

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 10, 2001 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

Award of Receipts For Mayor's Charity Cruise

INVOCATION: Pastor Leighton Carlson, First Lutheran Church

01-2651 1. ROLL CALL: **Present: Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis. Absent: Daniels.**

01-2652 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2653 3. APPROVING CONSENT AGENDA - items 3 through 83: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

01-2654 4. Communication from Legal Department regarding September 10, 2001 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

Class "C" Beer/"B" Wine Licenses

01-2655 5. Quik Trip Corp., Chester Cadieux, President dba Quik Trip #527, 1215 6th Avenue; Renewal - Expires 9-20-01 (With Sunday Sales) - Application submitted 7-23-01. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2656 6. Quik Trip Corp., Chester Cadieux, President dba Quik Trip #560, 2300 M.L. King Pkwy; Renewal - Expires 9-25-01 (With Sunday Sales) - Application submitted 8-6-01. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "B" Wine Licenses

01-2657 7. WGK Investments LLC, Michael J. King, Owner dba Cigar Source, 3305 Ingersoll; Renewal - Expires 9-14-01 (With Sunday Sales) - Application submitted 8-20-01. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2658 8. Nancy Sue Chavannes dba Wine, Etc., 555 Walnut-Suite 203; New Application

submitted 7-13-01. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "C" Beer-Wine Licenses

01-2659 9. New India Star, Inc., Parvinder Singh, President dba India Star, 3620 Beaver; Renewal - Expires 9-23-01 (With Sunday Sales) - Application submitted 8-20-01. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

Class "C" Liquor Licenses

01-2660 10. Chi Chi's, Inc. Kevin Relyea, President dba Chi Chi's Mexican Restaurant, 1201 East Army Post Road; Renewal - Expires 9-17-01 (With Sunday Sales) - Application submitted 8-20-01. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

Outdoor Service

01-2661 11. Christopher's Inc., Evelyn Guidicessi, President dba Christopher's Restaurant, 2816 Beaver Avenue; Temporary Outdoor Service for Beaverdale Fall Festival, September 21 thru 23, 2001. Application submitted 8-20-01. Subject to submission of acceptable fire inspections. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2662 12. R. M. Baier Investments, Inc. R. Michael Baier, President dba Michael's Restaurant and Lounge, 4041 Urbandale; Temporary Outdoor Service for Beaverdale Fall Festival, September 21 thru 23, 2001. Application submitted 8-20-01. Subject to submission of acceptable fire inspections. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Authorizing

01-2663 13. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2664 14. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

01-2665 15. Resolution ordering construction of 28th Street Sanitary Sewer at Grand Avenue, Receiving of Bids, (9-25-01), and Setting Date of Hearing, (10-8-01), (Construction Estimate - \$25,450). **Moved by Vlassis to adopt. Motion Carried 6-1.**

WITHDRAWN01-2666 16. Approving petition and waiver from property owner, requesting extension of the paving on 36th Street, an additional 33 feet.

WITHDRAWN01-2667 (A) Resolution of necessity for 36th Street Intermediate Paving.

01-2668 (B) Resolution Ordering Construction of 2001 Intermediate Paving Program, Receiving

of Bids, (9-25-01), and Setting Date of Hearing, (10-8-01) (Construction Estimate - \$817,786). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2669 17. Approving Private Construction Contract for construction of Sanitary Sewer Improvements for relocation of existing sanitary sewer that crosses Airport Crossroads located at Fleur Drive and County Line Road between McAninch Corporation (Douglas D. McAninch, President, WDM, Contractor) and Fleur Properties, L.C. (Michael D. Barnes, Partner, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2670 18. Approving Private Construction Contract for construction of Sanitary Sewer Improvements in Lakewood Cove between Corell Contractor, Inc. (Steve Corell, President, WDM, Contractor) and Sheldahl & Associates, Inc. (Eric A. Sheldahl, President, Urbandale, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2671 19. Approving Private Construction Contract for construction of Storm Sewer Improvements in Lakewood Cove between Corell Contractor, Inc. (Steve Corell, President, WDM, Contractor) and Sheldahl & Associates, Inc. (Eric A. Sheldahl, President, Urbandale, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2672 20. Approving Private Construction Contract for construction of Storm Sewer Improvements for storm sewer intake and piping to connect existing storm sewers to the easterly side of Hubbell Avenue between Munro Construction Co. (Patrick T. Munro, President, Urbandale, Contractor) and Harald Lamberts (Grimes, Owner). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2673 21. Approval of Contract and Bond for renovation of 2814 Chicago Avenue with Koester Construction Company Inc. (Paul Koester, President), \$16,447. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2674 22. Authorizing City Engineer to proceed with Sidewalk Program/Request to repair, waivers signed by five property owners; and Sidewalk Program/Driveway Repairs, waivers signed by thirteen property owners; and Paving or Curb Replacement Program Repairs, waivers signed by five property owners. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2675 23. Approving Professional Services Agreement with Snyder & Associates, Inc. for design and right-of-way services for the Easton Boulevard Detention Basin. ([Council Communication No. 01-467](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2676 24. Approving consultant agreement with Barker Lemar Engineering Consultants (S. Mike Barker, President) for operational unit No. 1 modification evaluation at the DICO facility in the Martin Luther King, Jr. Parkway project, not to exceed \$30,000. ([Council Communication No. 01-468](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

