PCC Pavement Restoration Program, \$296.78 is now due and \$6,824.45 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

02-2137 14. Authorizing Engineering Department Staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for August 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2138 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of August 2002 for certification to the Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-2139 16. Establishing Fair Market Value and authorizing acquisition of property located at 200 SW 16th Street (DICO) for the Martin Luther King, Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2140 17. Establishing revised Fair Market Value, \$72,000, and authorizing acquisition of property at North side of Vine Street between 1st and 2nd, for Vine Street Paving Project. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2141 18. Approve and accept real estate documents for the property located at 2803 E. 33rd Street (Walter & Bonnie Stahl) for the Gay Lea Wilson Recreational Trail Project, \$450 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2142 19. Approve and accept real estate documents for 815 East 13th Street for the I-235 Day Street (Des Moines Independent School District-East High School) for sanitary sewer relocation project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2143 20. Approve and accept real estate documents for property located at 1040 - 21st Street (Daniel & Rita Crawford) for the I-235 Day Street Sanitary Sewer Relocation Project, \$3,275 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2144 21. Approve and accept Offer to Purchase Real Estate and acceptance and form of Court Officers Deed from estate of Robert S. Orr for a portion of property located at 4111 SW 34th Street for the relocation of SW 34th in connection with expansion of Iowa Air National Guard Leasehold, \$19,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-2145 22. Communication from Robert Speed advising of his resignation from the Sister City Commission (Seat 7) effective August 15, 2002. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

23. Recommendations from Mayor Preston Daniels to reappoint the following:

02-2146 (A) Ivan Butler to the Access Advisory Board (Seat 1), for four-year term commencing June 15, 2002 to expire June 15, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2147 (B) Susie McCauley to the Access Advisory Board (Seat 8), for four-year term commencing June 15, 2001 to expire June 15, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2148 (C) Richard Clark to the Des Moines Recreation River and Greenbelt Advisory Committee. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSURES

02-2149 24. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Saley Nong, representing Saley Nong, Inc., requesting permission to close 8th Street from Locust Street to Walnut Street on Friday, September 27, 2002 from 8:00 PM to 12:00 AM for a promotional party/dinner.

(2) Cindy Russell, representing Meredith Corporation, requesting permission to close 17th Street from Locust Street to Grand Avenue on Thursday, October 3, 2002 from 4:00 to 10:00 PM for

Meredith's Centennial Event.

(3) Larry Imoehl, representing 45th Street Neighborhood, requesting permission to close 45th Street from Urbandale to Ovid Avenue on Saturday, September 21, 2002 from 5:00 to 8:00 PM for a neighborhood block party.

(4) Ellie Jo Hobbs, representing 40th Street Neighborhood, requesting permission to close 40th Street from Crocker to Rollins on Saturday, September 14, 2002 (Raindate of Sunday, September 15, 2002) from 12:00 to 10:00 PM for a neighborhood block party.

(5) Mellisa Nordell-Earp, representing 44th Street Neighborhood, requesting permission to close 44th Street from Forest Avenue to College Avenue on Saturday, September 28, 2002 from 3:00 to 7:00 PM for a neighborhood block party.

(6) Monica Thompson, representing E. 12th Street Neighborhood, requesting permission to close E. 12th Street from Jefferson to Mattern on Saturday, September 21, 2002 (Raindate of Saturday, September 28, 2002) from 8:00 AM to 12:00 AM for a neighborhood block party.

(7) Phil Dirksen, representing Pleasant View Neighborhood, requesting permission to close Pleasant View Drive from SW 9th Street to SW 7th Street on Thursday, September 12, 2002 from 5:00 to 11:00 PM for a neighborhood block party.

(8) Cecilia Benetti, representing 46th Street Neighborhood, requesting permission to close 46th Street from Kingman Blvd. to University Avenue on Saturday, September 14, 2002 from 5:30 to 10:00 PM for a neighborhood block party.

