

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

January 22, 2001 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Jaycee Week

SPECIAL PRESENTATIONS - 4:15 P.M.:

WITHDRAWN (a) Slogan Contest Winner -- Southside Revitalization Partnership

(a) Recognition of State Senator Elaine Szymoniak

(b) Spirit of Des Moines -- to EMC Insurance Companies

INVOCATION: Rev. Tony Thurston, College Avenue Christian Church

01-150 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

I. Presentation by the Library Board of Trustees and Public Library of Des Moines Foundation, regarding proposed Library Facilities Plan.

01-151 (A) Receipt of proposed construction schedule. ([Council Communication No. 01-047](#)). **Moved by Coleman to receive, file and approve. Motion Carried 7-0.**

01-152 (B) Authorizing Request for Proposal to select an architect. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-153 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-154 3. APPROVING CONSENT AGENDA - items 3 through 84: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

****Council considered Item 102 and Hearing Items 89 thru 96 next,**

then discussion items in consent**

LICENSES AND PERMITS:

Approving

01-155 4. Communication from Legal Department regarding January 22, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer

01-156 5. Porky's Diner, L.L.C., Mitchell Noah, Member dba Porky's Diner, 4444 Douglas; Renewal - Expires 1-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 1-10-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer Licenses

01-157 6. Frederick Weber dba Candy Kitchen, 2024 Forest Avenue; Renewal - Expires 2-21-01 (With Sunday Sales) - Application submitted 12-27-00. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-158 7. Casey's Marketing Company, Robert J. Hood, President dba Casey's General Store #2322, 4331 Park Avenue; New Application (With Sunday Sales) - Application submitted 10-0-00. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-159 8. Casey's Marketing Company, Robert J. Hood, President dba Casey's General Store #2244, 2150 East Army Post Road; Renewal - Expires 2-27-01 (With Sunday Sales) - Application submitted 1-3-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer-Wine Licenses

WITHDRAWN 01-160 9. Cafee Bar Una, Inc., Mirsad Kajtazovic, President dba Cafee Bar Una, 3711 Beaver; Renewal - Expires 2-28-01 (With Sunday Sales) - Application submitted 1-5-01.

01-161 10. Wong Enterprises Inc., Wayne Wong, President dba Kwong Tung Restaurant, 2721 Ingersoll; Renewal - Expired 1-7-01 - Application submitted 1-8-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-162 11. Transfer of license for Sommoani Vongxay dba Nut Pob Restaurant; from 3318 Indianola to 3322 Indianola (With Sunday Sales) - Application submitted 1-10-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Liquor Licenses

01-163 12. Bob's Sports Bar & Grill L.L.C., Bob Mickles, Owner dba Bob's Sports Bar & Grill, 918 East Euclid; Renewal - Expires 1-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 1-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-164 13. Cooney Beverage Company, Inc., Brian J. Cooney, President dba Cooney's Tavern, 3719 Beaver Avenue; Renewal - Expires 2-12-01 (With Sunday Sales) - Application submitted

1-10-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-165 14. Hy Vee Inc., Ronald D. Pearson, President dba Hy Vee #2 at Des Moines Botanical Center, 909 East River Drive; Renewal - Expires 2-2-01 (With Sunday Sales) - Application submitted 1-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-166 15. Benoit Enterprises, Benoit Distributing Co., Inc., Jack L. Benoit, President dba Diamond Jack's, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 1-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 12-29-00. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-167 16. Guanajuato, Inc., Juan Ayala, President dba El Aguila Real Mexican Restaurant, 3600 Beaver; Renewal - Expires 2-19-01 (With Sunday Sales)-Application submitted 1-3-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-168 17. Nathaniel G. Morton dba Mort's Rendezvous, 1016 University; Renewal - Expired 1-14-01 (With Sunday Sales) - Application submitted 12-7-00. Recommendation of the Community Development Department, Development Zoning Section to deny. **Moved by Hensley to deny for failure to comply with Iowa Code Section 123.30(2) and Des Moines Municipal Code Section 10-43 (5) in that applicant has failed to comply with City Zoning Ordinance.**

