

SUMMARY OF DES MOINES CITY COUNCIL MEETING

November 20, 2000 4:30 P.M.

INVOCATION: George Flagg, Council Member at Large

00-4305 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-4306 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4307 3. APPROVING CONSENT AGENDA - items 3 through 68: **Moved by Coleman to adopt the balance of the consent agenda. Motion Carried 7-0.**

00-4308 Presentation by Polk Country Supervisors and Administrators regarding the proposed Iowa Events Center. **Moved by Hensley to receive and file. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

00-4309 4. Communication from Legal Department regarding November 20, 2000 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 7-0.**

Class "B" Beer

00-4310 5. Happy Joe's Pizza & Ice Cream Parlor, Larry J. Whitty, President dba Happy Joe's, 1402 East McKinley; Renewal - Expires 11-30-00 (With Sunday Sales) - Application submitted 11-13-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4311 6. Peter J. Leonetti, Jr. dba Noodle's Pasta Shop, 2924 Southwest 9th Street; Renewal - Expires 12-9-00 - Application submitted 11-6-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

00-4312 7. Edward E. Jones dba Fairground "66", 303 SE 30th Street; Renewal - Expires 11-21-00 (With Sunday Sales) - Application submitted 11-15-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4313 8. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #555, 4001 Southwest 9th Street; Renewal - Expires 12-17-00 (With Sunday Sales) - Application submitted 11-3-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4314 9. Kum & Go L.C., Kyle J. Krause, President dba Kum & Go #207, 4200 Hubbell; Renewal - Expires 12-29-00 (With Sunday Sales) - Application submitted 10-19-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

00-4315 10. Drake Liquor Store LTD, Robert Braune, President dba Drake Liquor Store, 2106 Forest Avenue; Renewal - Expires 12-8-00 (With Sunday Sales) - Application submitted 11-6-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4316 11. Kum & Go L.C. Kyle J. Krause, President dba Kum & Go #2742, 4164 Easton; Renewal - Expires 12-29-00 (With Sunday Sales) - Application submitted 10-19-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

00-4317 12. Air Lanes, LTD, Ron Pohlad, President dba Air Lanes, 4200 Fleur Drive; Renewal - Expires 12-3-00 (With Sunday Sales) - Application submitted 10-27-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4318 13. Club Two, Inc., Craig A. Haugh, President dba Club 2000, 2000 Southeast 1st Street; Renewal - Expires 12-5-00 (With Sunday Sales) - Application submitted 11-3-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4319 14. Gino's Restaurant & Lounge, Inc., Gene Foggia, President dba Gino's Restaurant & Lounge, 2809 6th Avenue; Renewal - Expires 11-28-00 - Application submitted 10-18-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4320 15. Elizabeth Rae Sample dba Liz's Bar & Grill, 509 East 25th Street; Renewal - Expires 11-30-00 - Application submitted 11-2-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4321 16. R & J Catering, Ltd., B.J. Giudicessi, President dba Mezzodi's, 4519 Fleur Drive; New Application (With Sunday Sales) - Application submitted 10-01-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4322 17. Sleepy Hollow Sports Park, Inc., Rick L. Flatt, Director dba Sleepy Hollow Sports Park, 4051 Dean Avenue; Renewal - Expires 12-1-00 (With Sunday Sales and Outdoor Service) - Application submitted 10-27-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4323 18. Papa's Concert Hall, Inc., Larry Smithson, President dba Tri Point Center, 215-217 East 2nd Avenue; Renewal - Expires 12-7-00 - Application submitted 11-1-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Liquor/"B" Wine Licenses

00-4324 19. J. Thomas, Inc., Jeffrey Johannsen, President dba Terrace Cafe, 600 East Locust; Renewal - Expires 11-30-00 (With Sunday Sales and Outdoor Service) - Application submitted 10-27-00. **Moved by Coleman to adopt. Motion Carried 7-0.**

