

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**November 6, 2000 4:30 P.M.**

**SPECIAL PRESENTATION:**

Computers for Neighbors Program

**INVOCATION:** Father Peter Cade, St. George Greek Orthodox Church

00-4170 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-4171 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4172 3. APPROVING CONSENT AGENDA - items 3 through 64: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

00-4173 4. Communication from Legal Department regarding November 6, 2000 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer

00-4174 5. Hwang's Canton Inc., Hai Hwang, President dba Mr. Egg Roll, 3330 Indianola Road; Renewal - Expires 11-22-00 (With Sunday Sales) - Application submitted 10-19-00. **Moved by Vlassis to adopt. Motion Carried 5-2. Pass: Flagg and Brooks.**

Class "C" Beer Licenses

00-4175 6. Full Line Foods, Inc., Eufrazio Mayorga, President dba Tienda Mexicana, 1524 E. Grand; Renewal - Expires 11-18-00 (With Sunday Sales) - Application submitted 10-18-00. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

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

00-4176 7. American Drug Stores, Inc, Kevin H. Tripp, President dba Osco Drug Store #495, 1345 East University; Renewal - Expires 11-21-00 (With Sunday Sales) - Application submitted 10-24-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## Class "C" Liquor Licenses

00-4177 8. Nacho Business Inc., Richard Murillo, President dba Nacho Mamma's, 216 Court Avenue; Renewal - Expires 11-21-00 (With Sunday Sales and Outdoor Service) - Application submitted 10-23-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4178 9. Bulldog's Den, Ltd., Michael J. Chanas, President dba Stroll Inn, 3325 Hubbell Avenue; Renewal - Expires 11-19-00 (With Sunday Sales) - Application submitted 10-19-00. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4179 10. Varsity Cafe, Inc., John Shumacker, President dba Varsity Brasserie & Coffeehouse, 1229 - 25th Street; Renewal - Expires 11-14-00 (With Sunday Sales) - Application submitted 10-16-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## Authorizing

00-4180 11. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

00-4181 12. Approving agreement with Shive-Hattery, Inc. (Tom Hayden, President, Cedar Rapids) for design and construction phase services in conjunction with 4th and Grand Parking Garage Relighting - \$19,250. ([Council Communication No. 00-500](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4182 13. Approving Agreement with Iowa Department of Transportation for S.W. 9th Street at Porter Avenue Intersection Improvements. ([Council Communication No. 00-501](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

14. Resolution Ordering Construction of the following:

00-4183 (A) Grandshire Area Sanitary Sewer, (Receiving of Bids 11-21-00), and (Setting Date of Hearing 12-4-00), (Construction Cost Estimate - \$2,073,281). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4184 (B) Ingersoll Run Sewer Rehabilitation- 24th Street to 28th Street, (Receiving of Bids 11-21-00), and (Setting Date of Hearing 12-4-00), (Construction Cost Estimate - \$529,315). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4185 15. Agreement with U.S. Department of Interior Geological Survey for operation of City's six gaging stations (63rd Street on Walnut Creek, Easton Boulevard on Four Mile Creek, Fleur Drive on Raccoon River, 63rd Street on Raccoon River, 2nd Avenue on Des Moines River, Van Meter on Raccoon River) for period from October 1, 2000 to September 30, 2001 - City to contribute \$26,341.68, West Des Moines - \$9,991.66, Des Moines Water Works - \$7,266.66 and

U.S. Geological Survey - \$21,800. ([Council Communication No. 00-509](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4186 16. Approving Amendment No. 2 to agreement with Black & Veatch, a Limited Liability Partnership (P.J. Adam, CEO, Kansas City, MO) to perform additional engineering services during the construction phase of Des Moines Metropolitan Wastewater Reclamation Facility Grit Handling System Improvements in amount not to exceed \$441,500. ([Council Communication No. 00-521](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4187 (A) Approving Contract and Bond and Permission to Sublet, with Story Construction (Richard Johnson, President; Ames). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4188 17. Approving Agreement with Mid-American Energy for installation of electrical service for sewer pumping station as part of Southeast Airport Trunk Sewer-Phase 2 Pump Station. ([Council Communication No. 00-510](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

