

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 22, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (A) Lupus Awareness Month
- (B) Miss Iowa Preteen - Kelsey Manning
- (C) American Red Cross Fundraiser Recognition
- (D) Weatherization Day - October 30, 2001

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

01-3125 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-3126 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3127 3. APPROVING CONSENT AGENDA - items 3 through 72: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-3128 4. Communication from Legal Department regarding October 22, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-3129 5. Consuelo Perez dba Angel's Mexican Restaurant, 1850 Easton Blvd; Renewal - Expires 11-1-01 (With Sunday Sales) - Application submitted 10-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

"C" Beer Licenses

01-3130 6. Apex Oil Inc., Patrick J. McManus, Director dba Apex Oil, 1200 Southeast 30th Street; Renewal - Expires 11-8-01 - Application submitted 9-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3131 7. Best Food Mart Inc., Ghumman Manjit, Owner dba Best Food Mart, 4028 NE 14th Street; Renewal - Expires 10-13-01 (With Sunday Sales) - Application submitted 9-12-01.

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

01-3132 8. Keck, Inc., Mark J. Meyer, President dba Petropointe On Second, 1501 2nd Avenue; Renewal - Expires 11-3-01 (With Sunday Sales) - Application submitted 9-19-01. **Moved by**

McPherson to adopt. Motion Carried 7-0.

Class "C" Beer/"B" Wine Licenses

01-3133 9. Foods, Inc., Bob Hand, President dba Dahl's Foods, 4343 Merle Hay Road; Renewal - Expires 11-2-01 (With Sunday Sales) - Application submitted 10-3-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3134 10. Foods, Inc., Bob Hand, President dba Dahl's Foods, 3711 Hubbell; Renewal - Expires 11-15-01 (With Sunday Sales) - Application submitted 10-3-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine/"E" Liquor Licenses

WITHDRAWN01-3135 11. IFFB, Inc., Sumanjit Kaur, President dba Sir Quick Stop, 4538 Lower Beaver Road; New Application (With Sunday Sales) - Application submitted 9-7-01.

Class "C" Beer-Wine Licenses

01-3136 12. Independence Theatres, L.C., Michael A. Coppola, Member dba The Fleur Cinema and Cafe, 4545 Fleur Drive; New Application (With Sunday Sales) - Application submitted 8-31-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-3137 13. B.V.T., Inc., Betty V. Theilen, President dba Dally's Pub and Emporium, 430 East Locust Street; Renewal - Expires 10-26-01 (With Sunday Sales) - Application submitted 9-25-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3138 14. Thomas V. Ellis, Inc., Thomas V. Ellis, President dba Ellis Island, 1833 Hubbell; Renewal - Expires 10-27-01 (With Sunday Sales) - Application submitted 9-27-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-3139 15. The Garden Inc., Scott Neasham, President dba The Garden, 112 Southeast 4th Street; Renewal - Expires 11-8-01 (With Sunday Sales and Outdoor Service) - Application submitted 10-4-01.

01-3140 16. Purple Cow Players, Ltd., Charles Carnes, President dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-4-01 (With Sunday Sales) - Application submitted 9-7-01.

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

01-3141 17. New Age, Inc., Anthony Trimnell, President dba New Age, 625 Court Avenue; New Application (With Sunday Sales and Outdoor Service) - Application submitted 8-27-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3142 18. Valley Park Stadium, Inc., Lawrence A. Reed, President dba Valley Park Stadium, 4337 Park Avenue; Renewal - Expires 10-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 10-1-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3143 19. MJK Beverage Management LLC, Michael J. Kelly, President dba West End Lounge, 2309 Forest Avenue; Renewal - Expires 10-31-01 (With Sunday Sales) - Application submitted 9-20-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

01-3144 20. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3145 21. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

01-3146 22. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

23. NUMBER NOT USED.

PUBLIC IMPROVEMENTS

24. Approving Agreements with Iowa Department of Transportation for the following:

01-3147 (A) Intersection modifications at the intersection of Fleur Drive and Bell Avenue - \$180,000. ([Council Communication No. 01-544](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3148 (B) Martin Luther King, Jr. Parkway Bikeway Bridge across the Raccoon River - \$400,000. ([Council Communication No. 01-545](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-3149 (C) Resurfacing East University Avenue (IA 163) from E. 14th Street to E. 41st Street - \$80,000. ([Council Communication No. 01-546](#)).

WITHDRAWN01-3150 (D) Replacement of traffic signals at intersection on Beaver Avenue and Hickman Road - \$155,000. ([Council Communication No. 01-547](#)).