Authorizing

00-4325 20. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

00-4326 21. Approving Supplemental Agreement No. 3 with Louis Berger & Associates, Inc., (Thomas Leck, President, East Orange, New Jersey) for the Archeological Data Recovery Excavation of Utility Duct Bank Portion of the Martin Luther King, Jr., Parkway project from SW 2nd Street to SW 7th Street not to exceed \$39,622.32. ([Council Communication No. 00-529](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4327 22. Approving Professional Services Supplemental Agreement No. 1 with Rosales, Gottemoeller & Associates, Inc. (Miguel Rosales, President, Boston, MA), for lump sum compensation of \$26,800 for additional design phase services in conjunction with East Locust Street Streetscape Improvements - East 1st to East 7th. ([Council Communication No. 00-541](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4328 23. Approval of Professional Services Agreement with Earth Tech, Inc., (Diane Creel, CEO, Long Beach, CA) for preliminary design of the paving signals, railroad crossing and related work on 15th & 16th Street Connector from MLK Jr. Parkway to Walnut Street, not to exceed \$69,400. ([Council Communication No. 00-532](#)). **Moved by Hensley to adopt. Staff to be certain all stakeholders are brought together to discuss 15th Street, north from Walnut. Motion Carried 7-0.**

WITHDRAWN00-4329 24. Approving Change Order No. 1 with Pro Environmental Abatement, Inc., (Robert V. Jorgenson, President, Des Moines) for additional work in conjunction with removal of asbestos containing materials at 208 - 11th Street - \$14,755. ([Council Communication No. 00-535](#))

00-4330 25. Approving and authorizing execution of Iowa Department of Transportation Agreement for rehabilitation of the S.W. 9th Street Bridge over Raccoon River, \$1,300,000. ([Council Communication No. 00-542](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4331 26. Approving Right-of-Entry to United States Army Corps of Engineers for access to levee across from Wastewater Reclamation Facility in order to make improvements. **Moved by Coleman to adopt. Motion Carried 7-0.**

27. Resolution Ordering Construction of the following:

00-4332 (A) Northeast Interceptor Connector Sanitary Sewer, (Receiving of Bids, 12-12-00) and

Setting Date of Hearing, (12-18-00), (Construction Estimate - \$636,480). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4333 (B) M.L. King Jr. Park Shelter and Water Playground - Phase One, Receiving of Bids (12-19-00) and Setting Date of Hearing (1-08-01), (Construction Estimate - \$300,000) **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

28. Approving completion and recommending acceptance of Private Construction Contracts for the following:

00-4334 (A) Sanitary Sewer Improvements north of 6221 Army Post Road between SW 63rd and Hwy. 28 to service TMC Buildings at 6115 SW Leland Avenue on the north side between Air-Con Mechanical Corporation (James M. Shaffer, President), Contractor and Annett Holding Co. dba TMC Transportation (Harrold W. Annett, President), Owner. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4335 (B) Sanitary Sewer Main Extension in Dean Avenue from E. 36th Street to East approximately 213 feet to serve Iowa State Fairgrounds Campgrounds between Corell Contractor, Inc., (Steve Corell, President), Contractor and Iowa State Fairgrounds (Marion Lucas, Manager), Owner. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4336 28. (C) Storm Sewer Improvements: 3610 Merle Hay Road, along west side of Merle Hay, northerly approximately 180 feet from existing storm sewer crossing McDonald's Restaurant property at 3610 Merle Hay Road; thence westerly approximately 155 feet to existing storm sewer between Applegate & Associates, Inc. dba A.A.I. Plumbing & Heating (Dennis D. Ludwig, President), Contractor and McDonald's Corporation (Mike Harder, Operations Manager), Owner. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4337 (D) Construction of Type M-A Intake: 3940 Ingersoll Avenue Improvements construction of one (1) Type M-A Intake in existing curb-line of Ingersoll Avenue, for address of 3940 Ingersoll between The Underground Company, Ltd. (Duane Burkhardt, President), Contractor and Brick, Gentry Law Firm, P.C. (Nolden Gentry, President), Owner. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4338 (E) Sanitary Sewer Improvements for 3400 and 3410 Lincoln Place Drive Sanitary Sewer between The Underground Company, Ltd. (Duane J. Burkhardt, President), Contractor and William Van Orsdel, Owner. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4339 (F) Construction of Type I Sanitary Manhole: Mercy Hospital Medical Center Improvements construction of one (1) Type I Sanitary Manhole located in 3rd Street, directly East of Mercy Hospital Medical Center, 400 University between Corell Contractor, Inc. (Steve Corell, President), Contractor and Mercy Hospital Medical Center (Ray Schneider, Director), Owner. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4340 29. Approving Private Construction Contract for street improvements for paving improvements in proposed Sunrise Estate Plat 3 project located at E. 43rd Court and E. Hull

Avenue between Eco-Tech Construction, L.L.C. (Jim Mackey, Manager, and Mid-Iowa Land Company, (John Kline, President). **Moved by Coleman to adopt. Motion Carried 7-0.**

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

00-4341 (A) Union Park Carousel Pavilion, \$1,364.33 is now due, and remaining balance of \$12,953.61 is to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4342 (B) Police Station Step Replacement Phase 2, \$5,225.45 remaining balance is to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4343 31. Communication from Brocon Services LLC requesting an extension of time until December 1, 2000 for Firearm Simulator Remodeling. **Moved by Coleman to receive, file and grant the extension of time until December 1, 2000. Motion Carried 7-0.**

00-4344 32. Approving partial payments on seventeen (17) public improvement projects. (Call City Clerk's Office for listing). **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

00-4345 33. Authorization to acquire eight (8) additional residential properties which have experienced repetitive flood damage in an amendment to the Iowa Department of Economic Development (IDED) Community Development Block Grant (CDBG) Program Grant Contact and Iowa Emergency Management Division (IEMD) Hazard Mitigation Grant Program (HMGP) Disaster Assistance Agreement. ([Council Communication No. 00-536](#)). **Moved by Hensley to adopt; receive and file comments received. Motion Carried 7-0.**

00-4346 34. Approving Structure Removal Contract with Anderson-Erickson, for moving the house from 2291 State to 2600 Dean. ([Council Communication No. 00-546](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4347 35. Right-Of-Way Document approval and acceptance in conjunction with 7th Ward Ditch Flood Control Phase II Improvement Project, from three property owners - \$598.80 plus closing costs. (Call City Clerk's Office for list). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4348 36. Approving Real Estate Purchase, Sale Agreement and Form of Quit Claim Deed for vacant land south of Market Street, between SW 9th and SW 11th Streets in conjunction with SW 11th Street and Martin Luther King, Jr. Parkway Shuttle Parking Lot, from Burlington Northern and Santa Fe Railway Company - \$325,000 plus closing costs. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

00-4349 37. Permanent Easement for Sanitary Sewer Rights-of-Way and Future Title Work Compensation in conjunction with Grandshire Area Sanitary Sewer Project, from Roth & Sons

Services, L.C. (1765 E. Emma) - \$352 plus closing costs, and Glenn R. and Dixie L. Houge (1785 E. Emma) - \$532.80 plus closing costs. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4350 38. Permanent Easement for Street Turnaround and Future Title Work Compensation in conjunction with 1999 Paving Program-SW 12th Street, Army Post Road to Dead End North Project, from Debra S. Davis - \$272. **Moved by Coleman to adopt. Motion Carried 7-0.**