01-169 18. Fister Investments, Inc., Mark A. Nicola, President dba Murphy's, 6202 Douglas; Renewal - Expires 2-26-01. (With Sunday Sales) - Application submitted 12-27-00. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-170 19. Plaza Lanes, Inc., Randall W. Thompson dba Plaza Lanes, 2701 Douglas Avenue; Renewal - Expires 1-28-01 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-171 20. Paul V. Strome dba Sambetti's, 1430 2nd Avenue; Renewal - Expires 1-31-01 (With Sunday Sales) - Application submitted 1-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-172 21. Dynasty Corp., Hsi Cheng Lee, President dba Yee Ho Garden, 520 Army Post Road #31; Renewal - Expires 2-8-01 (With Sunday Sales) - Application submitted 12-29-00. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-173 21-I Garcia's Inc., dba Plaza Mexico, 3841 E. 14th Street; Renewal - Expires 2-7-01 (With Sunday Sales - Application submitted 1-19-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Transfers

01-174 22. Des Moines Jaycees, Andrew Lent, Officer dba Seniom Sed Friday Fest, Nollen Plaza 3rd & Locust, requesting temporary transfer of Class "B" Beer License on February 3,

2001 to Kaleidoscope, 500 Walnut for special event. Application submitted 1-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-175 23. S.A.O.C.C., Inc., Calvin Campbell, President dba The Depot, 3000 Grand - Iowa State Fairgrounds, requesting temporary transfer of Class "B" Beer License February 12 thru February 18, 2001 for special event. Application submitted 1-8-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-176 (a) QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #516, 901 East University, requesting permanent transfer of Class "C" Beer/"B" Wine Licenses to 900 East University effective February 8, 2001 - Application submitted 12-29-00. Subject to submission of acceptable building, zoning, and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

01-177 24. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-178 25. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-179 26. Approving Change Order No. 1 with Corell Contractor, Inc., Steve Corell, President, West Des Moines, for additional work in conjunction with Allied Gateway Project - \$33,750. ([Council Communication No. 01-040](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-180 27. Approving Supplemental Agreement No. 1 with Snyder & Associates, Inc., Dennis Snyder, President, Ankeny, for design and right-of-way services in conjunction with Northeast Four Mile Sanitary Trunk Sewer in an amount not to exceed \$11,450. ([Council Communication No. 01-041](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-181 28. Approval of Easton Boulevard Detention Basin Master Plan prepared by Snyder and Associates, Inc., in accordance with the Professional Services Agreement. ([Council Communication No. 01-042](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

29. Resolution Ordering Construction of the following:

01-182 (A) Allied Demolition Contract No. 3, Receiving of Bids, (2-06-01), and Setting Date of Hearing, (2-12-01), (Construction Estimate - \$182,000) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-183 (B) Armory Cooling Tower Replacement, Receiving of Bids, (2-06-01), and Setting Date of Hearing, (2-12-01), (Construction Estimate - \$75,000) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-184 (C) Birdland Tennis Court Shelters, Receiving of Bids, (2-06-01), and Setting Date of Hearing, (2-12-01), (Construction Estimate - \$28,000) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-185 (D) Union Park Rocket Slide, Receiving of Bids, (2-13-01), and Setting Date of Hearing, (2-26-01), (Construction Estimate - \$45,000) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-186 (E) Parking Garage Elevator Renovation, Receiving of Bids, (2-13-01), and Setting Date of Hearing, (2-26-01), (Construction Estimate - \$195,000) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-187 30. Approving request from Craig Shannon, Grefe & Sydney, P.L.C., Attorneys at Law, representing Margaret Richey and Robert L. Carter, regarding continuation of Agricultural Deferment for special assessments for property at 2300 Evergreen in conjunction with Evergreen Avenue Paving. **Moved by Hensley to receive, file and approve the request for continuation of Agricultural Deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy to Polk County. Motion Carried 7-0.**

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

01-188 (A) Laurel Hill Park Improvements, Buchanan Builders, \$5,689.17 now due and \$6,392.24 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-189 (B) Fire Stations Window Replacement, Iowa Contract Glazing, Inc., \$2,940 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-190 (C) Woodland Cemetery Vault Repair, Munro Construction Co. Inc., \$1368.10 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-191 (A) Flood Hazard Mitigation Buyout Program Demolition and Asbestos Abatement Contract No. 2, D F Trucking, \$674.50 is now due and \$2,691.50 remaining balance to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-192 (B) Martin Luther King, Jr., Parkway Demolition, Contract No. 3 East/West, D F Trucking, \$1,425 is now due and \$7,437 remaining balance to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-193 (A) Street Paving Improvements for Airport Commerce Park West - Plat 1, located at