18. Approving Private Construction Contract for the following:

00-4189 (A) Street Improvements for PCC paving in Meadowlands Plat 1, located at Indianola Avenue and Meadowland Chase between Eco-Tech Construction, L.C.C. (Jim Mackey, Manager, West Des Moines), Contractor and Oaks Development (John C. Kline, President, West Des Moines), Owner - \$115,076. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4190 (B) Street Improvements for PCC paving in Park Place Plat 1, located at E. Park Avenue and SE 23rd Street between Eco-Tech Construction, L.C.C. (Steve Gillotti, Manager, West Des Moines), Contractor and Oaks Development (John C. Kline, President, West Des Moines), Owner - \$119,990. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4191 (C) Sanitary Sewer Improvements for The Meadowlands Townhomes, 2100 Meadow Chase Lane between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractor and Oaks Development (John C. Kline, President, West Des Moines), Owner - \$30,100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4192 (D) Street Improvements for Stanton Acres Subdivision at Stanton Avenue and SW 33rd Street between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola), Contractor and Cooper Homes (James Cooper, President), Owner - \$59,562. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4193 (E) Sanitary Sewer Improvements for Sunrise Estate Plat 3, located at E. 43rd Court and Hull Avenue between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractor and Oaks Development (John C. Kline, President, West Des Moines), Owner - \$126,550. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4194 (F) Storm Sewer Improvements for Sunrise Estate Plat 3, located at E. 43rd Court and Hull Avenue between McAninch Corporation (Dwayne McAninch, President, West Des

Moines), Contractor and Oaks Development (John C. Kline, President, West Des Moines), Owner - \$82,650. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4195 (G) Sanitary Sewer Improvements for Hillsboro Phase 1, located at Indianola Road and E. Southdale Drive between McAninch Corporation (Douglas McAninch, Vice President, West Des Moines), Contractor and Jerry's Homes (Jerry Grubb, President, Urbandale), Owner - \$171,454. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4196 (H) Storm Sewer Improvements for Hillsboro Phase 1, located at Indianola Road and E. Southdale Drive between McAninch Corporation (Douglas McAninch, Vice President, West Des Moines), Contractor and Jerry's Homes (Jerry Grubb, President, Urbandale), Owner - \$168,599.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4197 (I) Sanitary Sewer Improvements for proposed Three Lakes Estates Plat 4 Development located at SE 27th Street and E. Pine Avenue between Van Hauen & Associates, Inc. (Mark Van Hauen, President, Clive), Contractor and Erickson Development, Inc. (Tim Erickson, President), Owner - \$151,180. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4198 (J) Storm Sewer Improvements for proposed Three Lakes Estates Plat 4 Development located at SE 27th Street and E. Pine Avenue between Van Hauen & Associates, Inc. (Mark Van Hauen, President, Clive), Contractor and Erickson Development, Inc., (Tim Erickson, President), Owner - \$179,933. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4199 19. Authorizing City Engineer to proceed with Sidewalk Program/Request to Repair Drive Petition and Waiver forms executed by owners of four properties and curb replacement program/request to repair driveway executed by owner of one property. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4200 20. Approving partial payments on nine public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4201 21. Communications from The Electric Company of Greater Des Moines, Larry Ball, President, requesting permission to sublet certain items on the Stone Park Lighting Improvements project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

00-4202 (A) Water Service Backflow Preventers, and the remaining balance of \$4,929.60 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4203 (B) Gray's Lake Recreational Trail Grading Southwest, \$2,291.64 is now due and remaining balance of \$1,243.92 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4204 (C) Parks Building Reroofing-2000, and the remaining balance of \$1,100 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4205 23. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of October, 2000, for Certification to Polk County Treasurer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4206 24. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for October, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

00-4207 25. Approving termination of previous Structure Removal Contract with Eric Johnson and approving negotiated sale and Structure Removal Contract with Robert N. Robbins to remove the house at 6740 SW 30th Street. ([Council Communication No. 00-506](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4208 26. Approving reduction of Letter of Credit No. 6020 in amount of \$144,648 from Union Planters Bank as surety for additional improvements be reduced to \$33,207 for satisfactory completion of remaining sidewalk improvements for BROOK RUN VILLAGE PLAT 1. ([Council Communication No. 00-503](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4209 27. Release of Subdivision Bond No. IAC 23737 in amount of \$23,288 from Merchants Bonding Company as security for estimated cost of completion of required sidewalks for EASTER LAKE ESTATES, PLAT 2. ([Council Communication No. 00-504](#)). **Moved by Brooks to adopt. Staff to assure contractor restores curb cut and sidewalk at SE 32nd and Wall. Motion Carried 7-0.**