(9) Bob Barker, representing Valley High Neighborhood, requesting permission to close Winegardner from Knob Hill Drive to Valley Circle on Saturday, September 21, 2002 (Raindate of Saturday, September 28, 2002) from 12:00 to 4:00 PM for a neighborhood picnic.

(10) Linda Lane, representing 36th Street Neighborhood, requesting permission to close 36th Street from Pleasant to Woodland on Sunday, September 22, 2002 (Raindate of Sunday, September 29, 2002) from 4:00 to 7:00 PM for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

02-2150 25. Regarding request from Rosa Soriano, for vacation and conveyance of the north/south dead-end alley between 23rd Street and 24th Street, from Hickman Road to a point 583.8' south, subject to reserving easements for existing utilities. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-2151 26. On Zoning Ordinance amendments regarding use of barb wire and electric fences, (9-23-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2152 27. On request from St. Andrews Group, L.L.C., (Ronald R. Grubb, Officer), to amend the previously approved PUD Conceptual Plan for Carman Estates, 5405 Indianola Avenue, (9-23-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2153 28. On request from Brook Run L.C., (Owner), to amend the PUD Conceptual Plan for Brook Run Village, for property in the vicinity of 4975 E. Douglas, to revise the western parcel approved for townhome use to increase the permitted density from 8 units/acre to 10.9 units/acre, to allow development of 88 villas Townhome units by Rottlund Homes of Iowa, (9-23-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2154 29. On request from Tempus Utile, L.C., to rezone property at 6700 Chaffee Road from "A-1" (Agricultural) to PUD, (Planned Unit Development), and approval of the PUD Conceptual Plan for West Point South, a redevelopment of existing garrison buildings for multi-family use on 13.7 acres of the former Ft. Des Moines site, subject to conditions, (9-23-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2155 (A) Communication from Virgil Moore, representing Tempus Utile, L.C. (formerly known as the Garrison buildings for Old Fort Des Moines) regarding a formal request to extend tax abatement. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2156 30. On vacation of a portion of E. Railroad Avenue right-of-way, (9-23-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2157 31. On vacation of E. Granger Avenue right-of-way between SE 37th and SE 38th Street, (9-23-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-2158 32. Approving payment of \$40.50 to Jane McAllister of Ahlers Law Firm for assistance in resolution of certain environmental matters in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2159 33. Approving payment of \$5,198.89 to Spiegel and McDiarmid Law Firm for consultation and performance of services in conjunction with the Riverpoint West Redevelopment and related projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2160 34. Approving payment of \$2,447.67 from Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2161 35. Approving payment of \$622.07 from Myers & Jenkins for representation of City in Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2162 36. Approving payment of \$5,835.95 from Palmer and Dodge for representation of City in the lawsuit entitled United States, ex re. Pram Nguyen v. Cleveland-Hopkins International

Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2163 37. Approving payment of \$490.03 to Ahlers Law Firm for environmental law counsel services to City in conjunction with the acquisition services regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2164 38. Retention of outside counsel of Thomas W. Foley for representation of Gerald Lovejoy in federal district court in lawsuit entitled Maria Garces v. Gerald Roger Lovejoy at a rate of \$95 per hour. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2165 39. Approving retention of Frank Harty and Nyemaster Law Firm for legal services in connection with collective bargaining and related matters at an hourly rate of \$95 per hour, plus out-of-pocket expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-2166 40. Submitting various traffic regulations as follows, ([Council Communication No. 02-470](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Parking Restriction on the North Side of Oneida Point from SW 37th Street West to and including the cul-de-sac.

(2) Corner Clearance-North Side of Pleasant Street, West of Polk Boulevard and West Side of Polk Boulevard, south of Pleasant Street.

(3) Corner Clearance-North Side of Waterbury Road, West of 48th Street.

(4) Parking Restrictions Adjacent to the Federal Courthouse and the Courthouse Annex.

(5) Parking Restrictions on Locust between 10th Street and 11th Street.