01-3151 25. Approving Amended and Substituted Intergovernmental 28E Agreement relating to

Urban Design Standards for Public Improvements and Urban Standard Specification for Public Improvements. ([Council Communication No. 01-551](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

26. NUMBER NOT USED.

01-3152 27. Approving Martin Luther King, Jr. Parkway Paving Project: Raccoon River Bridge to Ingersoll Avenue - IDOT Project - - Resolution on submission of bids. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Coleman.**

01-3153 28. Approving contract and bond for the Beaver Avenue Pedestrian Signal Relocation - 2900 Block, Baker Electric Inc., (Britt Baker, DM), \$22,940. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-3154 29. Approving contract and bond for the Southeast Community Center Roof Replacement, Iowa Roofing Company, (David K. Guy, DM), \$14,450. ([Council Communication No. 01-550](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Hensley.**

01-3155 30. Approving contract and bond, and permission to sublet on the 2001 Intermediate Paving Program. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3156 (A) Approving petition and waiver from property owners, requesting extension of the paving on 36th Street, an additional 33 feet. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3157 (B) Resolution of necessity for 36th Street Intermediate Paving. **Moved by McPherson to adopt. Motion Carried 7-0.**

31. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

01-3158 (A) WRF Exhaust Modifications, Corn States Metal Fabricators, Inc., \$42,750 is now due and \$2,250 remaining balance is payable at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3159 (B) WRF HVAC Replacement 2001, A.J. Allen Mechanical Contractors, Inc. \$123,405 is now due and \$6,495 remaining balance is payable at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3160 32. Approving Private Construction Contract for Paving Improvement at the Airport Business Park Plat 2, Gannett Avenue, between SW 35th and SW 38th, Nuckolls Concrete Services, Inc., (Contractor) and ABC Partners, L.P. (Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3161 33. Authorizing City Engineer to proceed with Paving or Curb Replacement Program/Request to Repair Driveway waiver signed by the owner of 1427 56th Street. **Moved**

by McPherson to adopt. Motion Carried 7-0.

01-3162 34. Approving partial payments on fifteen (15) public improvement projects. (Call City Clerk's Office for List.) **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

35. Authorizing the Engineering Department to correct the following NAC-Emergency Orders Assessment Schedules, an administrative hearing was held and the charges were waived.

01-3163 (A) Schedule No. 2001-10, against property at District/Parcel 010/06903-001-002, in the amount of \$375. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3164 (B) Schedule No. 2001-04, against property at 2615 Boyd Street, in the amount of \$143.32. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3165 (C) Schedule No. 2001-27, against property at 2615 Boyd Street, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3166 (D) Schedule No. 2001-28, against property at 2615 Boyd Street, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3167 36. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of September 2001 for certification to Polk County, Schedule 2001-29. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3168 37. Authorizing Assessment Clerk to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental fees for the month of September 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-3169 (A) Schedule No. 2001-14. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3170 (B) Schedule No. 2001-33. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3171 39. Conveyance of disposition parcel 97-A in Metro Center Urban Renewal Area (1233 and 1243 Seventh Street) to Anawim Housing, Inc. ([Council Communication No. 01-536](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3172 40. Approve and accept right-of-way documents (Settlement Release Agreement) from Floyd and Maurine Coe, 4761 NE 46th Street for the Northeast Four Mile Sanitary Sewer Project-\$1,954 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3173 41. Approve and accept right-of-way documents from Bradley and S. Lauren Simms, 4210 NE 38th Street, for the Northeast Four Mile Sanitary Sewer Project-\$4,915 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3174 42. Approving Final Subdivision Plat entitled The Finches, located in vicinity of S.W. 30th Street and north of Willowmere Drive. ([Council Communication No. 01-535](#)). **Moved by Hensley to adopt and approve the subdivision plat, without a requirement to fence the retaining walls. Motion Carried 6-1. Pass: Flagg.**

01-3175 43. Authorizing payment of Condemnation Award for Permanent Structural Support Easement from Metzger-Smith Properties, L.L.C., 2111 Grand Avenue for the Martin Luther King, Jr. Parkway Project, \$50,000 plus Sheriff's fees and jury expenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3176 44. Approve and Accept Deed of Permanent Easement (Three) from Hawkeye Land Company and License Agreement from Iowa Interstate Railroad, Ltd. for North-South Segment of Martin Luther King, Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-3177 45. Recommendation of Mayor Preston Daniels to reappoint Odell McGhee to Seat 3 on the Water Works Board of Trustees for a six year term commencing April 1, 2001 to expire April 2, 2007. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3178 46. Recommendation of Council Member Archie Brooks to appoint Surasee Rodari to Seat 7 on the Human Rights Commission for a three-year term commencing April 1, 1999 to expire April 1, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