63rd Street/HWY #28 and Thornton Avenue between M. Peterson Construction Co. (Merlin Peterson, President) Contractor and Knapp Properties (Gerard D. Neugent, President) Owner, \$233,975. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-194 (B) Sanitary Sewer Improvements for manhole 15' East of East Curb Line of SW 22nd Street & 308' South of South Curb Line to Rittenhouse to service Lot 2 Airport Commerce Park Plat 1 between Rhiner's Plumbing Co., Inc. (William Rhiner, President) Contractor and The Airport Group, I, LLC (Doug Siedenburg, Managing Partner) as Owner, \$1,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-195 (C) Storm Sewer Improvements for the proposed Easter Lake Park Plat 5 subdivision between Eco-Tech Contractors, Inc. (R.S. Gillotti, President) Contractor and Mr. George Fischer, Owner, \$51,326. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-196 (D) Sanitary Sewer Improvements for the proposed Easter Lake Park Plat 5 subdivision between Eco-Tech Contractors, Inc. (R.S. Gillotti, President) Contractor and Mr. George Fischer, Owner, \$48,600. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-197 (E) Street Improvements for the proposed Easter Lake Park Plat 5 subdivision between Eco-Tech Contractors, Inc. (R.S. Gillotti, President) Contractor and Mr. George Fischer, Owner, \$68,525. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-198 (F) Sanitary Sewer Improvements for Home Depot Store at 4900 SE 14th Street between Corell Contractor, Inc. (Steve Corell, President) Contractor and Southdale, Ltd. (Ronald L. Daniels, President) Owner, \$28671.10. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-199 34. Approving partial payments on five public improvement projects. (Call City Clerk's Office for list) **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-200 35. Establishing Fair Market Value and authorizing acquisition of a property at 1004 Grand Avenue in conjunction with Western Gateway Project in Metro Center Urban Renewal Development Area, from Randolph Investment Company, Titleholder - \$360,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

01-201 36. Establishing Fair Market Value and authorizing acquisition of properties for Douglas Avenue Widening at Beaver Avenue Project - \$370,275. (Call City Clerks Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-202 37. Establishing Fair Market Value and Accepting Offer to Purchase Real Estate and Acceptance, Form of Warranty Deed by James M. and Carol D. Meade, Owners of Flood-Damaged Property Under the 1998 FEMA Flood Hazard Mitigation Program - \$126,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-203 38. Offer to Purchase Real Estate and Acceptance and Warranty Deeds/Form of Warranty Deed of various properties in conjunction with Capitol East Urban Renewal Project - \$130,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-204 39. Approving payment of Condemnation Award to A Development Company, L.C. for acquisition of property at 106 SW 16th Street in conjunction with Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

40. Termination of Structure Removal Contracts with the following:

01-205 (A) Dale E. Gard Jr., 2938 Army Post Road. ([Council Communication No. 01-038](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-206 (B) Thomas Mader, 6595 SW 30th Street. ([Council Communication No. 01-039](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-207 41. Approving Replacement of Letter of Credit from Union Planters Bank 63 expiring on March 3, 2001 with Letter of Credit from Firstar Bank, expiring on October 1, 2001 for Three Lakes Estates Plat 3. ([Council Communication No. 01-025](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-208 42. Approving reduction of Subdivision Bond No. IAC 25953 in amount of \$117,700 from Merchants Bonding Company as security for required improvements be reduced to \$48,950 for a completion of a portion of said improvements for EASTER LAKE ESTATES, PLAT 5. ([Council Communication No. 01-026](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-209 43. Approve and accept Permanent Easement for Storm Sewer and Surface Water Flowage and Temporary Easement for Construction for property at 2910 Garfield Avenue, Ronald E. Stock and Windy J. Downing, Owners, in conjunction with 7th Ward Ditch Flood Control Phase II Improvement Project - \$2,579.20 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-210 44. Approving appointments to Wastewater Reclamation Authority Management Agency as follows: David Feehan, City Manager Eric Anderson, and Council Member Tom Vlassis and Alternates as Deputy City Manager Rick Clark, Mayor Preston Daniels, and Deputy Community Development Director Larry Hulse. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-211 45. Approving appointments to the Neighborhood Finance Corporation (NFC) as follows: Kathy Kahoun and Larry Hulse. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-212 46. Recommendation of Mayor Preston Daniels to appoint At-Large Council Member Chris Coleman as Alternate Member to the Metro Advisory Council. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-213 47. Approving appointments to the Metropolitan Planning Organization (MPO) (Regular and Alternates) and appointments to MPO Transportation Technical Committee (Regular and Alternates). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-214 48. Communication from Chair of the Neighborhood Revitalization Board, submitting resignation of Bob Mickle, effective January 31, 2001. **Moved by Hensley to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