02-2167 41. Submitting out-of-state travel requests for William Moulder, Royce Hammitt, Loren Lodge, Joedy Van Velzen, Gregg Westemeyer, Terry Odam, Frank Sposeto III (2), Jeff Dier, Bob Schulte, Garry Fuller and Dave Bettis. ([Council Communication No. 02-466](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

02-2168 42. Authorizing increase in reimbursable expenses to Wells Fargo for Skywalk Bridge 8B-8C in the amount of \$27,415. ([Council Communication No. 02-478](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2169 43. Design of Skywalk Bridge 9D-10D over 10th Street and Skywalk Bridge 10C-10D over Walnut Street and authorizing payment to Nationwide Mutual Insurance Company for costs

of portions over public right-of-way. ([Council Communication No. 02-477](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2170 (A) Wall Opening Agreement with Hotel Fort Des Moines for Skywalk Level Connection from Nationwide Parking Garage to Hotel Fort Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2171 44. Documents to access federal funds for staff support related to the City of Des Moines' Brownfields Showcase Community designation - \$100,000. ([Council Communication No. 02-465](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-2172 45. Intergovernmental 28E Agreement with the Corporation of Economic Development in Des Moines to provide economic development assistance in Des Moines. ([Council Communication No. 02-472](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Vlassis.**

02-2173 46. Memorandum of Agreement with Federal Home Loan Bank of Des Moines for use as a downtown school in amount of \$250,000. ([Council Communication No. 02-489](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

02-2174 47. Authorizing Mayor and Police Chief to sign the Federal Equitable Sharing Agreement and Annual Certification Report for FY2003 through FY2005 acknowledging City's compliance with Federal guidelines. ([Council Communication No. 02-462](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2175 48. 2002 Local Law Enforcement Block Grant Advisory Board Report, equipment proposal from Police Department and disbandment of Advisory Board. ([Council Communication No. 02-463](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2176 49. Grant funding to implement Iowa Department of Transportation Traffic and Criminal Software (TraCS) for traffic accident data and purchase of (25) mobile data computers for patrol cars, \$375,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2177 50. Contract for 24 months with U.S. Cellular for wireless telecommunication services and equipment available through State of Iowa Contract CT 1993 for Public Safety cell phone users, \$240,683.04. ([Council Communication No. 02-474](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

51. Bids for the Following:

02-2178 (A) Computational Systems Inc., (Nancy Williams, Account Manager, Knoxville, TN) sole area wide distributor, for a compatible oil analyzer to be used by the Wastewater Reclamation Facility, \$46,000. ([Council Communication No. 02-464](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2179 (B) Karl Chevrolet, (Karl Moyer, President, Ankeny) for two compact vehicles to be used by the Community Development Department, Neighborhood Conservation Services Division, \$25,576. (Nine bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2180 52. Civil Service Entrance Lists for Redevelopment Manager, Real Estate Records and Property Technician, Housing Services Senior Case Manager, and Solid Waste Operations Analyst, and Promotional Lists for Municipal Solid Waste Supervisor and Fleet Services Master Mechanic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2181 (A) Civil Service Entrance List for Firefighter. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2182 53. Authorizing Finance Director to draw checks on registers of September 13 and September 20, 2002; and for the bills of the Des Moines Municipal Housing Agency for weeks of September 9 and September 16, 2002; and draw checks for biweekly payroll due employees on September 20, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-2183 54. Amending Chapters 2, 82 and 102 of the Municipal Code to create a new Urban Design Review Board and Skywalk Committee, to perform the duties formerly held by the Architectural Advisory Committee, Urban Development Board and Skywalk Committee. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Cownie and Vlassis.**

02-2184 (A) Amending Chapter 58 of the Municipal Code regarding designation and alteration of landmarks and landmark sites. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-2185 (1) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,135. Motion Carried 7-0.**

02-2186 55. Updating Chapter 26 of the Municipal Code, adopting the 2002 National Electrical Code. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Item 85 next****

