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| January 28, 2002<br>Roll Calls | <a href="#">02-148 thru 02-201</a><br><a href="#">02-202 thru 02-230</a><br><a href="#">02-231 thru 02-281</a><br><a href="#">02-282 thru 02-309</a> |
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**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**January 28, 2002 4:30 P.M.**

**SPECIAL PRESENTATIONS - 4:15 P.M.:**

Officer Joe Widlowski, and Emir

**INVOCATION:** Lyssa Hoffman, Seminarian, Gettysburg Seminary

02-152 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, and Vlassis.**  
**Absent: McPherson.**

02-153 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 6-1.**

02-154 3. APPROVING CONSENT AGENDA - items 3 through 93: **Moved by Coleman to adopt the balance of the consent agenda. Motion Carried 6-1.**

**LICENSES AND PERMITS:**

Approving

02-155 4. Communication from Legal Department regarding January 28, 2002 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

02-156 5. Ailien Nguyen dba A Dong Restaurant, 1905-1907 Cottage Grove; Renewal - Expired 01-10-02 (With Sunday Sales) - Application submitted 01-04-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

02-157 6. Casey's Marketing Company, Robert J. Hand, President dba Casey's General Store #2244, 2150 Army Post Road; Renewal - Expires 02-07-02 (With Sunday Sales) - Application submitted 12-21-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-158 7. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #18, 6501 Southeast 14th Street; Renewal - Expires 01-06-02 (With Sunday Sales) - Application submitted 12-14-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-159 8. M.H. Corporation, Meharban Singh, President dba Texaco Food Mart, 3732 Easton Blvd; New Application (With Sunday Sales) - Application submitted 12-21-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-160 9. Kwik Trip, Inc., Donald P. Zeitlow, President dba Tobacco Outlet Plus #521, 2601 East Euclid; Renewal - Expires 02-01-02 (With Sunday Sales) - Application submitted 12-31-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-161 10. Ultimate Enterprises 2nd, Inc., Melvis Jimmerson, President dba Ultimate Enterprises, 145 University; New Application (With Sunday Sales) - Application submitted 01-02-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-162 11. Waheguru L.L.C., Ravinder Singh, President dba Waheguru L.L.C., 2701 Ingersoll; New Application (With Sunday Sales) - Application submitted 12-14-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

#### Class "C" Beer-Wine Licenses

02-163 12. Wong Enterprises Incorporated, Wayne Wong, Owner dba Kwong Tung Restaurant, 2721 Ingersoll; Renewal - Expired 01-07-02 - Application submitted 01-07-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

#### Class "A" Liquor Licenses

02-164 13. Highland Park Post No. 374 the American Legion Department of Iowa, Mary Scherer, Adjutant, dba Highland Park Post No. 374, 3712 2nd Avenue; Renewal - Expired 01-14-02 - Application submitted 01-07-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

#### Class "C" Liquor Licenses

02-165 14. Bob's Sports Bar & Grill L.L.C., Robert Mickles, Owner dba Bob's Sports Bar & Grill, 918 East Euclid; Renewal - Expires 01-31-02 (With Sunday Sales and Outdoor Service) - Application submitted 01-03-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-166 15. Hy Vee Inc., Ronald D. Pearson, President dba Des Moines Botanical Center, 909 East River Drive; Renewal - Expires 02-02-02 (With Sunday Sales) - Application submitted 01-07-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-167 16. Benoit Distributing Company, Inc., Jack Benoit, President dba Diamond Jacks, 3000 East 30th-Iowa State Fairgrounds; Renewal - Expires 01-31-02 (With Sunday Sales and Outdoor

Service) - Application submitted 01-02-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-168 17. Garcia's Inc., Agustin Arceo, Owner dba Plaza Mexico Mexican Restaurant, 3841 East 14th Street; Renewal - Expires 02-07-02 (With Sunday Sales) - Application submitted 12-06-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-169 18. Paul Strome dba Sambetti's, 1430 2nd Avenue; Renewal - Expires 01-31-02 (With Sunday Sales) - Application submitted 01-02-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-170 19. Sticks, Inc., Sarah Grant-Hutchison, Owner dba Sticks, 3631 Southwest 61st Street; New Application for 5 day License effective 02-05-02 - Application submitted 12-21-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-171 20. Lee Dynasty Corp., Jong Shu Lee, President dba Yee Ho Garden, 520 Army Post Road Ste. 31; Renewal - Expires 02-08-02 (With Sunday Sales) - Application submitted 01-07-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