01-215 49. Communication from Ralph Fetters submitting his resignation from the Human Rights Commission effective immediately. **Moved by Hensley to receive, file and accept with appreciation for service. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

01-216 50. Regarding conditional approval of preliminary subdivision plat, entitled "Broadway Business Park" submitted by Hubbell Realty, for property in the 5100 block of NE 46th Avenue, (NE Broadway), within the statutory 2-mile jurisdiction of extraterritorial review of the subdivision of land in Polk County. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-217 51. Regarding request from City Engineer, to close a portion of Tichenor Street between E. 21st and a point 100' south of Alpha Street, along with a segment of Washington Avenue 90' west of Tichenor. **Moved by Hensley to adopt and refer to City Manager and Public Works to implement. Motion Carried 7-0.**

01-218 52. Regarding request from Iowa State Bank for vacation and conveyance of the north/south alley between E. 6th and E. 7th Street, from E. Locust to E. Walnut, and the east/west alley between E. Locust and E. Walnut and From E. 6th Street to the north/south alley. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-219 (A) Setting Date of Hearing on vacation and conveyance of alley rights-of-way to Iowa State Bank Holding Company, \$29,960 and \$89,250, to construct a new building at 601-611 E. Locust Street, containing at least 30,000 square feet of gross floor space, (2-12-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-220 53. On conveyance of the east/west alley adjoining 1115 Pleasantview Drive, to Weslee and Bonnie Baldwin, \$25, (2-12-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-221 54. On request from Scott Denning, d/b/a Del's Machining, to rezone property at 2018 E. Walnut, from "R1-60" (One Family, Low Density Residential), to Ltd. "M-1" (Light Industrial District), to allow for a machine shop use within the existing commercial building, (2-12-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-222 55. On proposed conveyance of the north half of vacated East/West alley right-of-way

adjoining 1010 Virginia Avenue, to Marlys R. Hefte, \$25, (2-12-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-223 56. Approving settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlement made by City Attorney. Motion Carried 7-0.**

01-224 57. Approving payment of \$6,808.36 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services on 2000 General Matters. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-225 58. Approving payment of \$644 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services regarding Riverpoint - Capitol Center Urban Renewal Matters. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-226 59. Approving payment of \$7,699.28 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services regarding Parking System Matters. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-227 60. Approving payment of \$2,275 to Duncan, Green, Brown, Langeness & Eckley for representation regarding Airport Parking Garages. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-228 61. Approving payment of \$3,177.49 to Franklin Storms, 3120 E 38th Street, for settlement of a property damage claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-229 62. Submitting out-of-state travel requests for William Flannery, Jeff Cronin, Steve Dyer, Kathy Kahoun, M. Joseph Bohlke, Erik Lundy, Anthony Montgomery, Shelley Nurse, Tom Vlassis and Kenneth Murray. ([Council Communication No. 01-029](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-230 63. Regarding a previous petition requesting a four-way stop at 9th Street and Madison Avenue. ([Council Communication No. 01-035](#)). **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-231 64. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-036](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Staff to expedite signalization for Item 2 - School Signal at Brody. Motion Carried 7-0.**

(1) Three-Way Stop--56th Street and Robertson Drive (Hanawalt Elementary School).