ORDINANCES - FIRST CONSIDERATION

02-2187 56. Amending Chapters 74 and 114 of the Municipal Code regarding Multi-use Recreational Trails. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2188 57. On vacation of a parcel of ground south of 420 E. Army Post Road, and repealing Ordinance No. 14,082, (correcting error in legal description). **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2189 (A) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,136](#). Motion Carried 7-0.**

02-2190 58. Amending Chapter 98 of the Municipal Code regarding charges for collection of solid waste at multiple family dwellings. ([Council Communication No. 02-468](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2191 59. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance-West Side of SW 60th Street, North of Muskogee Avenue.

(2) Repeal 20-Ton Load Limit-SW 9th Street Viaduct over Martin Luther King, Jr. Parkway.

****Council Member Brooks left the meeting at 5:45 P.M.****

COUNCIL REQUESTS

60. From Mayor Preston Daniels regarding the following:

02-2192 (A) Loop Scooping in Downtown Des Moines. **Moved by Hensley to refer this issue and Extra Item #1 to the City Manager to implement short term measures to curb activity and to develop a long-term plan to address the concerns raised. Motion Carried 4-2-1. Nays: Daniels and McPherson. Absent: Brooks.**

02-2193 (B) Safety of bikes and roller blades on Gray's Lake Trail. **Moved by Hensley to refer to City Manager and Park and Recreation for a recommendation. Motion Carried 5-2. Absent: Brooks and Vlassis.**

****Council considered Hearing Items 65 through 78 next****

COMMUNICATIONS/REPORTS

02-2194 61. From Tim Shanahan, representing Human Services Planning Alliance, regarding the Annie E. Casey Foundation's Making Connections survey. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Brooks.**

02-2195 62. From Gerald LaBlanc, 8912 - 46th Avenue, N.E., Altoona, regarding Woodland Cemetery's 24th Street retaining wall. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager and Parks for review and recommendation. Motion Carried 6-1. Absent: Brooks.**

02-2196 63. From Marva M. Baggett, 5205 SW 9th Street, regarding the curb on the southeast side of Maish and S.W. 9th Street. **Moved by Hensley to receive, file and grant the request to speak; refer to Public Works to work with MTA to address the situation. Motion Carried 5-2. Absent: Coleman and Brooks.**

02-2197 64. From CCI, requesting to speak regarding Neighborhood Revitalization Board's recommendation relating to private inspection of homes sold on real estate contract. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and Legal to place the ordinance on the September 23 meeting for first reading. Motion Carried 6-1. Absent: Brooks.**

02-2198 (A) Communication from Chair of the Neighborhood Revitalization Board. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Brooks.**

****Council considered Item 80 through end of agenda next****

HEARINGS (Opened at 6:09 P.M.) (Items 65 thru 78)

02-2199 65. On recommended DENIAL of request from Dan Tollenaar, to rezone property at 4405 University from "R-3" (Multiple Family Residential) to "C-0" (Commercial-Residential District). **Moved by Coleman to adopt. Motion Carried 5-2. Absent: Brooks and Vlassis.**

66. On items regarding the Masonic Temple Project, Downtown Preservation Partners, LLC, ([Council Communication No. 02-473](#)).

02-2200 (A) First Amendment to Development Agreement with B.H. Temple, Inc. Downtown Preservation Partners, L.L.C., and the Temple Partners, L.P. for development of the Masonic Temple Building. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2201 (B) On vacation and lease of a portion of 10th Street, north of Locust, to be used for a Sidewalk Cafe, 5-year lease, \$1,000 per year. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2202 (1) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.**

02-2203 (2) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. ([Council Communication No. 02-490](#)). **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, #14,137. Motion Carried 6-1. Absent: Brooks.**