STREET CLOSINGS/STREET USE

39. Approving exception of length of time request from the following:

00-4351 (A) Kelly Egenberger, representing Downtown Community Alliance, 400 Locust Street, Suite 255, requesting permission to block 4th Street, from south of the Depot to Court Avenue on Thursday, November 30, 2000 from 1:00 P.M. until Friday, December 1, 2000 at 11:00 P.M., the alley between Spaghetti Works and 108 4th Street on Friday, December 1, 2000 from 5:00 P.M. to 7:00 P.M., Court Avenue from 3rd Street to 5th Street on Friday, December 1, 2000 from 4:30 P.M. to 9:30 P.M. and 4th Street from Court Avenue to Walnut on Friday, December 1, 2000 from 4:40 to 9:30 P.M., for Fire In The Sky. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

00-4352 (B) Darren Bass, representing Downtown Community Alliance, 400 Locust Street, Suite 255, requesting permission to close Locust Street, from 4th Street to 2nd Avenue and the south lane from 2nd Avenue to Penn Avenue, on Sunday, December 31, 2000 from 2:00 P.M. until 2:00 A.M. for ImaginEve. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather ,upon approval of the City Clerk. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

00-4353 40. On ordinance regarding training and certification of security employees in establishments holding licenses to sell alcoholic beverages for on-premise consumption, (12-4-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4354 41. On Ninth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to encourage the rehabilitation and redevelopment of the SE 14th and Army Post Road commercial corridors, (12-18-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4355 42. Recommendation from City Plan and Zoning Commission regarding continuation of the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID). **Moved by Coleman to receive and file. Motion Carried 7-0.**

00-4356 (A) Setting Date of Hearing on continuation, (12-18-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4357 43. On conveyance of property at 3400 Delaware, to Dale W. and Louise M. Godron, \$17,000, (12-4-00). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-4358 44. Approving outside legal services from Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee Law Firm in amount of \$363.15 to represent City in connection with issues associated with acquisition of environmental contaminated properties for Martin Luther King, Jr. Parkway Project. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4359 45. Approving outside legal services from Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee Law firm in amount of \$959.86 with environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4360 46. Approving payment of \$4,727.54 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. (Bond Counsel) for services related to Supplement Nos. 1 and 2 of Master Lease Program for Airport Snowblower. **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

00-4361 47. Approving payment of \$1,483.25 to Randy Duncan and law firm of Duncan, Green, Brown, Langeness & Eckley to represent City in matters involving airport parking garages. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4362 48. Approving outside legal services from John L. Corbett of Spiegel & McDiarmid Law firm in amount of \$804.97 for consultation and representation services in connection with City's Airport PILOT charge. **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4363 49. Approving payment of \$4,084.50 to Chester C. Woodburn, III of law firm of Hansen, McClintock & Riley for representation of Officer Christopher Huffman in case of Gales v. Huffman, et al. **Moved by Coleman to approve payment. Motion Carried 7-0.**

00-4364 50. Approving payment of \$103.42 to George LaMarca of law firm of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al. **Moved by Coleman to approve payment. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

00-4365 51. Submitting out-of-state travel requests for Kevin Drees, Monica Post, David Allen, Ken Tryek, Amy Montgomery, and Roger Wisecup. ([Council Communication No. 00-527](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

00-4366 52. Conditional Agreement with Iowa Department of Transportation Statewide Project Enhancement Funding Program to maintain art projects at reconstructed I-235 interchanges, in conjunction with "Art in Transit", for a period of twenty years, providing Iowa Arts Council obtains the grant. ([Council Communication No. 00-550](#)). **Moved by Vlassis to approve. City Manager to report on feasibility of the various neighborhood associations sponsoring maintenance of the public art items. Motion Carried 7-0.**

****Council considered Hearing Items 77 through 82 next****

00-4367 53. Acceptance of Advisory Board recommendations of 2000 Local Law Enforcement Block Grant (\$297,418). ([Council Communication No. 00-526](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4368 54. Authorize submitting of application for continued recognition as a Weed & Seed Community to the U.S. Department of Justice. ([Council Communication No. 00-533](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Brooks and Vlassis.**

00-4369 55. Grant submittal "A Million More by 2004", to Iowa Department of Natural Resources (DNR) from the Des Moines Disc Golf Club, to purchase and plant 42 trees at Grandview Park. ([Council Communication No. 00-548](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-4370 56. Intergovernmental 28E Agreement with Des Moines Regional Wastewater Reclamation Authority (WRA), the Board of Water Works Trustees of City of Des Moines (DMWW) and the Metro Waste Authority (MWA) for the Urban Environmental Partnership to provide an integrated community education program designed to protect water quality in the urban watershed. ([Council Communication No. 00-531](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4371 (A) City's contribution of funds to the Urban Environmental Partnership (UEP) for the public education program for 2000-2001 school year - \$4500. ([Council Communication No. 00-530](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4372 57. Negotiation of Urban Renewal Contract Amendment with 2001 Partnership, L.L. C. for extension of time to complete additional building improvement for disposition parcel No. 31A (2001 DeWolf), for Guthrie Avenue Business Park (Quality Wine Company). ([Council Communication No. 00-537](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

58. NUMBER NOT USED.

59. NUMBER NOT USED.

00-4373 60. Approving Contract with RCC Consultants, Inc. for RFP's for dispatch, records system, console and radio improvements, and fire mobile data system for assistance in selection of vendors for certain Public Safety Communications Improvements in amount not to exceed

\$165,600. ([Council Communication No. 00-547](#)). **Moved by McPherson to adopt. Mayor Daniels, and Council Members Brooks and McPherson will continue to work with the staff and County on the efficiencies of sharing portions of the new system. Motion Carried 5-1-1. Pass: Flagg. Absent: Coleman.**

61. Bids for the following:

00-4374 (A) O'Halloran International, (715 E. Market Street, Jim O'Halloran, President) for two (2) replacement tandem axle trucks to be used by the Public Works Department (Street Maintenance), \$173,298. (Ten bids mailed-three received). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4375 (B) O'Halloran International, (715 E. Market Street, Jim O'Halloran, President) for five (5) replacement single axle trucks to be used by the Public Works Department (Street Maintenance), \$353,235. (Ten bids mailed-four received). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4376 (C) Five suppliers of various replacement vehicles to be used by the Police Department at a total cost of \$668,716.35 (Eight bids mailed, five received). (Call City Clerk's Office for vendor listing and price breakdown). **Moved by Coleman to adopt. Motion Carried 7-0.**

00-4377 62. Submitting Civil Service Entrance Lists for Animal Handler, Animal Control Officer, Cashier, Human Relations Specialist, Computer-Aided Drafting (CAD) Graphic Technician, and Promotional List for Senior Clerk. **Moved by Coleman to receive and file. Motion Carried 7-0.**

00-4378 63. Authorizing Acting Finance Director to draw checks on registers of November 10, 2000 and November 17, 2000 and for the bills of the Des Moines Municipal Housing agency for the weeks beginning November 6, 2000 and November 13, 2000; and to draw checks for bi-weekly payroll due on November 17, 2000. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

00-4379 64. 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 Coleman that this ordinance do now pass, [#13,884](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

65. Amending Chapter 126, regarding the following:

00-4380 (A) Qualifications for Limousine Drivers. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-4381 (1) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,885](#).** Motion Carried 7-0.

00-4382 (B) Qualifications for Taxicab Drivers. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-4383 (1) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,886](#).** Motion Carried 7-0.

00-4384 66. Amending Chapter 74 of the Municipal Code regarding garden reservation fee for Greenwood Rose Garden. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-4385 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,887](#).** Motion Carried 7-0.

00-4386 67. 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 Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-4387 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,888](#).** Motion Carried 7-0.

00-4388 68. 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 Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-4389 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the**

ordinance be placed upon its final passage and that the ordinance do now pass, [#13,889](#).
Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

00-4390 69. Amending Chapter 2 of the Municipal Code regarding contracts exempt from bidding ([Council Communication No. 00-553](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Pass: Vlassis. Absent: Coleman.**

****Council Member Coleman left the meeting at 7:00 P.M. ****

****Council considered Item 76 next****

00-4391 70. Amending Chapter 114 of the Municipal Code, regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Coleman and Flagg.**

(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.