01-3179 47. Regarding request from Jerry D. Lohner, 3500 36th Street, for vacation and conveyance of a 252' x 40' strip of 36th Street right-of-way adjoining his property. **Moved by McPherson to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

48. On proposed issuance of the following bonds, (11-5-01):

01-3180 (A) \$31,000,000 General Obligation Refunding Bonds Series 1993B and 1994A. ([Council Communication No. 01-543](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3181 (B) \$4,000,000 General Obligation Refunding Bonds Series 1993A. ([Council](#)

[Communication No. 01-542](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3182 (C) \$4,000,000 General Obligation Hotel and Motel Tax Refunding Bonds Series 1992B. [\(Council Communication No. 01-541\)](#). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3183 49. On request from Thomas Keyes and Lorri Taylor, to rezone property at 1608 Dixon from "R-2A" (General Residential) to "M-1" (Light Industrial) subject to limitations, (11-5-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3184 50. On request from Neighborhood Improvement Corporation for vacation and conveyance of remaining alley rights-of-way in the block bounded by Vine, 1st, Court and 2nd, \$115,700, (11-5-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3185 51. On License Agreement with Des Moines Water Works Board of Trustees, for placement of "Data Collection Equipment" on 9 scattered fire department siren poles throughout the City, (11-5-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3186 52. On conveyance of vacated alley west of 2804 E. 16th Street, to Luther Care Service, \$50, for expansion of a residential side yard, (11-5-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3187 53. On conveyance of City property at 5723 Winona Avenue, to R.M. Madden Construction, for residential infill housing, \$15,000, (11-5-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-3188 54. Approving payment of \$2,353.66 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services in conjunction with the acquisition of properties for the Martin Luther King, Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3189 55. Approving payment of \$1,759.94 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3190 56. Approving settlements made by City Attorney, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

01-3191 57. Approving payment of \$648 to Lawrence McLellan of Bradshaw, Fowler, Proctor & Fairgrave, P.C. for assistance to the City in conjunction with the East 14th Street and East Euclid Sanitary Sewer Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-3192 58. Submitting out-of-state travel requests for Jack Kamerick, Pam Nannas, Matthew Rosen, and Eric Anderson. ([Council Communication No. 01-527](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3193 59. Submitting traffic regulation changes on University Avenue, between 29th Street and 48th Street. ([Council Communication No. 01-533](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

01-3194 60. Submitting various traffic regulation changes as follows: ([Council Communication No. 01-534](#)). **Moved by McPherson to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--West Side of East 27th Street, South of East Madison Avenue.

(2) Commercial Loading Zone Removal--North Side of Pleasant Street, East of 10th Street.

(3) Two-Sided Parking Revision--East 25th Street, South of University Avenue.

(4) Speed Limit Change--SE 34th Street Between Evergreen and Easter Lake Drive.

(5) Corner Clearance--South Side of Maple Street, East and West of East 28th Street.

APPROVING

WITHDRAWN01-3195 61. Fairmont Park Program Agreement with Neighborhood Finance Corporation to administer the Southwest Fairmont Park Neighborhood Enhancement Program. ([Council Communication No. 01-531](#)).

01-3196 62. Amendment to Agreement for Professional Services with William L. Anderson for additional services for the Western Gateway Implementation Plan. ([Council Communication No. 01-530](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3197 63. Revised Rules and Regulations of the Des Moines Human Rights Commission. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3198 64. Resolution releasing 1225 9th Street from the mortgage and restrictive covenants imposed as part of the grocery store project at 7th and University. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3199 65. Receipt of Quarterly Treasurer's Report for the three months ended September 30, 2001. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-3200 66. Tax Abatement Applications for additional value added by improvements made during 2001. (141 applications on file in Clerk's Office). ([Council Communication No. 01-528](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