02-2204 (C) On Lease Agreement for previously vacated North/South alley, north of Locust, between 10th and 11th, for use as an Outdoor Patio Cafe, \$1,356 per year. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2205 67. On Supplement No. 8 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital LLC, \$934,722, for acquisition of nine recycling vehicles. ([Council Communication No. 02-475](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2206 (A) Authorization for additional actions. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2207 (B) Authorization for execution and delivery of agreement. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2208 68. On amendment to the PUD Conceptual Plan titled "Grandview Plaza", 3325 E. Douglas, changing plan title to "Timberbrook Terrace" and to amend the proposed development for a portion of the property from a retail center to a Hospice Care Facility. **Moved by McPherson to adopt and conditionally approve the amended "PUD" conceptual plan. Motion Carried 6-1. Absent: Brooks.**

69. On vacation of the following City property:

02-2209 (A) Grand to Locust, 11th to 12th, for the Library. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2210 (1) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.**

02-2211 (B) Grand to Locust, 12th to 13th, for the Higher Education and Learning Center. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2212 (1) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.**

02-2213 70. On conveyance of 9 properties in the Frisbie Park area, to RM Madden Construction Inc., to be used for single family infill housing, \$69,480, ([Council Communication 02-437 from](#)

[8-19-02 attached](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Brooks.**

02-2214 71. On request from Tulip Hill Designs, to amend the "R-6" Preliminary Plan and Final Development Plan, for the "Southern Hills" development, 2950 SW 30th Street, to allow development of 3 bi-attached single-story ranch style townhome structures. **Moved by Hensley to receive, file and grant the request and continue the hearing to October 21, 2002, at 5:30 P.M. Motion Carried 6-1. Absent: Brooks.**

02-2215 (A) Resolution Approving amendments. **Moved by Hensley to continue to 10-21-2002. Motion Carried 6-1. Absent: Brooks.**

02-2216 (b) Resolution Denying amendments. **Moved by Hensley to continue to 10-21-2002. Motion Carried 6-1. Absent: Brooks.**

02-2217 72. On Beaver Avenue and Hickman Road Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KWS, Inc. (Juli Rowell, President, Cedar Falls), \$142,575. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2218 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2219 73. On Sec Taylor Stadium Beam Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services LLC (Chris Brault, Managing Partner, Johnston), \$96,500. ([Council Communication No. 02-479](#)) **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: Brooks.**

02-2220 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: Brooks.**

02-2221 74. On SW 12th Street Sanitary Sewer Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$150,700. ([Council Communication No. 02-480](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2222 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2223 75. On Gay Lea Wilson Trail Phase III-B (Four Mile Creek Greenway Trail): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp. (J.M. Yonker, President, Grimes), \$362,269. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2224 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2225 76. Approving and authorizing execution of IDOT Supplemental Agreement No. 1 to Preconstruction Agreement for the 2nd Avenue and 3rd Street Bridge Reconstruction, \$44,500. ([Council Communication No. 02-485](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2226 (A) Hearing to REJECT bids on the University Avenue Median Modifications at 2nd Avenue and 6th Avenue Project; work to be performed by IDOT. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2227 77. On 2002 Traffic Signal Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KWS, Inc. (Juli Rowell, President, Cedar Falls), \$60,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2228 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.**

78. Items regarding the Martin Luther King Jr. Parkway - IDOT Project Enhancements; Ingersoll Avenue to Center Street:

02-2229 (A) Ordering construction and ratifying public hearing notice. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and McPherson. Absent: Brooks.**

02-2230 (B) Approving Plans, Specifications, form of contract documents and Engineer's estimate of costs. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and McPherson. Absent: Brooks.**

02-2231 (C) Resolution on submission of bids; and designating lowest responsible bidder as Smith Seeding, Inc, (John E. Smith, President, Keosauqua, IA,) \$826,550. ([Council Communication No. 02-483](#)) **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and McPherson. Absent: Brooks.**

02-2232 (D) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and McPherson. Absent: Brooks.**