00-4210 28. Release of Subdivision Bond IAC 17305 from Merchants Bonding Company (\$84,575) and Letter of Credit No. S300246 from Norwest Bank (\$15,360) as security for satisfactory completion of sidewalks and erosion control for SUNRISE ESTATES PLAT NO. 1. ([Council Communication No. 00-505](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4211 29. Approving Planned Unit Development District (PUD) Restoration Bond in the amount of \$11,236 from owner/developer, Paul Heuss for Meredith Townhomes Project located at 5555-5611 Meredith Drive. ([Council Communication No. 00-499](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4212 30. Accepting Quit Claim Deed for property at 2301 Shaw Street in conjunction with Martin Luther King, Jr. Parkway By-Pass Connector Project, from Polk County Tax Sale. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

00-4213 31. Formal recognition of Fairmont Park Neighborhood Association in accordance with the Neighborhood Recognition Policy in area generally bound by East Euclid Avenue (North), Hubbell Avenue, (East), Easton Boulevard, (South) and Delaware Avenue, (West), ([Council Communication No. 00-502](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

00-4214 (A) Communication from Chair of Neighborhood Revitalization Board. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-4215 (B) Communication from Council Member Tom Vlassis, regarding Neighborhood Recognition Policy. **Moved by Vlassis to receive, file and direct that prior to adoption of any change in the Neighborhood Recognition Process, the proposed change be received and filed by the Council, and referred to the Neighborhood Organizations for their review and comment. After Council has received information from the Neighborhoods, the proposed changes will be presented to Council for consideration and then direct changes as necessary to the Neighborhood Revitalization Board. Motion Carried 7-0.**

00-4216 32. Approving Eighteenth Annual Boards and Commissions Appreciation Dinner on Thursday, April 12, 2001 at the Airport Holiday Inn, 6111 Fleur Drive. **Moved by Coleman to adopt and appoint Council Member Vlassis to assist with funds and solicitation. Motion Carried 7-0.**

33. NUMBER NOT USED.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

00-4217 34. Regarding approval of the request from Chester Guinn (Owner), 726 15th Street, for vacation and conveyance of east/west alley from 15th Street to north/south alley between Center Street and Park Street. **Moved by Vlassis to receive and file, and refer to the City Manager and Legal Department to implement. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

35. On the following applications for a Certificate of Public Convenience and Necessity:

00-4218 (A) Request from Cory Shelton, Personal Chauffers to operate a taxicab service in the City of Des Moines, (11-20-00) **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4219 (B) Request from William V. Benvenuti, Star 1 Limousine Service to operate a limousine service, (11-20-00) **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4220 (C) Request from Trans Iowa L.C., d/b/a Trans Iowa Express, to operate a limousine service, (11-20-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4221 36. On sale of two Frisbee Park properties, to the West Des Moines Schools, (11-20-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4222 37. On sale of 17 Frisbee Park properties, to Barnes Realty and R.M. Madden Construction, (11-20-00). **Moved by Flagg to adopt. Motion Carried 7-0.**

00-4223 38. On request to rezone property located between Cherry Street and the east/west alley south of Mulberry Street and between SW 8th Street and SW 9th Street from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District for planned expansion of Wells-Fargo facilities, (11-20-00). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4224 39. On consideration of a contract for sale of land for private redevelopment with Wells Fargo Financial, Inc, including acquisition, vacation and conveyance to Wells Fargo of land in the two block area bounded by 8th, 9th, Walnut and Cherry Street, (11-20-00). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4225 40. On vacation of right-of-way adjoining 1951 Courtland Drive, to Jason M. and Sharon L. Hunt, \$50, to Richard H., and Elba J. Seliger, \$50, (11-20-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

00-4226 41. Appointment of David L. Phillips as Assistant City Attorney in the Intergovernmental Division at an annual salary in the Assistant City Attorneys salary range of 7.5, effective November 29, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4227 42. Approving payment of \$5,992.40 to Nyemaster Law Firm for representation of Officer Michael McBride in the case of Mary Elaine (Kirsch) Sinclair as Administrator of Estate of Adam Lawrence Clark v. City of Des Moines, Michael McBride and Timothy Peak. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4228 43. Approving payment of \$354.42 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Michael Stueckrath in case Gales v. Huffman. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

00-4229 44. Approving payment of \$12,907.12 to Spiegel & McDiarmid Law Firm for assistance to City in conjunction with the Riverpoint West Redevelopment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4230 45. Approving outside legal services from Gary Mattson in the amount of \$95.00 per hour to represent the City for the defense of Greg Dickel in Federal District Court entitled William L. Taylor v. Cynthia Donahue, Greg Dickel and Martin Siebert. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4231 46. Approving outside legal services from Angie Shutts in the amount of \$95.00 per hour to represent the City for the defense of Cynthia Donahue in Federal District Court entitled William L. Taylor v. Cynthia Donahue, Greg Dickel and Martin Siebert. **Moved by Vlassis to**

**adopt. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

00-4232 47. Submitting out-of-state travel requests for James Morano, John Feeley, Jon Frisch, Chris Connelly, Royce Hammitt, Eric Anderson and Rahn Bjornson. ([Council Communication No. 00-496](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4233 48. Submitting various traffic regulation changes as follows, ([Council Communication No. 00-513](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Changes in Maximum Load Limits on Certain Bridges

(2) Corner Clearance Parking Restriction--West Side of SW 13th Street North and South of Wade Street and on the North Side of Wade Street East and West of SW 13th Street.

(3) No Stopping or Standing Restriction--Both Sides of SE 5th Street from East Jackson Avenue to East Granger Avenue and North Side of East Granger Avenue West of SE 5th Street and an Extension of the Current No Parking Restriction on SE 5th Street to East Jackson Avenue.

(4) Corner Clearance Parking Restriction--West Side of East 6th Street North of Buchanan Street.

(5) Corner Clearance Parking Restriction--North Side of East Seneca Avenue East of East 9th Street.

(6) Corner Clearance Parking Restriction--North Side of Cherry Street West of 9th Street.

(7) One-Sided Parking Restriction--North Side of Franklin Avenue from 62nd Street to 63rd Street.

## **APPROVING**

00-4234 49. Request from St. Augustin Home & School, to hang banner in celebration of national Day of Appreciation for Catholic School Principals, on November 15-16, 2000. **Moved by Vlassis to grant permission to hang banners. Motion Carried 7-0.**

00-4235 50. Receipt of recommendation from the Citizen Advisory Wading Pool Committee, on the future development of Des Moines wading pools. ([Council Communication No. 00-514](#)). **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-4236 51. Gray's Lake Fundraising Coordinator Agreement with Capitol Resources (Nicole Schinger, President), to coordinate and manage the private capital campaign. ([Council Communication No. 00-515](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**



00-4237 52. Approving two-year Program Objectives and Budget Grant Application, for "Keep Des Moines Beautiful". ([Council Communication No. 00-517](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4238 53. Approving Grant Agreement for Park and Recreation Department to manage the 2001 AmeriCorps programming beginning January 1, 2001. ([Council Communication No. 00-518](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4239 54. Approving Lease Agreement with Boys and Girls Clubs of Central Iowa for use of Logan Community Center. ([Council Communication No. 00-519](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4240 55. Approving 28-E Agreement with Des Moines Independent Community School District and Des Moines Park and Recreation Department to share grounds and facilities. ([Council Communication No. 00-520](#)). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

00-4241 56. Authorizing Amendment to Program Concept Guidelines for Single Family Affordable Housing Program for house moving and rehabilitation of property at 2600 Dean. ([Council Communication No. 00-498](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

00-4242 57. Approving additional Form of Agreement between West Des Moines State Bank (West Bank) and City of Des Moines for dispersal of Federal Home Loan Bank Affordable Housing Program Grant in amount of \$249,999. ([Council Communication No. 00-507](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

58. Bids for the following:

00-4243 (A) Logan Contractors Supply, Inc., (4101 - 106th Street, Urbandale, IA., Jerry L. Logan, President) for two (2) replacement concrete saws and trailers to be used by the Public Works Department (Street Maintenance), \$39,672. (Eleven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4244 (B) Mid-States Ford Truck Sales, Inc., (3400 NE 14th Street, Marv Perry, President) for 3/4 ton truck, \$25,277.70, and Charles Gabus Ford, Inc. (Charles Gabus, President) for 1-ton truck, \$25,635.85 to be used by the Public Works Department (Equipment Maintenance), Total cost \$50,913.55. (Ten bids mailed-six received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4245 (C) Bid awarded to O'Halloran International, Inc., (751 E. Market Street, Jim O'Halloran, President) for one 39,000 GVW truck, Karl Chevrolet, Inc., Ankeny, IA., Carl Moyer, President) for a one-ton truck, and Dewey Ford, Inc., (444 E. 4th Street, Mark Vukovich, President) for two pickup trucks to be used by Public Works Department at a total cost of \$127,668.27. (Eleven bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4246 (D) Ankeny Tractor, Inc., (Ankeny, IA., Herb Brown, President) for two (2) replacement multi-use vehicles to be used by the Park and Recreation Department, \$86,970. Bid received from Puritt, Inc., Omaha, NE. did not meet specifications, therefore, non-compliant. (Fourteen bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

00-4247 (E) Big Bear Equipment Co., (Waukee, IA., Dave Wilson, President) for two (2) replacement fairway mowers to be used by the Park and Recreation Department, \$46,640. (Eleven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4248 (F) Smurfit Stone Container Corporation (Dr. Michael W. J. Smurfit, President) for an annual contract with two renewal options for yard waste bags, to be used by Public Works Department, Sanitation Division, \$300,000. (Eleven bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-4249 59. Authorizing Acting Finance Director to draw checks on register of November 3, 2000 and for the bills of the Des Moines Municipal Housing Agency for the week beginning October 30, 2000 and to draw checks for bi-weekly payroll due on November 3, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

00-4250 60. On amendments to the Zoning Ordinance and Site Plan Regulations, regarding allowed 100 foot extension of off-street parking into a district where it would not otherwise be allowed for customer and employee parking. **Moved by Vlassis that this ordinance do now pass, [#13,878](#). Motion Carried 7-0.**

00-4251 61. On rezoning of property in the vicinity of 4301 Park Avenue, from "C-1" (Neighborhood Retail Commercial) to an "R-3" (Multiple Family Residential District). **Moved by Vlassis that this ordinance do now pass, [#13,879](#). Motion Carried 7-0.**

00-4252 62. On rezoning of property in the vicinity of 4205 Park Avenue, from "C-1" (Neighborhood Retail Commercial) to "R-3" (Multiple Family Residential District). **Moved by Vlassis that this ordinance do now pass, [#13,880](#). Motion Carried 7-0.**

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

00-4253 63. On vacation of the North 28 feet of two separate segments of Elm Street, from 5th to 6th, and from 6th to 7th. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Pass: Flagg.**

00-4254 64. On amendment to the Zoning Ordinance and Site Plan Regulations, regarding site development standards for landscaping in C-1 and C-2 Districts. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-4255 (A) Final consideration of ordinance above, (waiver requested by Community

Development Dept), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,881](#). Motion Carried 7-0.**

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

**\*\*Council considered Added Extra Item #2 next\*\***

## **ORDINANCES - FIRST CONSIDERATION**

65. Amending Chapter 126, regarding the following:

00-4256 (A) Qualifications for Limousine Drivers. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4257 (B) Qualifications for Taxicab Drivers. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4258 66. Amending Chapter 74 of the Municipal Code regarding garden reservation fee for Greenwood Rose Garden. ([Council Communication No. 00-516](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

## **COUNCIL REQUESTS**

00-4259 67. From Mayor Preston Daniels to discuss coordination of Special Community Events in Downtown. **Moved by Hensley to discuss, and refer to City Manager. Motion Carried 7-0.**

00-4260 68. From Council Member Mike McPherson, submitting petition from Renee Havran and neighbors, for a stop sign at Madison Avenue and 9th Street. **Moved by McPherson to receive, file and discuss; and refer to Traffic Safety Committee for review and recommendation. Motion Carried 7-0.**

00-4261 69. From Council Member George Flagg, to discuss progress of paving projects in Drake area. **Moved by Flagg to refer to City Manager for a report. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS**

00-4262 70. Receipt of Petitions submitted to continue the Downtown Des Moines Self Supported Municipal Improvement District (SSMID), for referral to Plan and Zoning for a recommendation at the November 20 Council meeting. **Moved by Hensley to receive, file and refer to the City Plan and Zoning Commission for preparation of an evaluative report on the merit and feasibility on continuation of the Downtown Des Moines SSMID project and to make recommendations with respect to continuation of the Downtown Des Moines**

**SSMID Project to be received by the City Council for the November 20, 2000 regular City Council meeting. City Manager to provide a report on the progress of all SSMID's. Motion Carried 7-0.**

00-4263 71. From Bob Nunemann (3720 Chicago) and Denise Avery (3724 Chicago) requesting to speak regarding sale of portion of Chicago Avenue. **Moved by McPherson to receive, file and grant request to speak. Motion Carried 7-0.**

00-4264 (A) Reconsidering sale of portion of Chicago Avenue and approving amended conveyance retaining an additional ten feet of street, to allow a turnaround provision at the end of the street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-4265 72. From City Clerk submitting 2001 City Council schedule of meeting dates for Council consideration and approval. **Moved by Coleman to receive, file and approve the schedule as submitted. Motion Carried 6-1. Nays: Brooks.**

#### **INFORMAL HEARINGS (Opened at 5:32 P.M.) (Item 73)**

00-4266 73. On proposed City Operating Budget and CIP Budget. **Moved by Hensley to receive and file comments received. Motion Carried 5-2. Absent: Coleman and McPherson.**

#### **HEARINGS (Opened at 5:40 P.M.) (Items 74 thru 80)**

00-4267 74. On the 2001 HUD Consolidated Plan, for allocation of CDBG funding. [\(Council Communication No. 00-497\)](#). **Moved by Hensley to adopt. If additional CDBG funds are allocated, the following are to be given priority: OTT would receive the first \$17,000, next would be NCS, and consideration of formation of a housing pool (utility companies to assist) and then CHDC. City Manager will present additional funding to Council for approval as money comes forward. Motion Carried 5-2. Pass: Flagg and Vlassis.**

00-4268 (A) Communication from Neighborhood Revitalization Board Chair. **Moved by Hensley to receive and file. Motion Carried 5-2. Pass: Flagg and Vlassis.**

00-4269 (B) Approving Comprehensive Strategy Environmental Review Record, Finding No Significant Impact on the Environment and Publishing Notice of Intent to Request Release of Funds. **Moved by Hensley to receive and file. Motion Carried 5-2. Pass: Flagg and Vlassis.**

00-4270 75. On proposed Second Amendment to the Urban Renewal Plan for the Metro Center Urban Renewal Project, to identify additional urban renewal projects. [\(Council Communication No. 00-522\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4271 (A) City Plan Commission recommendation regarding the proposed Second Amendment to the Metro Center Urban Renewal Plan. **Moved by Hensley to receive and file. Motion Carried 7-0.**

00-4272 (B) Setting Date of Hearing on proposed Third Amendment to the Metro Center Urban Renewal Plan, to provide for implementation of the Western Gateway Framework Plan and the Western Gateway Goals and Guiding Principals, including construction of a library, (12-4-00). ([Council Communication No. 00-523](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-4273 76. On proposed amendment to the Zoning Ordinance for inclusion of a new "C-3R" Central Business District Mixed Residential District, to be applied to the Court Avenue area with goal of encouraging downtown housing. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

00-4274 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: McPherson and Vlassis.**

00-4275 (B) Resolution approving amendments to the Landscaping Standards in the Site Plan Polices, to address landscaping of parking lots in "C-3R" Districts. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

00-4276 77. On Amendment to the Zoning Ordinance, creating an Entertainment Sign Overlay District, wherein the regulation of signs would be reduced to allow a greater variety of signage. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: McPherson, Brooks and Vlassis.**

00-4277 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Absent: McPherson, Brooks and Vlassis.**

00-4278 78. On vacation and conveyance of the alley north of Mulberry Street and west of 10th Street, to Principiant Hotel Company, L.C., \$100. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

00-4279 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

00-4280 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,882](#). Motion Carried 7-0.**

**\*\*Council Member Flagg left the meeting at 7:23 P.M.\*\***

00-4281 79. On request from Frisbee Park, L.C., represented by John Kline, Randy Walters and Dick O'Connor, to rezone property at 5801 North Valley Drive, from "R1-60" (One Family, Low Density Residential), "U-1" (Floodplain) and "FW" (Floodway District), to PUD, and to approve Conceptual Plan providing for construction of 56 townhomes. **Moved by Hensley to adopt, subject to the Conceptual Plan being first amended to identify that the property owner agrees to the following conditions: (A) The owners of the property shall not protest any future assessment for the paving of North Valley Drive, including the installation of sidewalks, (B) This agreement shall be reflected in the covenants for the property. Motion Carried 6-1. Absent: Flagg.**

00-4282 (A) First consideration of ordinance above, (requires 6 votes due to sufficient protest received). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

00-4283 (B) Final consideration of ordinance above, (Waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,883](#). Motion Carried 6-1. Absent: Flagg.**