#### Transfers

02-172 21. Temporary Transfer for Platipus Productions, Ronald D. Boone, Owner dba Blues On Grand, from 1501 Grand Avenue to 400 Walnut (Hotel Kirkwood for Blues Fest on 02-16-02. Application submitted 01-22-02. Subject to acceptable building, electrical and fire inspections. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-173 22. Temporary Transfer for Des Moines Jaycees dba Seniom Sed, from 300 Locust Street to 555 Walnut (Kaleidoscope) for Skywalk Open Golf Tournament on 02-02-02. Subject to acceptable building, electrical and fire inspections. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-174 23. Temporary Transfer for S.A.O.C.C., Inc., Calvin Campbell, President, from The Depot at the Fairgrounds, to the Cattle Barn at the Fairgrounds, 3000 East 30th, for the Beef Expo 02-11-02 to 02-17-02. **Moved by Coleman to adopt. Motion Carried 6-1.**

#### Authorizing

02-175 24. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-176 25. City Clerk to issue Coin-Operated Amusement Machine License to Robert G. Porter dba Eastgate Cinema III, 1550 East Euclid. Expired 12-31-01. Application submitted 01-02-02. **Moved by Coleman to defer to 2-4-02 Council meeting. City Clerk and Legal Department to report on license application process. Motion Carried 6-1.**

02-177 26. City Treasurer to issue refunds. **Moved by Coleman to adopt. Motion Carried 6-1.**

## PUBLIC IMPROVEMENTS

02-178 27. Approving final design of Skywalk Bridges 7C-8C over 8th Street and 8B-8C over Mulberry Street and payment for the bridges to Wells Fargo Financial. ([Council Communication No. 02-048](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-179 28. Authorizing City Manager to proceed with development of Request For Proposals (RFP) for design of Storm Water Improvements for Agrimergent Technology Park. ([Council Communication No. 02-046](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-180 29. Approving Professional Services Supplemental Agreement No. 1 with Calhoun-Burns and Associates, Inc., (John Calhoun, President, WDSM) for additional work for detailed analysis of optional design concepts of SW 9th Street Bridge over Yeader Creek - \$11,000. ([Council Communication No. 02-047](#)). **Moved by Cownie to adopt. Motion Carried 6-1.**

02-181 30. Approving Change Order No. 16 with M. Peterson Construction Co. (Merlin Peterson, President, DSM) for additional work on Martin Luther King Jr. Parkway Paving-SW 2nd Street to SW 7th Street - \$19,421.45. ([Council Communication No. 02-045](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-182 31. Approving Amendment Number Three to Professional Services Agreement with Black & Veatch (Leonard C. Rodman, CEO, Kansas City, MO) to perform additional resident inspection services during construction of WRF Grit Handling System Improvements - \$22,250. ([Council Communication No. 02-049](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-183 32. Approving acquisition of right-of-way and easements in connection with Easter Lake Retention Basins-Phase 2 by purchase, gift, or condemnation. **Moved by Coleman to adopt. Motion Carried 6-1.**

33. Accepting completed construction and approving final payment of the following:

02-184 (A) Gannett Avenue Sanitary Sewer Extension, 4100 Block, The Underground Company, with As-Built Cost of \$43,055.69, \$12,801.25 due now and \$2,152.78 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-185 (B) E. Locust Street Sanitary Sewer Repair, 600 Block, Van Hauen & Associates, Inc., with As-Built Cost of \$34,000, \$1,700 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-186 (C) E. 14th Street Sanitary Sewer Repair, 3400 Block, Van Hauen & Associates, Inc., with As-Built Cost of \$34,750, \$465.50 due now and \$1,737.50 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-187 (D) Central Library Tuckpointing and Repair, Western Waterproofing Co. Inc., with As-Built Cost of \$72,951, \$3,647.55 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-188 (E) Botanical Center Exhaust Dampers Replacement, Corn States Metal Fabricators, Inc., with As-Built Cost of \$32,000, \$1,520 due now and \$1,600 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-189 (F) Weld Shop Reroofing, Central States Roofing, with As-Built Cost of \$29,777, \$28,288.15 due now and \$1,488.85 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-190 (G) M.L. King Jr. Park Shelter and Water Playground-Phase One, Channel Construction Company, with As-Built Cost of \$392,439.91, \$2,857.23 due now and \$19,622 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-191 (H) Blank Park Zoo Pinniped Pool Repair, Western Waterproofing Co. Inc., with As-Built Cost of \$75,218.08, \$2,945.08 due now and \$3,760.90 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-192 (I) Sec Taylor Stadium Joint Repairs, Western Waterproofing Co. Inc., with As-Built Cost of \$27,832, \$3,637.55 due now and \$1,391.60 at the end of thirty days. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-193 34. Approving sidewalk program/request to repair driveway petition and waivers signed by two property owners. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-194 35. Communication from Eco-Tech Construction, L.L.C., requesting permission to sublet certain items on Indianola Avenue Connector Project. **Moved by Coleman to adopt. Motion Carried 5-1-1. Pass: Hensley. Absent: McPherson.**

02-195 36. Approving partial payments on eleven (11) public improvement projects. (Call City Clerk's Office for list). **Moved by Coleman to adopt. Motion Carried 6-1.**

### **SPECIAL ASSESSMENTS**

37. Resolution levying assessments for cost of Nuisance Abatement - NAC Emergency Orders (Community Development) for the following:

02-196 (A) Schedule No. 2002-01. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-197 (B) Schedule No. 2002-50. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-198 (C) Schedule No. 2002-25. **Moved by Coleman to adopt. Motion Carried 6-1.**

### **LAND/PROPERTY TRANSACTIONS**

02-199 38. Approving resolution reaffirming prior approval of Voluntary Annexation of 6800 Chaffee Road owned by Tempus Utile, L.C. **Moved by Coleman to adopt. Motion Carried 6-**

1.

02-200 39. Recommending Denial of Tax Abatement Application for commercial improvements to 6204 SW 9th Street. ([Council Communication No. 02-052](#)). **Moved by Brooks to continue consideration to February 18, 2002. Motion Carried 6-1.**

02-201 40. Approving Tax Abatement Application for additional value added by improvements made to 2860 Druid Hill during 2000 (omitted from batch of applications previously approved by City Council). ([Council Communication No. 02-032](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

41. Approving Tax Abatement Applications for additional value added by improvements made during 2001: (Applications on file in City Clerk's Office).

02-202 (A) Third Set - (97 applications) ([Council Communication No. 02-034](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-203 (B) Fourth Set - (82 applications) ([Council Communication No. 02-050](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-204 42. Approving REJECTION of offer to purchase 2814 Chicago Avenue from Leo and Marjorie Angelo for \$20,000, and approving continuation of marketing and soliciting offers. ([Council Communication No. 02-031](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-205 43. Authorizing payment of Condemnation Award for the acquisition of 1930 Cottage Grove for the Martin Luther King, Jr. Parkway Project - \$112,700 plus Sheriff's fees and jury expenses. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-206 44. Authorizing payment of Condemnation Award for acquisition of 1934 & 2004 Cottage Grove, 1931, 1935 & 1939 Crocker Street, and 1927 Crocker Street for the Martin Luther King, Jr. Parkway Project-\$95,000 plus Sheriff's fees and jury expenses. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-207 45. Approve and accept right-of-way documents from Jerry D. Lohner, 3500 36th Street for 2001 Intermediate Paving Project-36th Street, South of Douglas, \$500. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-208 46. Permanent Easement for Sanitary Sewer Right-of-way and Temporary Easement for Construction in conjunction with I-235 Sanitary Sewer Relocation Group One Project, from various property owners - \$27,855. (Call City Clerk's Office for list). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-209 47. Approve and Accept Permanent Easement for Sanitary Sewer Right-of-Way and Temporary Easement for Construction of Maple Street Sanitary Sewer Project-\$6,210. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-210 48. Approve and Accept Temporary Easement for construction at 2701 Cleveland Avenue for the Easton Detention Basin Project. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-211 49. Approve and Accept right-of-way documents from Joseph and Karen Heuer, for 3604 Douglas Avenue, for the 2001 Intermediate Paving Project-36th Street South of Douglas. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-212 50. Approve and accept permanent easements for Roadway Clear Zone and Traffic Signal and Street Lighting Systems for Douglas Avenue and 50th Street Traffic Signal Upgrade, \$1350. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-213 51. Approving Release of PUD Restoration bonds in amount of \$47,000 held for erosion and restoration control for Katecho Company, 4020 Gannett Drive. ([Council Communication No. 02-051](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-214 52. Release of Subdivision Bond No. IAC 23609 from Merchants Bonding Company in the amount of \$20,318 as security for completion of required sidewalks for EASTER LAKE ESTATES PLAT 3. ([Council Communication No. 02-028](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-215 53. Approving reduction of Subdivision Bond No. IAC 251657 in the amount of \$72,023 as security for required sidewalks and erosion control measures to \$23,920 for completion of a portion of said improvements for EASTER LAKE POINT PLAT 1. ([Council Communication No. 02-053](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

02-216 54. Approving Neighborhood Revitalization Board's recommendation regarding 2001 Annual Neighborhood Survey of Recognized Neighborhoods. ([Council Communication No. 02-029](#)). **Moved by Coleman to adopt, as amended and give Garton West and Waveland Woods ninety (90) days, until May 3, to reformatize their associations and allow time for Council Members representing associations listed here to contact them one more time. Consider a zero tolerance policy next year for certification process. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

02-217 55. Reappointment of six members (Jeff Friese, Robert Mahaffey, Willie James, Candice Heiser-Winston, Rena Wilson, and Gerard Neugent) to the Des Moines Enterprise Zone Commission for three-year terms. ([Council Communication No. 02-027](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-218 56. Approving Reduction of Enterprise Community Steering Committee (ECSC) Membership from 15 to 10, and Appointment of Members. ([Council Communication No. 02-030](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-219 57. Recommendation of Mayor Preston Daniels to appoint Rose Mary Vito Pratt to Seat #1 on the Water Works Board of Trustees for a six-year term commencing April 1, 2001 to expire April 1, 2007. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-220 58. Recommendation of Council Member At-Large, Chris Coleman to reappoint Sharon Stegall to Seat #3 on the Human Rights Commission for a three year term commencing April 1, 2001 to expire April 5, 2004. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-221 59. Recommendation of Council Member Christine Hensley to appoint Martie D. Mendenhall to (vacant new Seat #6) on the Licensing and Appeals Board for a two-year term commencing January 1, 2001 to expire April 1, 2003. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-222 60. Communication from Chair of the Neighborhood Revitalization Board advising of resignation of Jerry Overman (Seat #14). **Moved by Coleman to receive, file and accept the resignation with appreciation for service, and recognize this Board has six vacancies; staff to provide appointment schedule for Boards and Commissions in 2002. Motion Carried 6-1.**

02-223 61. Communication from Chair of the Neighborhood Revitalization Board advising of resignation of Nedzad Jusufovic, (Seat #13). **Moved by Coleman to receive, file and accept the resignation with appreciation for service. Motion Carried 6-1.**

02-224 62. Communication from Chair of the Greater Des Moines Sister City Commission advising of resignations of Pat Parker, Ankeny representative, and Becky Pool, West Des Moines representative, and declaring the West Des Moines seat vacant. **Moved by Coleman to receive, file and accept resignations with appreciation for service. Motion Carried 6-1.**

02-225 63. Communication from Chair of the Greater Des Moines Sister City Commission advising of appointment of Gene Larson from Ankeny to fill vacancy of Patricia Parker. **Moved by Coleman to adopt. Motion Carried 6-1.**

#### **CITY PLAN COMMISSION RECOMMENDATIONS**

02-226 64. Regarding request from Splish Splash Auto Bath, Inc., 420 E. Army Post Road, for vacation and conveyance of a 15' strip of E. Army Post Road, adjoining the south boundary of the property, subject to vehicular access for future redevelopment of property to the west. **Moved by Coleman to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

02-227 65. Regarding request from Aaron Bowen, 1087 28th Street, for vacation and conveyance of the east/west alley, south of Cottage Grove Avenue, between 27th and 28th, subject to easements. **Moved by Coleman to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-1.**

02-228 66. Regarding design of the Northwest Community Center on Franklin Avenue and



addition to the Franklin Library. **Moved by Hensley to receive and file, and approve the design for the Northwest Community Center on Franklin Avenue. Motion Carried 5-1-1. Nays: Cownie. Absent: McPherson.**

### **SETTING DATE OF HEARINGS**

02-229 67. On recommendation from the Historic District Commission, regarding local landmark designation for 5 buildings, (2-4-02). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: McPherson.**

(1) DESIGNATE - Investment Building (AIB), 1004 Grand.

(2) NOT DESIGNATE - Mutual Telephone Company of Des Moines Building, 1006 Grand (Door of Faith).

(3) DESIGNATE - Masonic Temple, 1011 Locust Street.

(4) NOT DESIGNATE - Western Truck and Auto Company Building (The Dive Shop), 1213 Locust.

(5) DESIGNATE - Public Library of Des Moines, 100 Locust Street.

02-230 68. On application from Lawrence H. Crist, to purchase city-owned property in the vicinity of vacated 12th Place between Crocker and School, \$158,574.24 (2-4-02). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-231 69. On assessment of \$300 penalties to 23 Cigarette Permitees for violation of Iowa Cigarette Laws, sale to minors, (2-18-02). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-232 70. On 30 day suspension of Cigarette Permit for Jiffy Convenience Store located at 3718 SW 9th Street for two violations of Iowa Cigarette Laws, sale to minors, (2-18-02). **Moved by Coleman to adopt. Motion Carried 6-1.**

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

02-233 71. Approving payment of \$20,012.72 to Robert Van Cleave for settlement of a workers' compensation claim for injuries suffered during course and scope of his employment. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-234 72. Approving payment of \$2,263.02 to Charles Gabus Ford and \$551.77 to Enterprise Rent-A-Car for settlement of a property damage claim from Irene Tarczynski as a result of an auto accident on December 26, 2001. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-235 73. Approving payment of \$8,657.68 to Duncan, Green, Brown, Langeness & Eckley for representation of City involving airport parking garages. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-236 74. Approving payment of \$3,061.54 to Steven C. Reed for legal services related to title examination and title curative work in connection with property acquisition. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-237 75. Approving payment of \$3,761.40 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representing the City with respect to general matters for period January 2, 2001 through December 3, 2001. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-238 76. Approving payment of \$463.18 to law firm of Myers & Jenkins for representation of the City in the Trans World Airlines, Inc. bankruptcy. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-239 77. Approving settlements from the City Attorney not exceeding \$5,000. **Moved by Coleman to receive, file and affirm settlements made by City Attorney. Motion Carried 6-1.**

### **CITY MANAGER COMMUNICATIONS**

02-240 78. Submitting communication from City Manager regarding a request for a loading zone in the 300 Block of East 5th Street. ([Council Communication No. 02-033](#)). **Moved by Coleman to receive and file. Motion Carried 6-1.**

02-241 79. Submitting out-of-state travel requests for Chris Mahlstadt, Warren Steinkamp, Joseph Brooks, Ted Pierce, Dwight Blumhorst, Mark Gregory, Bob Sarasio (2), Sharon Lumley (2), Michael Armstrong, Tom Vlassis, and Eric Anderson. ([Council Communication No. 02-026](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-242 80. Submitting various traffic regulation changes as follows, ([Council Communication No. 02-035](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation; #Item 2 to be deferred to 2-18-02 to allow staff to meet with property owners. Motion Carried 6-1.**

(1) Modifications to Municipal Code--Indianola Road (from Renaming Indianola Avenue between SW 7th and SE 1st Streets to Indianola Road and Renaming Clifton Avenue between SW 7th and SW 9th Streets to Indianola Road).

(2) Modification to Municipal Code--George Flagg Parkway (from renaming Valley Drive).

(3) Corner Clearance--West Side of Idaho Street, North of Garfield Avenue.

(4) Corner Clearance--North Side of Seneca Avenue, East of 15th Street.

(5) Corner Clearance--South Side of Arthur Avenue, East and West of Amherst Street.

(6) Petition to Reverse a One-Sided Parking Restriction--SE 3rd Street between Rose and Watrous Avenues.

## APPROVING

02-243 81. Receipt of the Des Moines International Airport FY2000/2001 Annual Report. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-244 82. Receipt of Quarterly Treasurer's Report as of December 30, 2001. **Moved by Coleman to receive and file. Motion Carried 6-1.**

02-245 83. Receipt of communication from Chair of Des Moines International Airport Board regarding rates and charges for the South T-hangars at Des Moines International Airport effective April 1, 2002. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-246 84. Request For Proposal (RFP) for sole soft drink beverage provider for the Park and Recreation Department. ([Council Communication No. 02-043](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-247 85. Upgrade of controller for outdoor warning system and Fire Chief to sign a Memorandum of Understanding between the City and participating businesses. ([Council Communication No. 02-056](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-248 86. Authorizing Conveyance and Assignment of Urban Renewal Purchase Agreement from Anawim Housing, Inc. to River Bend Duplexes, L.P. (1233 and 1243 Seventh Street). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-249 87. Request from Downtown Community Alliance on behalf of Mercy Medical Center to hang 40 banners in central downtown to promote Heart Month/The Iowa Heart Hospital at Mercy during the month of February, 2002. **Moved by Coleman to receive, file and approve banner design as submitted. Motion Carried 6-1.**

02-250 88. Civil Service Entrance Lists for Fleet Services Mechanic, Engineering Technician, and Senior Public Safety Dispatcher. **Moved by Coleman to receive and file. Motion Carried 6-1.**

89. Bids for the following:

02-251 (A) Perkin Elmer Instruments LLC, (Shelton, CT), for an atomic absorption spectrophotometer to be used by the Wastewater Reclamation Facility, \$52,889.96. (Five bids mailed, three received). ([Council Communication No. 02-041](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-252 (B) Miller Mechanical Specialties, Inc., sole area wide distributor, for a Varec drip trap actuation package to be used by the Wastewater Reclamation Facility, \$28,446. ([Council Communication No. 02-044](#)). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-253 (C) Elliott Equipment Company, (Grimes, IA), for three vacuum catch basin cleaner

trucks to be used by the Public Works Department, \$445,563. (Twelve bids mailed, three received). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-254 (D) Adams-Thompson Implement, (Winterset, IA), for an agricultural tractor to be used by the Wastewater Reclamation Facility, \$55,400. (Eight bids mailed, three received). **Moved by Coleman to adopt. Motion Carried 6-1.**

02-255 90. Authorizing Finance Director to draw checks on the registers of February 1, and February 8, 2002; and to draw checks for the bills of the Des Moines Municipal Housing Agency for week of January 28, 2002. **Moved by Coleman to adopt. Motion Carried 6-1.**

**ORDINANCES - FINAL CONSIDERATION**

02-256 91. Regarding registration of right-of-way users, establishment of annual right-of-way management fee in lieu of registration, and amendment of permit fee provisions. **Moved by Coleman that this ordinance do now pass, #14,043. Motion Carried 6-1.**

02-257 92. Amending Chapter 38 of the Municipal Code regarding City ambulance service fees. **Moved by Coleman that this ordinance do now pass, #14,044. Motion Carried 6-1.**

**ORDINANCES - SECOND CONSIDERATION**

02-258 93. Amending Chapters 82 and 102 of the Municipal Code, regarding renaming of the Urban Renewal Board as the Urban Development Board, and establishing a Skywalk Committee within the Board, consisting of 5 members. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

02-259 (A) Final consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes. **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, #14,045. Motion Carried 6-1.**

02-260 (B) Appointing members of the Urban Renewal Board to serve as the Skywalk Committee. **Moved by Coleman to adopt. Motion Carried 6-1.**

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

**\*\*Council considered Item 116 and Hearing Items 102-107 next\*\***

**ORDINANCES - FIRST CONSIDERATION**

02-261 94. Amending Chapter 82 of the Municipal Code regarding creation and terms of office of the Strategic Planning Commission. **Moved by Coleman that this ordinance be considered**

**and given first vote for passage. Motion Carried 6-1.**

02-262 (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, [#14,046](#). Motion Carried 6-1.**

02-263 95. Amending Chapter 102 of the Municipal Code regarding increased fees for bus benches and other areaway permits. ([Council Communication No. 02-036](#)). **Moved by Hensley to refer back to staff for further revisions, incorporating the Council's suggestions. Motion Carried 6-1.**

02-264 96. Amending Chapter 114 of the Municipal Code regarding traffic regulations changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

(1) Additional Handicapped Parking Spaces--10th and High Streets.

(2) Parking Restriction--North Side of Aurora Avenue from West of 48th Street to 50th Street.

02-265 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,047](#). Motion Carried 6-1.**

### **COUNCIL REQUESTS**

97. Request of Mayor Daniels to discuss the following:

02-266 (A) "Loop Scoopers" and Trash found in downtown on Sunday mornings. **Moved by Vlassis to receive, file and refer to City Manager and Legal for review and recommendation. Motion Carried 6-1.**

02-267 (B) Litter enforcement signage and enforcement of our litter ordinances. **Moved by Vlassis to receive, file and refer to City Manager and Legal for review and recommendation. Motion Carried 6-1.**

### **COMMUNICATIONS/REPORTS**

02-268 98. From Zoning Board of Adjustment, requesting that Council impose an immediate moratorium on additional communication towers until appropriate changes can be made to existing regulations. **Moved by Vlassis to receive and file; refer to City Manager, Legal and Plan Commission, for review and recommendation. Motion Carried 6-1.**

02-269 99. Petition from Central Lutheran Church, 525 E. 9th Street, to allow parking on South side of Des Moines Street after 5PM, during the week, and all day Saturday. **Moved by Brooks**

**to receive and file petition; refer to City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 6-1.**

02-270 100. From Bryon Bennink, 2830 2nd Avenue, requesting to speak regarding assessment of a clean-up charge on his property, **Moved by Coleman to continue to 2-4-02. Motion Carried 6-1.**

02-271 101. From Stacie Mitchell, 1430 7th Street, requesting release of demolition cost reserve being held on 1211 21st Street by State Farm Insurance, (continued from 1-7-02). **Moved by Hensley to receive and file. Motion Carried 6-1.**

**\*\*Council considered Item 108 through end of agenda next\*\***

#### **INFORMAL HEARINGS (Opened at 5:31 P.M.)**

02-272 102. On preparation of plans and specifications for construction of 2002 Sidewalk Program. **Moved by Vlassis to adopt. Motion Carried 6-1.**

#### **HEARINGS (Items 103 thru 107)**

02-273 103. On Building Official's determination that the structures at 519, 521 and 523 E. 6th, constitute a public nuisance. ([Council Communication No. 02-060](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-274 104. On voluntary annexation petition from Lyle Watts for property located at 6416 SE 36th Street. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-275 105. On proposed rezoning of property owned by LUTHERAN SOCIAL SERVICES OF IOWA, in vicinity of 3125 Cottage Grove Avenue, from "R-3" (Multiple Family Residential) to Ltd. "R-3". **Moved by Hensley to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-276 (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.**

02-277 (B) First consideration of ordinance rezoning property owned by DRAKE UNIVERSITY, in the vicinity of 1117-33rd Street, from "R-3" (Multiple Family Residential) to Ltd. "R-3". **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-278 (C) Second consideration of ordinance downzoning portions of the DRAKE NEIGHBORHOOD from "R-3" to "R1-60" (Single Family, Low Density Residential); this

ordinance was amended after first reading to remove the Drake University property separately addressed above in item (B). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-279 106. On vacation and conveyance of portion of East/West alley between E. 15th and E. 16th Streets, to QuikTrip Corporation, \$13,000. **Moved by Brooks to adopt. Motion Carried 6-1.**

02-280 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

02-281 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,049](#). Motion Carried 6-1.**

02-282 107. On vacation and conveyance of Shaw Street, west of S.E. 5th, to Mark Bockenstedt, \$14,016. **Moved by Brooks to adopt. Motion Carried 6-1.**

02-283 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

02-284 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,048](#). Motion Carried 6-1.**

\* \* END HEARINGS at 5:40 P.M. \* \*

**\*\*Council considered Items 94 through 101 next\*\***

### **APPROVING**

108. Resolution directing sale of the following bonds, (bonds will be sold at noon on 1-28-02):

02-285 (A) \$3,170,000 General Obligation Refunding Bonds, Series 2002A. ([Council Communication No. 02-037](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-286 (B) \$3,290,000 General Obligation Hotel and Motel Tax Refunding Bonds, Taxable

Series 2002B. ([Council Communication No. 02-038](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-287 (C) \$15,403,308 Sewer Revenue Bonds, Series 2002C. ([Council Communication No. 02-039](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-288 (D) \$11,265,000 Sewer Revenue Refunding Bonds, Series 2002D. ([Council Communication No. 02-040](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-289 (E) Resolution Ordering Construction of E. 20th Street Trunk Sanitary Sewer Relining-Jefferson Avenue to Dixon Street, Receiving of Bids, (02-19-02), and Setting Date of Hearing, (03-04-02) (Construction Estimate - \$3,461,500). **Moved by Coleman to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

02-290 109. Purchase Agreement for acquisition of property known as 1300 Scott Avenue and 1202 Scott Avenue from L & M Enterprises, A/K/A Lomar Wholesale Groceries, Inc. and Marilyn A. Hurwitz Trust - \$1,400,000. **Moved by Brooks to approve. Motion Carried 6-1.**

110. Items regarding development of the Masonic Temple:

02-291 (A) Resolution approving Development Agreement with B.H. Temple Inc., Downtown Preservation Partners, LLC, and Temple Partners L.P. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-292 (B) Recommending approval of the Temple Partners L.P. application for Enterprise Zone benefits regarding a project in the Des Moines Gateway Enterprise Zone. ([Council Communication No. 02-058](#)). **Moved by Coleman to approve. Motion Carried 6-1.**

02-293 111. Memorandum of agreement with the State Historic Society of Iowa on historic, architectural and archaeological resources on demolition of 401 SE 6th Street, commonly known as the Irwin Chemical Building. ([Council Communication No. 02-054](#)). **Moved by Brooks to adopt. Motion Carried 6-1.**

02-294 112. Approving Documents related to a Neighborhood Commercial Revitalization Program Loan in amount of \$15,000 to Teachout Properties, L.L.C. (407 East Fifth Street). ([Council Communication No. 02-059](#)). **Moved by Brooks to approve. Motion Carried 6-1.**

02-295 113. Notice of Intent to proceed with Developer-Initiated Development Proposal from Science Center of Iowa to develop Disposition Parcel No. 01-2, north of proposed Martin Luther King, Jr. Parkway, between SW 3rd and SW 5th Streets, in Metro Center Urban Renewal Project and approving minimum requirement and competitive criteria for development. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

02-296 (A) Council discussion regarding waiver of building permit fees for Urban Renewal Projects and Vision Iowa Projects. ([Council Communication No. 02-062](#)). **Moved by Vlassis to**



**direct the City Manager and Legal Department to prepare an ordinance to permit the City Council to waive building permit fees for certain urban renewal and Vision Iowa projects that receive assistance from the City. Motion Carried: 6-1.**

02-297 114. Parking Agreement with Nationwide Mutual Insurance Company and Polk County, for limited public use of garage at 12th and Walnut. **Moved by Hensley to adopt. Motion Carried 6-1.**

02-298 115. Service Agreement with Des Moines Water Works for joint installation of aluminum panel closure across Valley Drive, a/k/a George Flagg Parkway, at Fleur Drive. [\(Council Communication No. 02-055\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

02-299 116. Recommendation of Park and Recreation Board to rename the Greenwood Park Rose Garden to Clare & Miles Mills Rose Garden. [\(Council Communication No. 02-042\)](#). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

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#### **EXTRA ITEMS**

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

02-300 1. Approving recommendation of Council Member McPherson, for appointment of Linda Westergaard to the Zoning Board of Adjustment, to fill the unexpired term of Charles Bloyer, to expire April 4, 2005. SPONSOR: McPherson. **Moved by Coleman to adopt. Motion Carried 6-1.**

02-301 2. Setting Date of Hearing on request from Sherman Hill Association to purchase City-owned property in the vicinity of 673 and 677-20th Street, (T. Fred Henry Park), for infill housing, \$9,700 and \$9,750, (2-18-02). SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1.**

02-302 3. Recommendation of Council Member Christine Hensley, to appoint Jake Christensen to the Architectural Advisory Committee (Seat #6) for a three year term commencing February 15, 2002 to expire February 15, 2005. SPONSOR: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 6-1.**

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

#### **BOARD OF HEALTH**

**January 28, 2002**

**02-303 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

**AUTHORIZING**

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

02-304 (A) 223 E. 15th Street, (vacant), Titleholder: Wonevia Penney. **Moved by Cownie to adopt. Motion Carried 6-1.**

02-305 (B) 3604 E. 37th Street, (vacant), Heirs to Betty J. McCrea: Sharon Wright and Robert and Patricia McCrea and Legal Interest Holders: Jolanta M. Bankowska and EF/US Bank, Attn: Chris Newhouse, Registered Agent. **Moved by Cownie to adopt. Motion Carried 6-1.**

2. Engineering Department to cause the demolition of the public nuisances at the following locations:

02-306 (A) 3217 Amherst (garage structure), Titleholder: Nations Credit Financial Services Corporation. **Moved by Cownie to adopt. Motion Carried 6-1.**

02-307 (B) 1315 Laurel, Titleholder, Lee Kemp as Heir to the Estate of James P. Newsome. **Moved by Cownie to adopt. Motion Carried 6-1.**

02-308 3. Release of Demolition Costs Reserve escrowed to the City of Des Moines for removal of the structure at 1715 7th Street owned by Blair and Becky Legg. **Moved by Cownie to adopt. Motion Carried 6-1.**

**02-309 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 7:05 P.M. Motion Carried 6-1.**

***DES MOINES-CITY OF SKYWALKS***