COUNCIL REQUESTS

00-4392 71. From Council Member Archie Brooks to discuss signage change on Southeast Fifth Street near McKinley School to "No Stopping/No Standing." **Moved by Brooks to receive, file,**

discuss and refer to the City Clerk to prepare ordinance waiver for December 4th meeting. Motion Carried 5-2. Absent: Coleman and Flagg.

00-4393 72. From Council Member Chris Coleman to discuss revising the fees and other provisions for Residential Street Use (Block Parties), meeting certain criteria. **Moved by Hensley to defer consideration to December 4, 2000. Motion Carried 5-2 Absent: Coleman and Flagg.**

COMMUNICATIONS/REPORTS

00-4394 73. From David M. Feehan, Downtown Community Alliance requesting a grant to support the Mayors' Ball and other START IT UP events on December 31, 2000. **Moved by Brooks to receive, file and approve the City Manager's recommendation to fund a grant of \$5,000 from the City's Hotel/Motel tax fund. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4395 74. From Greg and Tim Robinson to speak regarding response and assistance of personnel from Des Moines Police and Fire Departments to an accident on September 27, 2000. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4396 75. From Kurt Just, 1218 Virginia to speak regarding ability to hire off-duty Police Officers at local, clubs on a trial basis. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Coleman and Flagg.**

****Council Member Flagg left the meeting at 7:25 P.M. ****

00-4397 76. From Natural Recreation Preservation Project to speak regarding a committee to study the north extension of Martin Luther King Jr. Pkwy. **Moved by Vlassis to receive and file petitions received. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4397-A (A) Communication from Council Member Tom Vlassis, regarding formation of a study committee for the MLK, Jr. Parkway Northern Extension. **Moved by Vlassis to receive, file, discuss and approve formation of the committee and appointment of the members, as recommended to make a recommendation to the Council on this project; also committee was encouraged to monitor progress of this project at the State and County levels, inasmuch as it is not a City project. Motion Carried 5-2. Absent: Coleman and Flagg.**

HEARINGS (Opened at 5:31 P.M.) (Items 77 thru 82)

77. Items regarding expansion of the Wells Fargo Financial home office facility:

00-4398 (A) Hearing on Council-initiated rezoning of the south one-half of the block bounded by 8th, 9th, Mulberry and Cherry, from "C-3A" (Central Business District Support Commercial) to C-3 (Central Business District Commercial), to permit garage to be construction to a height in excess of 75 feet. **Moved by Hensley to adopt and approve rezoning. Motion Carried 5-2.**

Pass: Flagg and McPherson.

00-4399 (B) First consideration of rezoning ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Pass: Flagg and McPherson.**

WITHDRAWN00-4400 (C) Final consideration of rezoning ordinance above, (waiver requested by City Manager), requires 6 votes.

00-4401 (D) Hearing on agreements for expansion, including acquisition, vacation and conveyance of land within the two block area bounded by 8th, 9th, Walnut and Cherry Streets. **Moved by Hensley to approve and adopt, subject to approval of a second amendment to the contract with Nationwide Mutual Insurance Company deleting the Wells Fargo Network Operations Center at 204-12th Street from the property the City is to acquire and convey to Nationwide. Motion Carried 5-2. Pass: Flagg and McPherson.**

00-4402 (E) First consideration of vacation ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Pass: Flagg and McPherson.**

WITHDRAWN00-4403 (F) Final consideration of vacation ordinance above, (waiver requested by applicant), requires 6 votes.

00-4404 (G) Establishing Fair Market Value and authorizing acquisition of four properties, in conjunction with Metro Center Urban Renewal Project, Wells Fargo Financial Redevelopment. [\(Council Communication No. 00-545\)](#) **Moved by Hensley to adopt. Motion Carried 4-3. Pass: Flagg, McPherson and Vlassis.**

00-4405 78. On revocation of Pawnbroker License for Quik Loan Pawn, 404 Tenth Street, **Moved by McPherson to continue hearing to December 4, 2000, at 5:30 P.M. Motion Carried 6-1. Nays: Vlassis.**

79. On the following applications for a Certificate of Public Convenience and Necessity,

00-4406 (A) Cory Shelton, Personal Chauffers to operate a taxicab service. [\(Council Communication No. 00-540\)](#). **Moved by McPherson to deny issue of the license. Motion Carried 7-0.**

00-4407 (B) William V. Benvenuti, Star 1 Limousine Service to operate a limousine service. [\(Council Communication No. 00-539\)](#). **Moved by Hensley to adopt and grant the license. Motion Carried 7-0.**

00-4408 (C) Trans Iowa L.C., d/b/a Trans Iowa Express, to operate a limousine service. [\(Council Communication No. 00-538\)](#): **Moved by Hensley to adopt and grant the license. Motion Carried 7-0.**

00-4409 (D) Discussion regarding operation of taxi and limousine services in Des Moines. **Moved by Vlassis to refer the issue of monitoring the activities of these companies and enforcement of the ordinances to the City Manager and staff. Motion Carried 7-0.**

00-4410 80. On sale of two Frisbee Park properties, to the West Des Moines Schools; 6113 Winona Avenue and 6209 Muskogee Avenue. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-4411 81. On sale of 17 Frisbee Park properties, to Barnes Realty and R.M. Madden Construction. ([Council Communication No. 00-552](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-4412 82. 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. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

00-4413 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-4414 (B) Final consideration of ordinance above, (waiver requested by applicants), 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, #13,890. Motion Carried 6-1. Absent: Coleman.**

* * END HEARINGS at 6:33 P.M. * *

****Council considered balance of Consent agenda next****

CITY MANAGER RECOMMENDATIONS

00-4415 83. Regarding City's progress and continuing efforts in the Dean Lake area. ([Council Communication 00-551](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Coleman and Flag.**

00-4416 (A) Communication from Brenda LaBlanc, (CCI Environmental Task Force) requesting to speak regarding Dean Lake. **Moved by Brooks to receive, file and grant request to speak; and adopt the following items for referral to staff for consideration and action. Motion Carried 5-2. Absent: Coleman and Flag.**

(1) Ask the County to turn over the land they own to the City (northeast side of Lake)

(2) Approve Council-initiated rezoning of the area SE from Deans Lake, Scott to Maury from "M-2" to "M-1" and refer to Plan and Zoning.

(3) Consider purchase of lots on SE 24th, between the Lake and Kemin.

(4) Contribute to grass and seed plantings.

00-4417 84. Regarding proposed agreement with Polk County Conservation Board and amendments to City Code to provide joint review of grading plans for development within Easter Lake watershed south of Easter Lake and east of Indianola Road. ([Council Communication No. 00-543](#)). **Moved by Brooks to receive, file and authorize the City Manager to negotiate with the Polk County Conservation Board on such an agreement. Motion Carried 5-2. Absent: Coleman and Flagg.**

APPROVING

00-4418 85. Receipt of communication from Community Development Director and Public Works Director Designee, regarding junk and debris abatement process. ([Council Communication No. 00-549](#)). **Moved by McPherson to receive and file City Council Communication No. 00-549 from the Community Development Director and Public Works Director Designee. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4419 86. Initiation of Amendment to Comprehensive Land Use Plan and Rezoning of proposed site in conjunction with Iowa Events Center. **Moved by Coleman to adopt. Motion Carried 5-2. Pass: Flagg and Brooks.**

00-4420 (A) Setting date of hearing on Proposed Fourth Amendment to Urban Renewal Plan for Metro Center Urban Renewal Project to identify the Iowa Events Center and proposed skywalk bridges required for the Center. (12-18-00). ([Council Communication No. 00-544](#)). **Moved by Coleman to adopt. Motion Carried 5-2. Pass: Flagg and Brooks.**

00-4421 87. Second Amendment to the contract with Nationwide, for redevelopment of the Allied Gateway Campus, to delete a majority of the block bounded by 12th, 13th, Walnut and Mulberry Street, from the land to be acquired by the City; and to give the City the option to delete all of such block from the Contract. ([Council Communication No. 00-528](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4422 88. The 2000 Agribusiness Park Development Project, which includes \$200,000 of reprogrammed CDBG funding. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4423 (A) Authorization to submit grant application to Economic Development Administration for storm sewer improvements in proposed Des Moines Agribusiness Park. ([Council Communication No. 00-534](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4424 89. Receipt of City Plan and Zoning Commission recommendation regarding proposed 2001-02/2006-07 Capital Improvement Program. **Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Coleman and Flagg.**

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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.

00-4425 1. Communication from William Lillis, Attorney for Bankers Trust Company, requesting traffic signalization at the intersection north of and adjacent to Bankers Trust Property at Southridge Mall. SPONSOR: Brooks **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4426 2. Request of Council Member Christine Hensley, for the City to accept a contribution for acquisition of a "Smart Cart" (speed auditing/feedback unit), to be used within the City limits. SPONSOR: Hensley **Moved by Hensley to receive, file and accept the contribution with sincere appreciation. Also direct the Police Chief to work with the donor. Motion Carried 5-2. Absent: Coleman and Flagg.**

00-4427 3. Request from Council Member Tom Vlassis, to allow the River Bend Neighborhood Association to speak regarding a hate crime in their neighborhood. SPONSOR: Vlassis. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Coleman and Flagg.**

A G E N D A

BOARD OF HEALTH November 20, 2000

00-4428 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

AUTHORIZING

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

00-4429 (A) 1536 Arlington (vacant) Titleholders: Wells Fargo Bank, Iowa, Attn: Mike Bates, Senior Legal Counsel. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

00-4430 (B) 222 Franklin Avenue (vacant) Titleholders: Kenneth D. Shineflew. **Moved by**

Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.

00-4431 (C) 1415 4th Street (vacant) Titleholders: WMC Mortgage Corp., Attn: Corporation Service Company, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

00-4432 (D) 1425 4th Street (vacant) Titleholders: WMC Mortgage Corp., Attn: Corporation Service Company, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

00-4433 (E) 1532 6th Avenue (vacant) Titleholders: David Ekstrum; Legal Interest Holders: Long Beach Mortgage Company, c/o National Registered Agents, Inc., Attn: Lyle Simpson, Registered Agent, and Mooring Tax Asset Group, L.L.C., Attn: James P. Meeks, President. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

WITHDRAWN00-4434 (F) 1608 20th Place (vacant) Titleholders: Polk County Real Estate Division, Planning and Development, Attn: Frank Mauro, and Contract Buyers: Anthony C. and Amanda M. Denton.

00-4435 2. Release of demolition cost reserve held under claim number 15-D043-994 regarding property known as 6160 SE 19th Street owned by Scott and Michele Tigner. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

3. Authorizing the Engineering Department to remove the following structures:

00-4436 (A) 939 Martin Luther King Jr. Parkway; Titleholder: The Walter K. and Leah G. White Trust. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**6-1. Absent:

00-4437 (B) 1160 Martin Luther King, Jr. Parkway; Titleholder: Eppard Investment, Inc. **Moved by Vlassis to adopt. Bring this property back in two weeks with a plan and time frame for renovation. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

00-4438 (C) 1502 10th Street, Titleholder: Dennis Eppard. **Moved by Vlassis to adopt. Bring this property back in two weeks with a plan and time frame for renovation. Motion Carried 4-3. Absent: Coleman, Flagg and McPherson.**

00-4439 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:45 P.M. Motion carried 4-3. Absent: Coleman, Flagg and McPherson.**

DES MOINES-CITY OF SKYWALKS