00-4284 (C) Communication from Barbara Bell and Lou Erbstein, 304 52nd Street, requesting to speak. **Moved by Brooks to receive, file and refer the issue of utilizing City-owned land in computing percentage of objection for rezoning issues to the Plan and Zoning Commission, for recommendation and a policy, within 45 days. Motion Carried 6-1. Absent: Flagg.**

00-4285 80. On Drake Park Basketball Court: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Double T Asphalt Co., Inc., (Kathleen B. Burris, President, Pleasant Hill, IA), \$43,651. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4286 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

\* \* END HEARINGS at 7:53 P.M. \* \*

## **APPROVING**

**WITHDRAWN** 00-4287 81. Second Amendment to the contract for Sale of Land for Private Redevelopment, with Nationwide Mutual Insurance Company, for redevelopment of the Allied Gateway Campus.

00-4288 82. Consideration of a Comprehensive Solid Waste Program. ([Council Communication No. 00-508](#)). **Moved by McPherson to adopt the recommendation of the City Manager, as presented at the meeting. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4289 (A) Requests to speak regarding the above. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4290 83. Agreement for Enhanced Parking System Customer Services and Related Program with Downtown Community Alliance, for the Downtown Parking System. ([Council Communication No. 00-512](#)). **Moved by Hensley to adopt. Motion Carried 4-1-2. Pass: Brooks. Absent: Flagg and Vlassis.**

00-4291 84. Submission of applications to Metropolitan Planning Organization for Federal Surface Transportation Program (STP) and Transportation Enhancement (TE) fund for various projects. (Call City Clerk's Office for list). ([Council Communication No. 00-511](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4292 85. Recommendations regarding a new development proposal at 601 E. Locust Street, in Gateway East. ([Council Communication No. 00-524](#)). **Moved by Brooks to receive, file and adopt recommendations as contained in Council Communication No. 00-524. Motion Carried 5-2. Absent: Flagg and Vlassis.**

00-4293 (A) Communication from William Lillis, representing Iowa State Bank Holding Company, regarding proposed new development at 601 E. Locust. **Moved by Brooks to receive and file. Motion Carried 5-2. Absent: Flagg and 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.**

00-4294 1. Approving Certificate of Completion for the Brown-Camp Lofts Development (100 First St.), Disposition Parcel No. 6/ Riverpoint Capitol Center Urban Renewal Area/Water Tower Development Corporation, Developer. SPONSOR: Hensley. ([Council Communication No. 00-525](#)) **Moved by McPherson to approve. Motion Carried 6-1. Absent:**

00-4295 2. Oral request of Council Member At-Large George Flagg, to allow those in the audience to speak regarding support of retaining the Masonic Temple in Gateway West. **Moved by Flagg to receive and file petitions, and grant the request to speak. Motion Carried 7-0.**

## **A G E N D A**

**BOARD OF HEALTH**  
**November 6, 2000**

00-4296 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

**AUTHORIZING**

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

00-4297 (A) 257 Hackley (vacant) Titleholder: Linda Jo Kilgore Trust, Attn: Robert Madden, Jr., Trustee; Contract Buyers: Edwin J. and Jenifer L Ware. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4298 (B) 1112 Jefferson (vacant) Titleholders: Primo Acquisitions I, L.L.C., Attn: John Davis, Registered Agent; Contract Buyers: Cash Consultants, L.C., John Davis Registered Agent, and Legal Interest Holders: Norwest Bank n/k/a Wells Fargo Bank, Iowa Attn: Mike Bates, Senior Legal Counsel. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4299 (C) 126 SE 33rd Court (vacant) Titleholder: James Holmes a/k/a James Holm: Legal Interest Holders: Larry West, Mooring Tax Asset Group, Attn: James Meeks. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4300 2. Release of demolition cost reserve escrowed under claim number 20K04319 regarding property known as 2918 Oxford owned by Don and Phyllis Bishop. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4301 3. Release of demolition cost reserve escrowed under claim number 74A00862, regarding property known as 220 E. Payton owned by Ernest Lee and Rhonda Marcum. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

4. Authorizing The Engineering Department to remove the following structures:

00-4302 (A) 3728 Indianapolis, titleholder, Dennis Giehl. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4303 (B) 1304 E. 26th Street, titleholder, Bill Holtz. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

00-4304 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 8:43 P.M. Motion Carried 6-1. Absent: Flagg.**