(2) Midblock School Signal--Park Avenue at Brody Middle School (2501 Park Avenue).

(3) Corner Clearance--West Side of 29th Street South of University Avenue.

(4) Corner Clearance--North Side of Walker Street West of East 9th Street.

(5) Corner Clearance--North Side of Mondamin Avenue West of Martin Luther King Jr. Parkway.

(6) Two-Hour Parking Restriction--East Side of Thirty-sixth Street North of Grand Avenue.

APPROVING

01-232 65. Extension of job attainment date for Translux Midwest Corporation from December 31, 2000 to December 31, 2001 in conjunction with Economic Development Assistance Loan from the City. ([Council Communication No. 01-045](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

66. NUMBER NOT USED.

01-233 67. The 2000 Grandshire Area Sanitary Sewer Project, \$271,692 in 2000 CDBG Funds. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-234 68. Neighborhood Conservation Services (NCS) funding carryover request. ([Council Communication No. 01-030](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

69. NUMBER NOT USED

01-235 70. Tax Abatement applications for additional value added by improvements made during 2000. (143 applications on file in City Clerk's Office). ([Council Communication No. 01-024](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-236 70-I Competitive Progress Report for the 1st Quarter of FY 2000-2001, for the Des Moines Metropolitan Wastewater Reclamation Facility, (WRA). ([Council Communication No. 01-033](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-237 71. Authorizing City Engineer to solicit proposals from qualified software consulting firms for designing, furnishing and installing a computerized maintenance management system at Des Moines Metropolitan Wastewater Reclamation Facility in an amount not to exceed \$500,000. ([Council Communication No. 01-043](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

72. Bids for the following:

01-238 (A) Sandry Fire Supply, (Bob Sandry, President, 1340 Main Street, Lansing, IA), for MSA air cylinders and masks, \$25,446, (20 bids mailed - 3 received). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-239 (B) Crescent Chevrolet, (Bill Jensen , President 555-17th Street, DM), for one commercial cab box truck for the Police Department Tactical Unit), \$25,522, (7 bids mailed - 3 received). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-240 73. Civil Service Entrance Lists for Zoo Keeper, Park Planner, Departmental Systems Coordinator, Planning Technician and Housing Services Section 8 Case Manager. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-241 74. Legislative Update for the 2001 Session. **Moved by Hensley to receive and file report. Motion Carried 7-0.**

01-242 75. Quarterly Treasurer's Report for the six months ended December 31, 2000. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-243 76. Authorizing Acting Finance Director to draw checks on register of January 19 and 26, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks January 16, 22, and 29, 2001 and to draw checks for biweekly payroll due on January 26, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-244 77. On amendment to the Zoning Ordinance, to revise provisions regarding Non-Conforming Uses. **Moved by Hensley that this ordinance do now pass, [#13,905](#). Motion Carried 7-0.**

01-245 78. On amendment to the Zoning Ordinance, to allow building additions that do not encroach into a required setback more than the original structure, to be permitted as an exception which may be granted by the Board of Adjustment or administratively. **Moved by Hensley that this ordinance do now pass, [#13,906](#). Motion Carried 7-0.**

01-246 79. Amending Chapter 114 of the Municipal Code regarding rates for 7th and Grand, and 4th and Grand parking garages. **Moved by Hensley that this ordinance do now pass, [#13,907](#). Motion Carried 7-0.**

01-247 80. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Hensley that this ordinance do now pass, [#13,908](#). Motion Carried 7-0.**

(1) Additional Metered Parking and Loading Areas--Brown Camp Lofts, 100 Market Street.

(2) Parking Restriction--Adjacent to MidAmerican Energy Substation, 2301 Dean Avenue.

(3) Move Current Parking Restriction from East Side of 15th Street to West Side of East 15th Street between Walker Street and East University Avenue.

(4) Corner Clearances--East and West Sides of East 12th Street North and South of Buchanan and Fremont Streets.