* * END HEARINGS at 6:25 P.M. * *

****Council considered Items 61 through 64 next****

APPROVING

79. NUMBER NOT USED.

02-2233 80. Official recognition of Downtown Des Moines Neighborhood Association in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 02-469](#)) **Moved by Hensley to approve. Motion Carried 6-1. Absent: Brooks.**

02-2234 (A) Communication from Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Brooks.**

02-2235 81. Receipt of recommendation from City Manager submitting plan for changes to the Neighborhood Based Service Delivery Program (NBSD). ([Council Communication No. 02-471](#)) **Moved by Coleman to receive and file. Motion Carried 6-1. Absent: Brooks.**

02-2236 82. Property Land Management Revenue Disbursement Policy through the Park and Recreation Department of Property Management and authorizing establishment of an Endowed Maintenance Fund pursuant to the policy. ([Council Communication No. 02-487](#)) **Moved by Coleman to defer action and direct City Manager to pursue sale of surplus land. Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Vlassis. Absent: Brooks.**

02-2237 83. Recommendation of Park and Recreation Department that the baseball field at Martin Luther King, Jr. Park be named H. Dale and Lois Bright Youth Baseball Field to acknowledge their generous contributions towards the development of youth baseball. ([Council Communication No. 02-488](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2238 84. Professional Services Agreement with Holmes Murphy to provide health insurance consulting services including development of a Request For Proposal (RFP) in an amount not to exceed \$17,000. ([Council Communication No. 02-467](#)). **Moved by Coleman to adopt. Motion Carried 5-1-1. Pass: Cownie. Absent: Brooks.**

02-2239 85. Intergovernmental 28E Agreement with Neighborhood Development Corporation (NDC), to continue activities through September 2007. ([Council Communication No. 02-476](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Vlassis.**

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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.

02-2240 1. Request from Council Member Coleman, to discuss recent activities in the location of West River Drive, East of the main Post Office. SPONSOR: Coleman. **Moved by Hensley to discuss and refer to the City Manager for review and recommendation. Motion Carried 4-2-1. Nays: Daniels and McPherson. Absent: Brooks.**

A G E N D A

BOARD OF HEALTH

September 9, 2002

02-2241 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Brooks.**

AUTHORIZING

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

02-2242 (A) 1605 Gillette Street (vacant), Titleholder: Santiago T. and Felipa Ramirez. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2243 (B) 542 Guthrie Avenue (vacant), Titleholder: John F. Carr and Contract Buyer: Bart E. and Tamera S. McCann. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2244 (C) 724 SE 10th Street (vacant), Titleholder: Alvin Simon, Jr.; and Legal Interest Holder: Wells Fargo Bank IA, NA f/k/a Norwest Bank IA, NA f/k/a Norwest Bank Des Moines, NA f/k/a Iowa Des Moines National Bank, Attn: Janis Hill, Vice President. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2245 (D) 1112 E. 13th Street (vacant), Titleholders: Hickman Auctions, Inc., Attn: Rick Hickman, Registered Agent and Rick Hickman d/b/a Hickman Properties. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2246 (E) 1045 19th Street (vacant), Titleholder: Billie Barker and Legal Interest Holder: Joseph Michael Harrison. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

2. Engineering Department to remove the following structures:

02-2247 (A) 1016 Forest, Titleholder: Faisal Alsafar and Contract Buyer: Odale Terry Morning Star Youth Center. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: McPherson and Brooks.**

02-2248 (B) 1912 Francis, Titleholder: Pinnacle Partners, LLC and Contract Buyer: Emmas J. Sanders. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2249 (C) 2322 Hubbell, Titleholder: Z fin 25. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2250 (D) 3308 6th Avenue, Titleholder: Margaret J. Pope. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2251 (E) 1536 17th Street, Titleholder: Midwest Realty, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2252 (F) 1224 E. 38th Street, Titleholder: Kenneth Cheville Estate. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Brooks.**

02-2253 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:35 P.M. Motion Carried 5-2. Absent: McPherson and Brooks.**