25. Approving the following items in conjunction with the Hawthorne Stormwater Pump Station:

01-2677 (A) Procurement of replacement pump and related equipment from Electric Pump and

Tool Services, Inc., (Dick Miller, President, DSM) - \$105,770. ([Council Communication No. 01-464](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2678 (B) Sole procurement of electrical process control equipment from Van Meter Industrial, (DSM) - \$20,761.31. ([Council Communication No. 01-465](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2679 26. Approving payment to Ball Electric, (505 New York Ave., DSM), for installation of field lighting at Birdland Baseball Diamond - \$28,643.60. ([Council Communication No. 01-458](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2680 27. Approving partial payments on twenty-three (23) public improvement projects. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

28. Notice to levy assessment for costs of Nuisance Abatement - NAC Emergency Orders (Community Development):

01-2681 (A) Schedule No. 2001-32. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2682 (B) Schedule No. 2001-54. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2683 (C) Schedule No. 2001-12. **Moved by Vlassis to adopt. Motion Carried 6-1.**

29. Authorizing Engineering Department to correct the following Sidewalk Repair, Replace and Reconstruct Assessment Schedule:

01-2684 (A) Schedule No. 2001-33, Certificate No. 04-08028-00 to reduce assessment from \$672.84 to \$513.20 against property at 718 - 40th Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2685 (B) Schedule No. 2001-33, Certificate No. 04-07935-00 to delete assessment in amount of \$597.20 against property at 1828 Logan Avenue. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2686 30. Authorizing Assessment Clerk to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental charges for the month of August 2001. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2687 31. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility fees for the month of August 2001 for certification to Polk County, Schedule 2001-28. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2688 32. Authorizing Engineering Department to correct NAC-Emergency Order Special Assessment, Schedule No. 2001-28, Certificate No. 00-07016-00, in the amount of \$125 against

property at 3209 St. Johns Road. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

01-2689 33. Approving License Agreement with Nationwide Mutual Insurance Company and extending conveyance date of Parcel "C". ([Council Communication No. 01-472](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2690 34. Authorizing payment of Condemnation Award for Temporary Access Easement from Dico, Inc., 200 SW 16th Street for the Martin Luther King, Jr. Parkway Project - \$2,650 plus sheriff's fees and jury expenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2691 35. Approve and Accept Right-of-Way Documents from Sherida J. and Josh Kuehler for 2900 Dubuque Avenue for the 7th Ward Ditch Flood Control, Phase II Improvement Project, \$57.50 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2692 36. Approve and Accept Right-of-Way Documents from various property owners (2709 E. 29th Street & 4224 Hubbell Avenue) for the Northeast Four Mile Sanitary Sewer Project-\$24,500 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2693 37. Approve and Accept Form of Quit Claim Deed for the 100 block of 4th Street from Norfolk Southern Railway Company for the Court Avenue Entertainment Center Project, \$765,000.00 **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2694 38. Approve and accept Form of Quit Claim Deed for purchase of vacant land from Norfolk Southern Railway Company south of Market Street, between SW 9th and SW 11th Streets for the SW 11th Street and Martin Luther King, Jr. Parkway shuttle parking lot, \$18,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2695 39. Approve and Accept offers to purchase real estate and acceptance and warranty deeds from two property owners (Catholic Health Initiative-Iowa, Corp. d/b/a Mercy Medical Center and Allied Development Company for the 11th/12th Street Connector, Martin Luther King, Jr. Parkway to Cherry Street Project-\$328,860 plus closing costs. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

01-2696 40. Approving Final Subdivision Plat entitled The Finches, located in vicinity of S.W. 30th Street and north of Willowmere Drive. ([Council Communication No. 01-462](#)). **Moved by Flagg to adopt, subject to completion of soil retention and adequate safety provisions (such as railings) for retaining wall area. Motion Carried 5-2. Absent: Daniels and Coleman.**

01-2697 41. Establishing Fair Market Value and Authorizing Acquisition by Gift, Negotiation, or Condemnation of property (1006 Grand Avenue) for Western Gateway Project in The Metro Center Urban Renewal Development Area, \$352,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1.**

01-2698 42. Establishing Fair Market Value and Authorizing Acquisition By Gift, Negotiation,

or Condemnation of property for Western Gateway Project in The Metro Center Urban Renewal Development Area, \$210,000. **Moved by Flagg to adopt. Motion Carried 6-1.**

01-2699 43. Establishing Fair Market Value and accepting Purchase Offer of Flood Damaged property under the 1998 FEMA Flood Hazard Mitigation Program - (1538 E. 41st Street, Dorothy Van Horn) \$36,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

44. Recommendations of Mayor Preston Daniels for the following to the Civic Center of Greater Des Moines Board of Trustees:

01-2700 (A) Appointment of J. Marc Ward - Term to expire June 30, 2002. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2701 (B) Reappointment of Christine Hensley - Term to expire June 30, 2002. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2702 45. Recommendation of Council Member At-Large Chris Coleman to reappoint Joann Muldoon to Seat #6 on the Neighborhood Revitalization Board for a three-year term commencing June 30, 2000 to expire June 30, 2003. **Moved by Coleman to adopt. Motion Carried 6-1.**

01-2703 46. Recommendation of Council Member At-Large Chris Coleman to appoint William S. Gray to the Zoning Board of Adjustment, (Vacant new seat #3) for a four-year term commencing April 2, 2001 to expire April 4, 2005. **Moved by Coleman to adopt. Motion Carried 6-1.**

01-2704 47. Recommendation of Council Member At-Large Chris Coleman to appoint Nedzad Jusufovic to Seat #13 on the Neighborhood Revitalization Board for a three-year term commencing June 30, 2001 to expire June 30, 2004. **Moved by Coleman to adopt. Motion Carried 6-1.**

01-2705 48. Recommendation of Council Member At-Large George Flagg to appoint Kristopher Klop to the Sister Cities Commission, Seat #5 for a five year term commencing April 28, 2001 to expire April 28, 2006. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2706 49. Communication from James Dietz-Kilen advising of his resignation from the Plan & Zoning Commission effective immediately (Seat #2). **Moved by Vlassis to receive, file and accept resignation with appreciation for service. Motion Carried 6-1.**

01-2707 50. Communication from Jack Porter advising of his resignation from the Historic District Commission effective August 31, 2001, (Seat #4). **Moved by Vlassis to receive, file and accept resignation with appreciation for service. Motion Carried 6-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

01-2708 51. Regarding request from Clark Company, Ltd., to vacate and abandon two public access easement for pedestrian access in the 4200 block of SE 24th Street, in the Easter Bay Colony Residential area to Easter Lake Park, and to replace the easements with a single new public access easement to be dedicated to the Polk County Conservation Board. **Moved by Vlassis to adopt and refer to the City Manager and City Property Administrator to implement. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

01-2709 52. On conveyance of vacated Right-of-Way in the 3200 block of Mahaska Parkway to William Wellesley Trust for expansion of residential yard, \$29,488.50, (9-24-01). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2710 53. On conveyance of a portion of vacated 62nd Street right-of-way near Grand, to McDonalds Corporation, \$5,700, (9-24-01). **Moved by Vlassis to adopt. Motion Carried 6-1.**

STREET CLOSURES

01-2711 54. Approving recommendation of Street Use Team (SUT) to approve exception of length of time request from Brenda Geier, representing Beaverdale Fall Festival, 2700 36th Street, requesting permission to close Fagen Drive from Beaver Avenue east to second drive of First American Bank from Saturday, September 21, 2001 at 6:00 P.M. to Sunday, September 22, 2001 at 10:00 P.M. for the Beaverdale Fall Festival. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2712 55. Approving recommendation of Street Use Team (SUT) to approve exception of length of time request from Jim Worley, representing Lincoln High School Band, 2600 SW 9th Street, requesting permission to close SW 12th Street from Bell Avenue to Davis Street, Davis Street from SW 12th Street to SW 11th Street, Bell Avenue from SW 9th Street to SW 12th Street and SW 11th Street from Davis Street to Kirkwood Avenue on Saturday, October 13, 2001 from 8:00 A.M. to 6:00 P.M. (Raindate of October 18, 2001) for the State Marching Band Contest. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2713 56. Approving recommendation of Street Use Team (SUT) to approve exception of length of time request from Jan Weiberg, representing Ashby/Wallace Neighbors, 4101 Ashby Avenue, requesting permission to close Wallace Lane, from 4046 Wallace Lane to 4103 Wallace Lane on Saturday, September 15, 2001 from 12:00 Noon to 11:00 P.M. for a neighborhood pig roast. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2714 57. Approving recommendation of Street Use Team (SUT) to approve exception of length of time request from Shirley Brunk, representing Maryland Pike Pig Roast, 2501 Maryland Pike, requesting permission to close Maryland Pike from Holland Drive to Beaver Crest Drive on Saturday, October 6, 2001 from 3:00 P.M. to 12:00 Midnight for a neighborhood block party. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2715 58. Approving recommendation of Street Use Team (SUT) to approve exception of length of time request from Rev. Lawrence Hoffman, representing St. Anthony Church/School, 16 Columbus, requesting permission to close South Union, from Indianola Avenue to SE Edison on Friday, September 14, 2001 from 6:00 P.M. to Midnight, on Saturday, September 15, 2001 from 9:00 A.M. to Midnight and on Sunday, September 16, 2001 from 8:00 A.M. to 6:00 P.M. for the Parish Fall Festival. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2716 59. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Vlassis to adopt. Motion Carried 6-1.**

(1) Melissa Nordell-Earp, 1529 44th Street, requesting permission to close 44th Street from Forest Avenue to College Avenue on Saturday, September 15, 2001 from 3:00 P.M. to 7:00 P.M. (Raindate of September 22, 2001) for a neighborhood block party.

(2) Douglas Olson, 1118 45th Street, requesting permission to close 45th Street from Kingman Boulevard to University Boulevard on Saturday, September 22, 2001 from 5:00 P.M. to 10:00 P.M. for a neighborhood block party.

(3) Sandra Cooney, representing 54th Street Neighborhood Association, 2807 54th Street, requesting permission to close 54th Street from 2807 54th to 2811 54th on Sunday, September 23, 2001 from 2:00 P.M. to 6:00 P.M. for a neighborhood block party.

(4) Kathy Beauchamp, 4016 11th Street, requesting permission to close 11th Street from Madison Avenue to Shawnee Avenue on Saturday, September 29, 2001 from 5:00 P.M. to 7:00 P.M. for a neighborhood block party.

(5) Martha Schmitt, representing Drake Neighborhood Association, 2406 Kingman Blvd., requesting permission to close Kingman Blvd. from 24th Street to 25th Street on Saturday, September 29, 2001 from 3:00 P.M. to 8:00 P.M. for a neighborhood block party.

(6) Sekou C. Mtyari, representing Creative Visions, 1343 13th Street, requesting permission to close 13th Street from Forest to Carpenter on Saturday, September 29, 2001 from 4:00 P.M. to 9:00 P.M. for a live concert.

(7) Billie Sturges, 1010 39th Street, requesting permission to close 39th Street from Kingman Blvd. to School Street on Sunday, September 30, 2001 from 4:30 P.M. to 9:00 P.M. for a neighborhood block party.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-2717 60. Approving payment of \$20,304.90 to John Lumley for settlement of a workers' compensation claim for an injury sustained during scope of his employment. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2718 61. Approving payment of \$32,450 to Frederick M. Cahhal for settlement of a workers' compensation claim for an injury sustained during scope of his employment. **Moved by Vlassis**

to adopt. Motion Carried 6-1.

01-2719 62. Approving payment of \$863.64 to Enterprise Rent-A-Car for car rental expense claim of Linda Keller as a result of an auto accident on April 5, 2001. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2720 63. Approving payment of \$1383.46 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with development of the Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2721 64. Approving payment of \$3,705.24 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services on a variety of ICA related issues. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2722 65. Approving payment of \$38,825.81 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for bond counsel services with respect to various general obligation bonds. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

01-2723 66. Approving payment of \$5,068.83 to Spiegel & McDiarmid Law Firm for services in connection with the Brownfields Showcase Community and related matters. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2724 67. Approving payment of \$275.49 to John L. Corbett of Spiegel & McDiarmid Law Firm for consultation and representation in conjunction with the City's Airport PILOT charge. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2725 68. Approving payment of \$897.92 to Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in Joyce Wilson and Val Wilson, Jr. as Administrators of the Estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by Vlassis to approve payment. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

01-2726 69. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-461](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

- (1) Two-Hour Parking Restriction--East Side of 19th Street South of Pleasant Street.
- (2) Corner Clearance--West Side of East 9th Street, North of Roosevelt Avenue.
- (3) Corner Clearance--North Side of Garfield Avenue, West of East 29th Street.
- (4) Corner Clearance--South Side of Wilmers Avenue West of SE 5th Street.
- (5) Parking Restrictions and Loading Zone--East and West Sides of SW 5th, Street between Elm

Street and Tuttle Street.

(6) Corner Clearance--South Side of East Bell Avenue, East of SE 8th Street.

(7) Corner Clearance--South Side of Pleasantview Drive, East of SW 9th Street.

(8) Corner Clearance--West Side of SE 8th Court, North of Kirkwood Avenue.

(9) Removal of Two-Hour Parking Restrictions--East 5th Street from Des Moines Street to Lyon Street and Lyon Street from East 5th Street to East 6th Street.

01-2727 70. Submitting out-of-state travel requests for Ed McAtee, Robin Leaper and Trudy Mayo. [\(Council Communication No. 01-456\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

01-2728 71. Contract award of \$21,500 from Governor's Traffic Safety Bureau for second year of funding for community traffic safety programs. Matching funds requirement in the amount of \$7,543.04 will be provided by seized funds. [\(Council Communication No. 01-469\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2729 72. Acceptance of grant award from the Iowa Arts Council "Access to the Arts" in the amount of \$3,000 for the Nitefall on the River concert series. [\(Council Communication No. 01-457\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2730 73. Receive and adopt the Advisory Board report on use of 2001 Local Law Enforcement Block Grant and authorize submission of Federal Follow-up Information Form to Bureau of Justice Assistance. [\(Council Communication No. 01-459\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2731 74. Communication from Downtown Community Alliance on behalf of the Civic Center to approve banner design and hang banners in central downtown to promote Metro Arts Two Rivers Art Expo from mid-October to mid-November. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 6-1.**

75. Communications from Downtown Community Alliance on behalf of Civic Center for the following:

01-2732 (A) Approval of banner design and display of 24 banners in central downtown area in association with The Music Man from mid-September through mid-October. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 6-1.**

01-2733 (B) Temporarily renaming of Third and Walnut Streets to Meredith Willson Street and Music Man Street effective October 1-7, 2001. **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2734 76. Civil Service Entrance Lists for Customer Service Representative, Identification Technician, Police Information Typist, Electronic Technician and Promotional List for Housing Services Maintenance Mechanic A. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

77. Bids for the following:

01-2735 (A) Iowa Transit, (Robert Welch, President, Ames), for survey station equipment to be used by the Engineering Department-\$25,130.67. (Nine bids mailed-six received). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2736 (B) Dewey Ford, (Mark Vuckovich, President, 444 East 4th, Des Moines) for one cube van to be used by the Fire Department - \$28,584. (Nine bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2737 (C) ASAP Software, (Buffalo Grove, IL), State of Iowa Contract No. CT2545, (Municipal Code Section 2-725(c)) for Microsoft software products to be used by the Information Technology Department, \$54,390.83. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2738 (D) Compaq Computer Corporation, (Houston, Texas), Western States Contract Alliance (WSCA), (Municipal Code Section 2-725(f)) for Compaq computer equipment to be used by the Wastewater Reclamation Facility, \$26,408. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2739 (E) RTL Equipment, (Rob Bonnstetter, President, Grimes, IA) for one end loader to be used by the Public Works Department - \$71,300. (Thirteen bids mailed-eight received). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2740 (F) Independent Salt Company, (M.D. Keenan, President, Kanopolis, KS) for an annual contract for rock salt to be used by the Public Works Department (Street Maintenance), \$200,000. (Four bids mailed-one received). ([Council Communication No. 01-463](#)) **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2741 78. Authorizing Acting Finance Director to draw checks on registers of September 14, 2001 and September 21, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks of September 10, 2001 and September 17, 2001; and to draw checks for biweekly payroll due on September 21, 2001. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

79. Vacating rights-of-way for incorporation within the site of the Iowa Events Center Project.

01-2742 (A) 3rd Street between School and Crocker Streets and between Crocker and Center

Streets. **Moved by Vlassis that this ordinance do now pass, #13,988. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Daniels.**

01-2743 (B) Center Street between 3rd Street and 5th Avenue. **Moved by Vlassis that this ordinance do now pass, #13,989. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Daniels.**

01-2744 (C) 4th Street between Center Street and Park Street. **Moved by Vlassis that this ordinance do now pass, #13,990. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Daniels.**

01-2745 (D) Air rights over, and subsurface rights under 2nd Avenue between Crocker and Center Streets, and a portion of the subsurface rights under 3rd Street between Center and Park Streets. **Moved by Vlassis that this ordinance do now pass, #13,991. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Daniels.**

01-2746 (E) Recommendation from City Plan and Zoning Commission. **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Daniels.**

01-2747 80. Amending Chapter 114 of the Municipal Code regarding excessively dark or reflective windshields and windows on motor vehicles; code update to comply with State Law. **Moved by Vlassis that this ordinance do now pass, #13,992. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

01-2748 81. Amending Chapter 42 of the Municipal Code regarding initiation of the hearing process for junk and debris appeals. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

01-2749 (A) Final consideration of ordinance above. **Moved by McPherson 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, #13,993. Motion Carried 6-1.**

01-2750 82. Amending Chapter 102 of the Municipal Code regarding the minimum width of skywalk corridors; Bridge 8C-9C over 8th Street alley to EMC Building. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

01-2751 83. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

(1) Handicapped Parking Meter Changes.

(2) Corner Clearance--West Side of Colfax Avenue south, of East Aurora Avenue.

(3) Two-Sided Parking Restriction--Creston Avenue from SW 63rd Street, East to and including the Cul-de-sac.

01-2752 (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, [#13,994](#).** Motion Carried 6-1.

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

COMMUNICATIONS/REPORTS

01-2753 84. Submitting recommendation and findings from the Animal Shelter Task Force. **Moved by Hensley to receive and file, and refer to the City Manager to obtain financial information from the Animal Rescue League. Motion Carried 6-1.**

01-2754 85. Request from Holy Trinity School Students, 2926 Beaver, represented by Nick Coleman, Catherine Chiodo, Ben Boesen, Quinn Goodwin, Brad Chelleen, Nicole Krier, Jake Yacinich and Sarah Shulte to speak regarding moving cross walks from the north side of Adams to the south side of Adams, to better serve the over 500 school children and elderly community in the neighborhood. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and Traffic and Transportation to complete changes at the earliest possible date. Move pedestrian control stop light and flashing school safety light further south. Motion Carried 6-1.**

01-2755 86. From Dream-Raheem and Harvey 2X Loyd, 1155 18th Street, requesting permission to speak regarding a "Crusade Against Tobacco" rally at Evelyn Davis Park, on September 15, 2001. **Moved by Vlassis to grant the request to speak. Motion Carried 6-1.**

01-2756 87. From Beaverdale Fall Festival Committee requesting permission to speak regarding permission to place "Berma Shave" signs on Urbandale Avenue medians to promote the festival from September 8th to September 22nd. **Moved by Vlassis to approve request. Motion Carried 6-1.**

****Council considered Hearing Items 90 thru 98 next****

01-2757 88. From area property owners, in favor of paving the alleyway between 1st Street and Oxford from Hull Avenue to Corning Avenue. **Moved by McPherson to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 6-1.**

01-2758 89. From Drake Neighborhood Association, represented by Larry James, Jr., Vice President requesting City Council to initiate rezoning of a portion of Drake Neighborhood

located south of University, north of MacVicar Freeway, west of Martin Luther King Jr. Parkway and east of 41st Street, from "R-3" Multiple Family Residential District to "R1-60" One Family, Low Density Residential District. **Moved by Vlassis to receive and file; to initiate consideration of the requested rezoning; and to refer the proposed rezoning to the City Plan and Zoning Commission for report and recommendation. Motion Carried 6-1.**

****Council considered Item 99 thru end of agenda next****

HEARINGS (Opened at 5:31 P.M.) (Items 90 thru 98)

01-2759 90. On Supplement No. 18 to the FAA Master Site Lease to allow installation, operation and maintenance of navigational aids for lengthened Runway 05. ([Council Communication No. 01-471](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

01-2760 90-I On appeal from Gary Kunze, 3922 75th Street, regarding Administrative Hearing Officer's decision on impounded motorcycle. **Moved by Hensley to defer to the September 24 meeting. Police Department to verify call was made to inform them of the situation. Motion Carried 6-1.**

01-2761 91. On License Agreement to convey E/W alley between Locust Street, Grand Avenue, E. 1st and E. 2nd Streets, to Embassy Suites, for egress from parking lot, \$1.00. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2762 92. On request from Pearl Homes, Inc. (Owner), Gerald Grubb (Officer) to rezone property located at 3009 East Payton Avenue from "A-1" and "R1-80" to "PUD" and approval of the "Pearl Lake" Concept Plan. **Moved by Brooks to adopt. Motion Carried 6-1.**

01-2763 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

01-2764 (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, [#13,995](#). Motion Carried 6-1.**

01-2765 (C) Approving amendment to the 2020 Community Character Land Use Plan, to revise the future land use designation. **Moved by Brooks to adopt. Motion Carried 6-1.**

01-2766 93. On E. University Avenue at Hubbell - Median Island Modification: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Elder Corporation, Jared Elder, President, DM), \$76,957.36. **Moved by McPherson to adopt. Motion Carried 6-1.**

01-2767 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1.**

01-2768 94. On Gray's Lake Resource Center - Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Larson & Larson, (Jeff Larson, President, DM), \$556,409. **Moved by Hensley to adopt. Motion Carried 6-1.**

01-2769 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1.**

01-2770 95. On Weld Shop Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Central States Roofing, (Mark Hanson, Ames), \$28,945. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2771 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-2772 96. On Ewing Park Parking Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Company, (Jim Gauger, President, DM), \$71,800. **Moved by Brooks to adopt. Motion Carried 6-1.**

01-2773 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

01-2774 97. On Center Street Dam Safety Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction, Inc., (Robert L. Johnson, President, DM), \$35,022.50. **Moved by Hensley to adopt. Motion Carried 6-1.**

01-2775 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1.**

01-2776 98. On Botanical Center Exhaust Dampers Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corn States Metal, (Randall Golay, President, WDM), \$32,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

01-2777 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1.**

**** END HEARINGS at 5:43 P.M. ****

Council considered Items 88, 89 and 99 thru end of agenda next

APPROVING

99. Items regarding the A.I.B. Building, 424-10th Street:

01-2778 (A) Recommendation to reject proposal to rehabilitate the building. ([Council Communication No. 01-473](#)) **Moved by Hensley to approve. Motion Carried 4-2-1. Nays: Flag and Vlassis. Absent: Daniels.**

01-2779 (B) Communication from the Urban Renewal Board on redevelopment proposal from Urban Development Corporation. **Moved by Hensley to receive and file. Motion Carried 4-2-1. Nays: Flag and Vlassis. Absent: Daniels.**

01-2780 (C) Resolution ordering asbestos abatement, Receiving of Bids, (9-25-01), and Setting Date of Hearing, (10-8-01), (Construction Estimate - \$105,000). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Flag and Vlassis. Absent: Daniels.**

01-2781 (D) Resolution ordering demolition, Receiving of Bids, (9-25-01), and Setting Date of Hearing, (10-8-01), (Construction Estimate - \$145,000). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Flag and Vlassis. Absent: Daniels.**

01-2782 100. Cooperative Agreement with United States Department of Housing and Urban Development (HUD) to provide \$75,720 to Des Moines Human Rights Commission to process housing discrimination complaints for current fiscal year and to attend training as required by HUD. **Moved by Brooks to adopt. Motion Carried 6-1.**

****Council considered Extra Item 1 next****

****Council Member McPherson left the meeting at 7:30 P.M.****

01-2783 101. Recommendation from Historic District Commission amending architectural guidelines titled "Building Rehabilitation in Des Moines' Historic Districts" regarding standards for gutters and downspouts. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2784 102. Memorandum of Understanding with the Waterbury Neighborhood Foundation for construction and design of a streetscape project at the Waterbury Neighborhood Entrance. ([Council Communication No. 01-474](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2785 103. Professional Services Agreement with Porter and Associates, for provision of Advertising and Public Relations Services for the Des Moines Park and Recreation Department. ([Council Communication No. 01-476](#)). **Moved by Coleman to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2786 104. Agreement to purchase Masonic Temple in the event that the developer is unable to proceed. ([Council Communication No. 01-475](#)). **Moved by Hensley to adopt. Motion**

Carried 5-2. Absent: Daniels and McPherson.

01-2787 105. Issuance of Request for Proposal for public safety communications improvements. ([Council Communication No. 01-460](#)). **Moved by Vlassis to adopt. Motion Carried 4-1-2. Pass: Coleman. Absent: Daniels and McPherson.**

01-2788 106. Agreement with the United States of America for rehabilitation of Flood Control Works Damage to Des Moines Flood Protection Levee System, Raccoon and Des Moines Rivers and authorization for entry for construction. ([Council Communication No. 01-466](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

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EXTRA ITEMS

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

01-2789 1. Approving Change Order No. 1 with Jensen Construction Company for additional work in conjunction with the Hubbell Avenue Bridge, not to exceed \$85,000. SPONSOR: McPherson. ([Council Communication No. 01-477](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-2790 2. Approving petition and waiver from property owner for construction of sidewalk on the east parking of SW 26th Street from Herold to Stanton. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2791 (A) Resolution of necessity. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2792 3. Request from Council Member Archie Brooks, to discuss parking on Porter between SW 9th Street and South Union. **Moved by Brooks to receive, file and refer to Traffic and Transportation for a recommendation. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2793 4. Request from Council Member Archie Brooks, to discuss acquisition of property at 1311 Scott Avenue. **Moved by Brooks to receive, file and refer to City Manager for report at the September 24th meeting. Motion Carried 5-2. Absent: Daniels and McPherson.**

A G E N D A

BOARD OF HEALTH
September 10, 2001

01-2794 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and McPherson.**

COMMUNICATION

01-2795 1. Regarding demolition cost reserve escrowed for 2304 Capitol Avenue. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 5-2. Absent: Daniels and McPherson.**

AUTHORIZING

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

01-2796 (A) 1912 Francis Avenue, (vacant), Titleholder: Pinnacle Partners, LLC, Attn: John Davis, Registered Agent; Contract Buyer; Emma J. Sanders a/k/a Emma J Daniels; and Legal Interest Holder: Schaer Financial, Attn: Jim Schaer. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2797 (B) 1002 E. 9th Street, (vacant), Titleholder: First National Acceptance Co., Attn: Prentice Hall Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2798 (C) 1703 16th Street, (vacant), Titleholders: John Davis and Christine Frank, d/b/a Heartland Communication, Inc., a/k/a Heartland Communications Inc., of Iowa; and contract Buyers; Lonnie J. Burnsworth, and Doris I. Burch. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2799 3. Authority for the Engineering Department to remove the structure at 1728 E. Grand, (vacant) Titleholder: Charles McBurney. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2800 4. Request from Craig B. Mikesell and Sue A. Middleton to reconsider previous Council action taken on 1711 Williams Street. (01-2636 of 8-20-01). **Moved by Vlassis to receive, file and grant the request to speak; defer to the September 24th Council Meeting. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-2801 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:51 P.M. Motion Carried 5-2. Absent: Daniels and McPherson.**

DES MOINES-CITY OF SKYWALKS