01-248 81. Amending the City Code to restructure City Boards, Commissions and Committees and changing manner of appointment. **Moved by Flagg that this ordinance do now pass, [#13,909](#). Motion Carried 7-0.**

01-249 (A) Amending City Code to merge Skywalk Commission into Urban Renewal Board. **Moved by Flagg that this ordinance do now pass, [#13,910](#). Motion Carried 7-0.**

01-250 (B) Amending City Code to merge the Building Code Board of Appeals, Electrical Board, Mechanical Board and Plumbing Board into the Licensing and Appeals Board. **Moved by Flagg that this ordinance do now pass, [#13,911](#). Motion Carried 7-0.**

01-251 (C) Communications regarding Board Restructuring. **Moved by Flagg to receive and file. Motion Carried 7-0.**

01-252 (D) Resolution amending [membership list of City Boards, Commissions and Committees](#). **Moved by Flagg to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-253 82. On rezoning of the Iowa Events Center site--vicinity of 2nd to 5th from Center to School Streets, from "C-2" (General Retail and Highway Oriented Commercial) to "C-3" (Central Business District Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Nays: Flagg, Brooks and Vlassis.**

01-254 83. On rezoning of property in the vicinity of 902-7th Street, from "R-4" (High Density Residential) to "C-3A" (Central Business District Support Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-255 (A) 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, [#13,912](#). Motion Carried 7-0.**

01-256 (B) Setting Date of Hearing to vacate and convey north/south alley right-of-way in the block bounded by 7th, 8th, School and Crocker, to Dynasty Properties L.L.C.--\$12,700, Hosier Inc.,--\$4,600 and Beckley Properties, L.L.C.--\$3,700, (2-12-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-257 84. Amending Chapter 74 of the Municipal Code regarding Showmotion Stage fee structure. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-258 85. Continuing the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-259 (A) Final consideration of ordinance above, (waiver requested by City Manager), 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, [#13,913](#). Motion Carried 7-0.**

WITHDRAWN 85. (B) Approving First Amendment to the Downtown SSMID Operating Agreement with Downtown Community Alliance, Inc.

WITHDRAWN (C) Approving First Amendment to the Parking Garage Service Agreement with Downtown Community Alliance, Inc.

WITHDRAWN (D) Approving Budget for Downtown SSMID.

01-260 86. Amending Chapter 102 of the Municipal Code, regarding street use permits, (communication from City Clerk). **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-261 87. Amending Chapter 62 of the Municipal Code, to make minor revisions and code updates to sections regarding Human Rights. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

01-262 88. From Council Member Hensley for Council/City support of CCI's Annual Homebuyer's Education Seminar on March 10, 2001. **Moved by Vlassis to endorse the City's support. Motion Carried 7-0.**

****Council considered Item 97 through end of agenda next****

INFORMAL HEARINGS (Opened at 5:33 P.M.) (Item 89)

01-263 89. To receive input from citizens regarding Capital Improvements Budget and Operating Budget. **Moved by Hensley to receive and file. Motion Carried 7-0.**

HEARINGS (Opened at 5:34 P.M.) (Items 90 thru 96)

01-264 90. On consideration of partial exemption from property taxation for Lomar Distributing, Inc., 2500 Dixon Street. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-265 91. On proposal to vacate, abandon and release the 15 foot storm sewer easement in the Jerlynn Avenue right-of-way. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-266 92. On vacation of the remaining segment of original Army Post Road, from a point east of SW 28th Street to a point west of SW 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-267 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-268 (B) Final consideration of ordinance above, (waiver requested by Aviation Director), 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, [#13,914](#). Motion Carried 7-0.**

01-269 93. On vacation of portions of SW 34th Street, SW 32nd Street, McKinley Avenue and Stanton Avenue. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-270 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-271 (B) Final consideration of ordinance above, (waiver requested by Aviation Director), 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, [#13,915](#). Motion Carried 6-1. Absent: Flagg.**

01-272 94. On conveyance and approving acceptance of offer to buy Real Estate for alley right-of-way between E. 14th and E. 15th, and between Des Moines Street and Lyon Street, to Mora, Inc., (Manuel and Maria Mora, Owners), \$8,041. ([Council Communication No. 01-032](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-273 95. On Building Official's determination that the structure at 2100 E. Walnut, constitutes a public nuisance. ([Council Communication No. 01-027](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-274 96. On request from Telecorp Realty, L.L.C. (Lease Holder) represented by Allen D. May, to amend the Grandview Plaza PUD Concept Plan for property at 3509 E. Douglas to allow for a second 180' PCS communication monopole structure. **Moved by McPherson to adopt.**

Motion Carried 6-1. Absent: Flagg.