67. Bids for the following:

01-3201 (A) Pomeroy Computer Resources, (Urbandale, IA), State of Iowa Contract No. 00-110B (Municipal Code Section 2-725(c)) for CISCO network infrastructure products to be used by the Aviation Department, \$26,936. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3202 (B) Ankeny Tractors, (H.J. Brown, President, Ankeny, IA) for one utility tractor to be used by Parks Department (Equipment Maintenance Center), \$36,984. (Five bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3203 (C) Greenbackville Volunteer Fire Department, (Brian Justice, President, Greenbackville, VA) for purchase of City of Des Moines Fire Department surplus property, one 1979 Pierce Ladder Truck, \$55,000. (Three bids mailed-one received). ([Council Communication No. 01-552](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3204 67. (D) All Makes Office Equipment, (Larry Kavich, President, DM, IA) for office furniture to be used by the Police Department, \$30,183.22.(Four bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3205 68. Civil Service Entrance Lists for Education Curator and Housing Services Case Manager. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-3206 69. Authorizing Finance Director to draw checks on the registers of October 26, 2001 and November 2, 2001; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 22, 2001 and October 29, 2001; and to draw checks for biweekly payroll due on November 2, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-3207 70. Amending Chapter 42 of the Municipal Code regarding definition of Noise Disturbance. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3208 71. Amending Chapter 42 of the Municipal Code regarding abatement, enforcement, liability and abandonment of property in the right-of-way (costs of abatement, location of items and service of notice). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3209 72. Amending Chapter 82 of the Municipal Code establishing a Public Arts Program and Public Arts Commission. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3210 (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, [#14,005](#). Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

01-3211 73. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes: **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance--West Side of 15th Street and North Side of Seneca Avenue.

(2) Commercial Loading Zone--North Side of Grand Avenue, West of 3rd Street.

WITHDRAWN01-3212 74. Amending Chapter 102 of the Municipal Code regarding benches and other encroachments within the border areas of streets--to include fee increase, revocation and hearing process, design standards, advertising and maintenance of areas around the benches.

01-3213 75. Amending the Municipal Code regarding boundaries of the City limits. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3214 76. Amending Chapter 74 of the Municipal Code regarding temporary fee adjustments for the Park and Recreation Department. ([Council Communication No. 01-549](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3215 77. Amending Chapter 62 of the Municipal Code, changing the number of members required to constitute a quorum on the Human Rights Commission. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3216 (A) Final consideration of ordinance above, (waiver requested by Legal Department), 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, [#14,006](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-3217 78. Presentation by Neighborhood Inspection Division regarding status of junk and debris cleanup process. **Moved by Coleman to receive and file presentation. Motion Carried 7-0.**

01-3218 79. From Michael Ray Anderson, 903 Frazier, regarding the need for bicycle racks for businesses expecting over 50 patrons a day to their facility. **Moved by Coleman to receive and**

file. Motion Carried 7-0.

01-3219 80. From Gerald LaBlanc, 8912 46th Ave. NE, Altoona, regarding the proposed sixteen acre golf course inside Glendale Cemetery. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

01-3220 81. From Raymond J. Garneau (Ray's Plumbing and Heating), 1315 Johnson Street, regarding the cost of City backfill of street holes. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and staff to report during Budget presentations. Motion Carried 7-0.**

**** Council considered Hearing Items No. 83 thru 92 next ****

01-3221 82. From Chair of Neighborhood Revitalization Board regarding recommendation on Capital Improvements Budget. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

**** Council considered the balance of the Agenda next ****

HEARINGS (Opened at 5:37 P.M.) (Items 83 thru 92)

83. On annexation of the following parcels of land:

01-3222 (A) 4440 NE Hubbell Road (formerly designated as 4340 N.E. Hubbell), Bulldog's Den Ltd., (Michael J. Chanas). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3223 (B) 4401 N.E. 46th Avenue, (Shirley Brown). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3224 84. On Proposed Fifth Amendment to Urban Renewal Plan for Metro Center Urban Renewal Project, to incorporate Vision Iowa Projects located in downtown. ([Council Communication No. 01-537](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Flagg, McPherson and Brooks.**

01-3225 (A) Recommendation from Plan and Zoning Commission, regarding the proposed 5th Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal District. **Moved by Hensley to receive and file. Motion Carried 4-3. Nays: Flagg, McPherson and Brooks.**

01-3226 (B) Communication from Kent Carlson, Urban Renewal Board, regarding lease rather than sale of the Library property and 1200 Grand Avenue. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Flagg, McPherson and Brooks.**

**** Council Member Flagg left the meeting at 6:20 P.M. ****

01-3227 85. On City-initiated Zoning Ordinance and Site Plan Regulations text amendments, regarding vehicle display lots. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Flagg.**

01-3228 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: McPherson. Absent: Flagg.**

WITHDRAWN 01-3229 (B) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

01-3230 86. On request from Mark Bochenstedt, to rezone property in the vicinity of SE 5th and Shaw from "R1-60" (One Family Low Density Residential), to "M-1" (Light Industrial) and Ltd. "M-1". **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3231 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-3232 (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, [#14,007](#). Motion Carried 6-1. Absent: Flagg.**

01-3233 87. On request from Iowa Citizens for Community Improvements, to rezone property at 2001 Forest Avenue from "C-2" (General Retail and Highway Oriented Commercial) and "C-0" (Commercial Residential) to "NPC" (Neighborhood Pedestrian Commercial) subject to conditions. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-3234 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-3235 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,008](#). Motion Carried 6-1. Absent: Flagg.**

88. NUMBER NOT USED.

01-3236 89. On conveyance of property in vicinity of vacated Ingersoll Avenue right-of-way, south of 5720 Waterbury Circle, to Thomas J. and Kristin L. Oppold, for expansion of residential yard, \$100. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3237 90. On Indianola Avenue Connector, (IDOT Project): Resolution on submission of bids

and designating lowest responsible bidder as Eco-Tech Construction, L.L.C. (Steve Gillotti, President, Grimes), \$1,983,099.30. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3238 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3239 91. On Douglas Avenue Widening at Beaver Avenue, (IDOT Project): Resolution on submission of bids and designating lowest responsible bidder as Cedar Valley Corp, (Steven R. Jackson, President, Waterloo), \$1,646,077.80. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3240 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3241 92. On Botanical Center Cafe Remodel: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President, DM), \$88,318. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3242 (A) Approving contract and bond and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

* * END HEARINGS at 6:55 P.M. * *

* * Council considered Item No. 82 next * *

APPROVING

01-3243 93. Establishment of a Sister Cities relationship with Catanzaro, Italy. **Moved by Brooks to adopt. Motion Carried 7-0.**

* * Council considered Item 93 at 4:30 P.M. * *

94. Items regarding the former Diller Battery Site, 701 Corning Avenue.

01-3244 (A) Authorizing execution of an Administrative Order on consent and agreement for a Removal Action. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3245 (B) Authorizing execution of a Participation Agreement for Joint Undertaking of a Removal Action. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3246 (C) Authorizing execution of Consultant Agreement for Engineering Design and Inspection Services. ([Council Communication No. 01-548](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3247 (D) Approving Real Estate Donation Agreement and Special Warranty Deed from Barbara Diller Bradshaw. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3248 95. Submitting to U.S. Department of Justice a re-application for continued recognition as a Weed & Seed Community. ([Council Communication No. 01-529](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

95-I Communications from the following, regarding Neighborhood Selection:

01-3249 (A) Chair of the Neighborhood Revitalization Board. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3250 (B) Polk County Board of Supervisors. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

*** * Council considered Item 94 next * ***

01-3251 96. Memorandum of Agreement with State Historic Society of Iowa and Iowa Department of Economic Development on Historic Architectural, and Archaeological Resources at the Vine Street Lofts Site (1st and Vine Streets). ([Council Communication No. 01-532](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3252 97. Execution of Cooperative Agreement with the U.S. Environmental Protection Agency to access \$200,000 in Federal Funds for staff support for Brownfields Showcase Community Activities. ([Council Communication No. 01-538](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Flagg.**

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A G E N D A
BOARD OF HEALTH
October 22, 2001

01-3253 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

COMMUNICATION

01-3254 1. Communication regarding demolition cost reserve escrowed for 1702 E. Glenwood Drive. **Moved by McPherson 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 6-1. Absent: Flagg.

AUTHORIZING

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

01-3255 (A) 2305 E. Grand Avenue (vacant) Titleholder: Scott A. Hulbert; Legal Interest Holder: Lederman Bonding Company, Attn: David Lederman, Registered Agent. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3256 (B) 1315 6th Avenue (vacant) Titleholder: Neighborhood Development Corporation, Attn: Quentin R. Boyken, Registered Agent. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3257 (C) 1196 9th Street (vacant) Titleholder: Polk County Bank, Attn: Tim Rhoades, Senior Vice President. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

3. The Engineering Department to remove the following structures:

01-3258 (A) 2621 Raccoon, Titleholders: James A. Farabi and Delores C. Farabi and 710 SE 27th Street, Titleholder, Rodney L. Ripperger. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3259 (B) 414 SE 7th Street, Titleholders: Heirs to the recorded titleholder, Teresa Faber, Jason Worthington, Malinda Worthington, Johnnie Worthington and Cindy Sly. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3260 4. Release of demolition cost reserve held under claim number 14P41659 regarding property known as 2304 Capitol Avenue, owned by Gordon Sheeder. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3261 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:12 P.M. Motion Carried 6-1. Absent: Flagg.**

DES MOINES-CITY OF SKYWALKS