* * END HEARINGS at 5:41 P.M. * *

APPROVING

01-275 97. Amendments to the 1998, 1999 and 2000 Public Housing Comprehensive Grant Programs. ([Council Communication No. 01-021](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

01-276 (A) Lease of new office space at Park Fair Mall, for the DM Municipal Housing Agency, with HPM Investments, Inc., (James M Gocke, President). ([Council Communication No. 01-022](#)). **Moved by McPherson to defer to a special meeting on January 30, following a report to Council Member McPherson regarding traffic, parking and impact on neighborhood. Motion Carried 7-0.**

01-277 98. Request for Qualifications (RFQ), for operation of Municipal Housing Agency's Affordable Homeownership Program. ([Council Communication No. 01-023](#)). **Moved by Brooks to adopt subject to any plans for demolition being returned to Council for consideration. Motion Carried 7-0.**

01-278 99. Increase of payment standards for Section 8 Voucher Program to 110% of current Fair Market Rent. ([Council Communication No. 01-046](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-279 100. Submission of applications for FY 2000 HUD Economic Development Initiative and FY 2001 HUD Neighborhood Initiative Grants of \$1.5 Million, for redevelopment of Riverpoint West Area. ([Council Communication No. 01-034](#)). **Moved by Hensley to approve. Motion Carried 6-1. Nays: Brooks.**

01-280 101. Revised Disadvantaged Business Enterprise Program Adopted Specifically for Projects Funded in Part by the U.S. Department of Transportation and submission of revised program. ([Council Communication No. 01-044](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-281 102. Terms of Agreement for Court Avenue Entertainment Center. ([Council Communication No. 01-031](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-282 103. Terms of Agreement for sale of property to Federal Home Loan Bank - 807/823 Walnut Street. ([Council Communication No. 01-028](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

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EXTRA ITEMS

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

01-283 1. Request from Jerry Epping, 133 - 33rd Street, to speak regarding objection to proposed building of fraternity house in vicinity of 33rd & Forest. SPONSOR: Flagg. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Coleman.**

01-284 2. Approving Development Agreement with Iowa State Bank, for redevelopment of 601 E. Locust Street. ([Council Communication No. 01-049](#)). SPONSOR: Brooks **Moved by Vlassis to approve and adopt. Motion Carried 7-0.**

A G E N D A **BOARD OF HEALTH** **January 22, 2001**

01-285 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

01-286 (A) 3217 Amherst Street (vacant) Titleholders: Andrew H and Constance A Reszel; Legal Interest Holders: Destiny 98, Attn: George Noga, President, and One Stop Mortgage, Inc., Attn: CT Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-287 (B) 801 E 22nd Street (vacant) Titleholder: Faye L Adamson; Heirs of Ellis Adamson: Donald G Adamson, Jim Adamson, Wayne E Adamson, Joye E Carr. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to cause the following structures to be removed:

WITHDRAWN01-288 (A) 1105 Martin Luther King Jr. Parkway: Titleholder, Victory Outreach, Inc.

01-289 (B) 1306 4th Street: Titleholder, Dennis Eppard. **Moved by Vlassis to adopt. CHDC has until last meeting in February to make a determination on feasibility of rehabilitating the house and then 180 days to finalize a plan for the property with a firm commitment and financing in place. Motion Carried 7-0.**

01-290 (C) 1629 7th Street: Titleholder, Primo Acquisition, I, LLC, Contract Buyer, Cash Consultants, LLC. Moved by Vlassis to adopt. CHDC has until last meeting in February to make a determination on feasibility of rehabilitating the house and then 180 days to finalize a plan for the property with a firm commitment and financing in place. Motion Carried 7-0. **Moved by Vlassis to adopt. CHDC has until last meeting in February to make a determination on feasibility of rehabilitating the house and then 180 days to finalize a plan for the property with a firm commitment and financing in place. Motion Carried 7-0.**

01-291 (D) 1926 10th Street: Titleholder, Faren Q. Balkmon-Jones and Greg Jones. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-292 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS