

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**August 7, 2000 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

- (a) Korn Patch Klowns
- (b) Responsible Gaming Education Week

**SPECIAL PRESENTATIONS - 4:00 P.M.:**

- (a) Presentation of Awards regarding the Millennium Ball
- (b) Presentation from the Sister City Commission

**INVOCATION:** Pastor John Chadwick, Grace Lutheran Church

00-3272 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-3273 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3274 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

00-3275 4. Communication from Legal Department regarding August 7, 2000 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-3276 5. Alvarez Corp., Elias Alvarez, President dba Acapulco Mexican Restaurant, 1246 East 14th Street; New Application (With Sunday Sales) - Application submitted 6-29-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3277 6. Ronald O. Burns dba Oakmoor Racquetball Health Center, 4731 Merle Hay Road; Renewal - Expires 8-19-00 (With Sunday Sales) - Application submitted 7-18-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3278 7. Fair Beverage Inc., Dan J. Hanian, President dba Old West BBQ, 3000 East Grand - Fairgrounds; New Application (With Sunday Sales and Outdoor Service) - Application submitted 6-29-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3279 8. Peggy's Tavern, Inc., Mark E. Graziano, President dba Peggy's Tavern, 3020 Forest Avenue; Renewal - Expires 8-14-00 (With Sunday Sales) - Application submitted 7-12-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3280 9. Michael C. Young dba Tsing Tsao Chinese Fast Food, 2231B East University; Renewal - Expires 8-4-00 (With Sunday Sales) - Application submitted 7-5-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Beer Licenses

00-3281 10. Git N Go Convenience Stores Inc., Dennis Flora, President dba Git N Go #26, 2140 East Park Avenue; Renewal - Expires 8-10-00 (With Sunday Sales) - Application submitted 6-5-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3282 11. Robert L. Knudson dba Knudson's Valley Bait & Grocery, 2248 Valley Drive; Renewal - Expires 8-21-00 (With Sunday Sales) - Application submitted 7-17-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3283 12. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #553, 101 Southwest Army Post Road; Renewal - Expires 8-28-00 (With Sunday Sales) - Application submitted 6-19-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3284 13. Phillips 66 Company, James J. Mulva, President dba Douglas Avenue 66 #02077, 4402 Douglas; Renewal - Expires 8-31-00 (With Sunday Sales) - Application submitted 7-13-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3285 14. Phillips 66 Company, James J. Mulva, President dba Euclid Avenue 66 #05673, 2849 East Euclid; Renewal - Expires 8-31-00 (With Sunday Sales) - Application submitted 7-13-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Beer/"B" Wine Licenses

00-3286 15. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #523, 850 Army Post Road; Renewal - Expires 8-14-00 (With Sunday Sales) - Application submitted 6-19-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

00-3287 16. China One International, Robert Chow, President dba China One International, Robert Chow, President dba China One International Buffet, 2301 Ingersoll; New Application (With Sunday Sales and Outdoor Service) - Application submitted 6-14-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "B" Liquor Licenses

00-3288 17. Fleur de Lis Motor Inns, Inc., Everett E. Scott, CEO, dba Airport Holiday Inn, 6111 Fleur Drive; Renewal - Expired 7-30-00 (With Sunday Sales) - Application submitted 6-5-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3289 18. Celebrations, Inc., Tim Annett, President dba Celebrations, 6221 Army Post Road; Renewal - Expired 6-25-00 - Application submitted 7-6-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

00-3290 19. Saltwater, Inc., Craig Kelso, President dba Coral Reef Cafe and Cantina, 2615 Ingersoll; Renewal - Expired 7-31-00 - Application submitted 7-5-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3291 20. Sodexho Marriott Management, Inc., Michel Maire Landel, President dba Drake University Rathskeller/Olmstead Upper Level, 2601 Forest Avenue; Renewal - Expires 8-8-00 (With Sunday Sales and Outdoor Services) - Application submitted 7-12-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3292 21. Fraternal Order of Eagles, Glenn Perry, Sec., Fraternal Order of Eagles, 6567 Bloomfield Road; Renewal - Expires 8-28-00 (With Sunday Sales) - Application submitted 7-12-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3293 22. Judge Roy Beans Eatin' Drinkin' Emporium, LTD, Jeffrey E. Baker, President dba Judge Roy Beans, 210 Court Avenue; Renewal - Expires 8-22-00 - Application submitted 7-21-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3294 23. Five "T" Inc., Robert J. Tursi, President dba Latin King Restaurant, 2200 Hubbell; Renewal - Expired 8-1-00 (With Outdoor Service) - Application submitted 7-7-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3295 24. Raul's Taco House, LTD, Raul F. Hernandez, President dba Raul's Taco House, 1541 East Grand; Renewal - Expired 8-3-00 (With Outdoor Service) - Application submitted 6-29-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3296 25. Toad Holler, Inc., Lou McCormick, President dba Toad Holler, 1820 East Army Post Road; New Application (With Sunday Sales) pursuant to Decision and Order issued by the Zoning Board of Adjustment. Application submitted 6-14-00. **Moved by McPherson to adopt.**

**Motion Carried 7-0.**

Authorizing

00-3297 26. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3298 27. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3299 28. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

00-3300 29. Authorization to proceed on various CIP Budget projects, Ohio Street Sanitary Sewer Repair (1600 Block) and Court Avenue Bridge over Des Moines River Railing Repairs. ([Council Communication No. 00-355](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3301 30. Approving and authorizing Agreement with Iowa Department of Transportation for E. 14th Street and E. University Avenue Traffic Signal Upgrade. ([Council Communication No. 00-356](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3302 31. Approving agreement with AT & T Broadband, MidAmerican Energy Company, Qwest Communications, Inc. and McLeod USA for construction, use, operation and maintenance of a shared utility duct bank in Martin Luther King Jr. Parkway. ([Council Communication No. 00-357](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3303 32. Professional Service Agreement Supplemental Agreement No. 4 with Veenstra & Kimm, Inc. (H. R. Veenstra Jr. President, WDM) regarding amendment for additional work for proposed WRA Southwest Outfall Relief Sewer, Phase 12, Segment 1, not to exceed \$40,000. ([Council Communication No. 00-359](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

33. Resolution Ordering Construction of the following:

00-3304 (A) E. 20th Street Trunk Sanitary Sewer Televising-E. Hull Avenue to Dean Avenue, Receiving of Bids, (8-22-00), and Setting Date of Hearing, (8-28-00), (Construction Estimate - \$84,150). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3305 (B) Wetland Mitigation for the E. Euclid Avenue Detention Basin and Eastgate Plaza Improvements, Receiving of Bids, (8-22-00), and Setting Date of Hearing, (8-28-00), (Construction Estimate - \$186,549). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3306 (C) Security System for City Hall and Armory Building, Receiving of Bids, (8-22-00), and Setting Date of Hearing, (8-28-00), (Construction Estimate - \$274,400). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3307 34. Approval of contract and bond for construction of a Public Improvement, the estimated cost of which is less than \$25,000 - Grays Lake Recreational Trail Grading Southwest. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3308 35. Approving Private Construction Contract between Cornerstone Commercial Contractor, Inc, (Contractors), and O'Reilly Automotive, Inc., (Owners), for construction of alley paving improvements west of 3390 E. 14th Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3309 36. Approving Private Construction Contract between McAninch Corporation, (Contractors), and Oaks Development, (Owners), for construction of Sanitary Sewer Improvements for Easter Lake South Phase 1, E. Payton Avenue and SE 31st Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3310 37. Approving Report of Chief Civil Engineer showing construction of progress, amounts due and funding availability for The Des Moines Metropolitan Wastewater Reclamation Facility-Laboratory and Personnel Facilities Expansion, \$73,451.65 is now due and \$339,856.35 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3311 38. Communication from Iowa DOT, regarding notification of proposed pavement project on I-235, on January 26, 2001. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-3312 39. Authorizing City Engineer to proceed with curb/sidewalk/driveway replacement programs, (waivers signed by 11 property owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3313 40. Approving partial payments on twelve (12) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

00-3314 41. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of July, 2000 for certification to Polk County. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3315 42. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for July, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

00-3316 43. Establishing Fair Market Value for acquisition of property interests in conjunction

with the 7th Ward Ditch Wooden Box Replacement Phase II from Chone & Kham Thepkome, 2814 Chicago Avenue, \$72,500. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3317 44. Establishing Fair Market Value and authorizing acquisition of property for the Indianola Avenue Connector Project, Estate of Benedict De Bonis aka Ben De Bonis and the Estate of Dorothy P. De Bonis, 7 W. Edison Avenue, \$80,000--and St. Anthony's Church of Des Moines, 15 Indianola Avenue, \$233,900. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3318 45. Establishing Fair Market Value of Leasehold Interests, and authorizing acquisition by gift, negotiation, or condemnation of property for the Allied Gateway Campus Project, Metro Center Urban Renewal Area--Wallace Building, 1101 Walnut Street, \$155,840. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3319 46. Offer to purchase Leasehold Estate for the Indianola Avenue Connector Project, Des Moines Desserts, 11 Indianola Road, \$16,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3320 47. Amendment to Offer to Purchase Real Estate, and acceptance with Dobbs International Services, dated June 14, 2000, for the SW 34th Street Relocation Project - Iowa Air National Guard Leasehold, \$480,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3321 48. Approving various documents for the 34th Street Relocation Project - Iowa Air National Guard Leasehold--Parr Family Trust--3001 McKinley, James J. and Jamie M. Elis--3301 Stanton, and Brian C. and Tiffany J. Patterson--3232 Summit Vista Drive, \$8,850. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

00-3322 49. Recommendation of City Council Member Tom Vlassis for appointment of Susan R. Oltrogge to the Plumbing Examiners Board for a two year term to expire April 1, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3323 50. Recommendation of City Council Member Tom Vlassis for reappointment to the Access Advisory Board of William Wedeking for a four year term commencing in 1999 to expire June 15, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3324 51. Recommendation of City Council Member Tom Vlassis, for reappointment to the Building Code Board of Appeals, of Melvin Shivvers, four-year term commencing in 1998, to expire April 1, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3325 52. Correction of Scrivener's errors in calculation for the following terms on various Boards and Commissions. **Moved by McPherson to receive, file and approve as corrected. Motion Carried 7-0.**

(1) Wayne Richard Graham - Civil Service Commission - Four year term to expire 2003.

- (2) Carol S. Brown - Sister Cities Commission - Five year term to expire 2003.
- (3) Kent Sovern - City Plan Commission - Five year term to expire 2004.

## **STREET CLOSINGS/STREET USE**

53. Approving exception regarding length of time request from the following:

00-3326 (A) Dan Schaefer, 4330 Ashby Avenue, requesting permission to close Ashby Avenue from Beaver Avenue to 44th Street on Saturday, August 26, 2000 from 3:00 P.M. until 10:00 P.M. for a neighborhood block party. **Moved by McPherson to approve the street closure 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.**

00-3327 (B) Randy Catron, representing Des Moines Cycle Club, 8120 Sharon Drive, Urbandale, IA, requesting permission to close E. 3rd, 4th, 5th, 6th and 7th Streets from E. Walnut Street to E. Court Avenue and E. Walnut Street from E. 3rd to E. 7th and E. Court Avenue from E. 3rd to E. 7th Streets on Sunday, August 27, 2000 from 5:00 A.M. until 7:00 P.M. for the State Cycle Championships. **Moved by McPherson 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.**

00-3328 54. Approving closure of the following City Streets. **Moved by McPherson to approve the street closures listed, and approve any street closures continue to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

(1) Joan Hall, 3300 SW 33rd Street, requesting permission to close SW 33rd Street from Park Avenue to Wolcott on Saturday, August 26, 2000 (no Raindate), from 4:30 to 10:00 P.M. for a neighborhood block party.

(2) Susan Swehla, 3706 SE 19th Street, requesting permission to close SE 19th Street from SE Rose and SE Maish on Saturday, August 26, 2000 (Raindate of September 9, 2000), from 5:00 to 8:00 P.M. for a neighborhood block party.

(3) Robert L. Thomas, 2804 46th Street, requesting permission to close 46th Street from New York Avenue to Beavercrest Drive on Saturday, August 26, 2000, from 3:00 to 9:00 P.M. for a neighborhood block party.

(4) Mindy Aller, 846 40th Place, requesting permission to close 40th Place from Rollins Avenue to Crocker on Saturday, August 26, 2000 (Raindate of September 9, 2000), from 5:00 to 11:00 P.M. for a neighborhood block party.

(5) Pat McGoldrick, 4160 Ovid, requesting permission to close Ovid Avenue from 4000 Ovid to 4100 Ovid on Sunday, September 10, 2000, from Noon to 6:00 P.M. for a neighborhood block

party.

## **CITY PLAN COMMISSION RECOMMENDATIONS**

00-3329 55. Regarding recommended approval of request from City Engineer, to vacate and lease the North 28 feet of two separate segments of Elm Street, from 5th to 6th Street, and 6th to 7th Street. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department to implement. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

00-3330 56. On recommended DENIAL of request from Successful Resource Management, represented by Terry Vrieze, to rezone property at 1235 63rd Street north of University Avenue, from R1-60 (One Family Low Density Residential) to a Limited C-1 (Neighborhood Retail Commercial), (8-21-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3331 57. On recommended approval of amendments to the Zoning Ordinance, regarding allowed size and location of off-premises advertising signs (billboards), (8-21-00). **Moved by Hensley to adopt. City Manager and Legal to report on new construction. Motion Carried 7-0.**

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

00-3332 58. Approving payment of \$202.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance to City in conjunction with resolution of environmental matters in development of Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3333 59. Approving payment of \$12,334.95 to Terry Wollesen for appeal of termination from City employment and \$3,040.89 to Municipal Fire and Police Retirement System of Iowa representing employer and employee contributions required for period of Mr. Wollesen's reinstatement. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3334 60. Approving payment of \$158.00 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case Mary Elaine (Kirsch) Sinclair of Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3335 61. Approving payment of \$196.36 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. Case No. CL 73934. **Moved by McPherson to approve payment. Motion Carried 7-0.**

00-3336 62. Approving payment of \$2,961.53 to Spiegel & McDiarmid Law Firm for assistance to City in conjunction with Riverpoint West Redevelopment and related matters. **Moved by McPherson to adopt. Motion Carried 7-0.**



00-3337 63. Approving payment of \$10,000 to John Sposeto Jr. in a special case settlement for workers' compensation for injury suffered in course and scope of employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

00-3338 64. Submitting out-of-state travel requests for Michael Armstrong, Matthew Rosen, Amelia Hamilton-Morris, Ronald Foster, Dave Huntoon, Robert Cox, Kerry Schneider, Anthony Merrill, Jim Mason, Craig Youngblood, and Kristin Tuttle. ([Council Communication No. 00-358](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **APPROVING**

00-3339 65. Approval of Lease Agreement between City and Federal Home Loan Bank for use of a portion of property to Federal Home Loan Bank for parking use; in vicinity of 9th and Walnut Streets. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3340 66. Loan Agreements and related documents for Community Economic betterment Account (CEBA) Loan to NationJob, Inc. (Robert A. Levinstein, President; 601 SW 9th, DM) - \$75,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3341 67. Submission of application for an additional 118 Section 8 Housing Vouchers to United States Department of Housing and Urban Development (HUD) to provide affordable housing assistance to eligible households. ([Council Communication No. 00-368](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3342 68. Grant application for Resource Enhancement and Protection (REAP) Funds from the Department of Natural Resources (DNR) for Walnut Creek Trail Phase II; City's share \$200,000. ([Council Communication No. 00-365](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3343 69. Approve Categorical Assistance Progress Report for period of January 1, 2000 to June 30, 2000 to be submitted to U.S. Department of Justice/Executive Office for Weed & Seed - Enterprise Community Strategic Plan. ([Council Communication No. 00-360](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3344 70. Contract approval and acceptance of an award from Governor's Traffic Safety Bureau to fund purchase of one in-car video system, "Alcohol Incentive Project" ([Council Communication No. 00-353](#)). **Moved by Vlassis to adopt. City Manager to prepare a report on affect of this project in our community, and past and future activities.**

00-3345 71. Contract approval and acceptance of award from Governor's Traffic Safety Bureau funding first year of three year community Traffic Safety Program with State managed Federal 402 Program funds, ("Looking Beyond the Ticket" Program) ([Council Communication No. 00-352](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3346 72. Authorization for Mayor to sign and submit "FY 2000 Federal Annual Certification Report" acknowledging City's compliance with federal guidelines for Police Department forfeited property. ([Council Communication No. 00-354](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

73. Bids for the following:

00-3347 (A) Southern Uniform and Equipment, (Carthage, MO, Gary Borland, President) for purchase of flashlights, holders and accessories to be used by the Police Department, \$12,923.31. (Twelve bids mailed-nine received). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3348 (B) Mid-States Ford Truck Sales, Inc., (4300 NE 14th Street, Marv Perry, President) for purchase of fifteen passenger van to be used by the Park and Recreation Department, \$21,681.10. (Seven bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3349 (C) Vollbrecht & Associates, (New Brighton, MN, Bob Vollbrecht, President) for electronic parking meter repair parts to be compatible with existing parking meters manufactured by POM, Inc. (municipal Code Section 2-725(a)(7), non-competitive purchase, \$39,305. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3350 (D) Pomeroy Computer Resources, (1408 Locust Street, Dave Pomeroy, President) for Hewlett Packard computer equipment for additional storage for police imaging system to be used by the Police Department. State of Iowa Contract No. CT254, (Municipal Code section 2-725(c), \$18,830. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3351 (E) Pomeroy Computer Resources, (1408 Locust Street, Dave Pomeroy, President) for Compaq computer equipment for process control system improvements to be used by the Engineering Department (Wastewater Reclamation Facility). State of Iowa Contract purchase, \$111,197. ([Council Communication No. 00-351](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3352 74. Submitting Civil Service Entrance List of Accounting Specialist I, and Promotional Lists for Civil Engineer II, Chief Aviation Electrician, and Chief Aviation Technical Systems Specialist. **Moved by McPherson to receive and file. Motion Carried 7-0.**

00-3353 75. Authorizing Finance Director to draw checks on registers of August 4, 2000 and August 11, 2000, and for bills of the Des Moines Municipal Housing Agency for the weeks beginning July 31, 2000 and August 7, 2000; and to draw checks for the biweekly payroll due employees on August 11, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

00-3354 76. Amending Chapter 2 of the Municipal Code regarding purchasing requirements. **Moved by McPherson that this ordinance do now pass, [#13,848](#). Motion Carried 7-0.**

00-3355 77. Second consideration of ordinance amending Chapter 118 of the Municipal Code regarding connection fee to major sanitary sewer facilities and connection to Four Mile East Trunk Sewer. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

00-3356 (a) Final consideration of ordinance above, (Waiver requested by Council Member McPherson), requires 6 votes. **Moved by McPherson 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, [#13,849](#). Motion Carried 6-1. Nays: Flagg.**

00-3357 (b) Intergovernmental 28E Agreement with Pleasant Hill, for joint development and use of Sanitary Sewers. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

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

**\*\*Council considered Item 100 next on the agenda\*\***

#### **ORDINANCES - FIRST CONSIDERATION**

00-3358 78. Amending Chapter 126 of the Municipal Code regarding taxicab trip rates. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3359 (A) Final consideration of ordinance above, (waiver requested by Trans Iowa L.C., Randy Sackett, Mgr.), 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, [#13,850](#). Motion Carried 7-0.**

#### **COMMUNICATIONS/REPORTS**

00-3360 79. From Chautauqua Park Petition Committee, withdrawing request for Local Historic Designation--continued by Roll call 00-1119. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-3361 80. From Ned Chiodo, Sr., 318 E. Edison, regarding replacement of curbs in the 300 block of Edison. **Moved by Brooks to receive and file. Motion Carried 7-0.**

**\*\*Council considered Items 96 through 103 next\*\***

#### **HEARINGS (Opened at 6:33 P.M.) (Items 81 thru 95)**

00-3362 81. On adoption of proposed Resolution of Necessity for street improvements - SE 9th Street Intermediate Paving, from E. Hillside to E. Hartford Avenue, (continued from 7-24-00). **Moved by Brooks to abandon the project. Motion Carried 7-0.**

00-3363 (1) Petition submitted to cancel paving of SE 9th Street. **Moved by Brooks to receive and file. City Manager to report on utilizing unexpended funding in amount of \$63,000 to hard surface 9th Street for dust control. Petitions are pending on a proposal to close 9th Street.**

00-3364 (A) 2000 Intermediate Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Const. Co. (Merlin Peterson, President, 4000 Delaware, DM), and approving a Change Order, \$915,280.25. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3365 (B) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3366 82. On vacation and conveyance of SE 5th Street right-of-way extending south from Indianola Avenue, to Git-N-Go Convenience Stores Inc., \$8,853. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3367 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3368 (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, [#13,851](#). Motion Carried 7-0.**

00-3369 83. On vacation and conveyance of a portion of the North/South alley right-of-way located between 2nd Avenue and 2nd Place between Clark Street and College Avenue, to Commonwealth Investments, LLC and MidAmerican Energy Company; and to continue to 8-21-00, to allow parties to reach agreement on purchase price. **Moved by Vlassis to continue the public hearing until August 21, 2000; also refer to City Manager and Legal to develop a policy for commercial alley vacation and conveyance. Motion Carried 7-0.**

00-3370 84. On vacation of the portion of Market Street between SW 4th and SW 5th Street, the portion of SW 4th Street between Market and Elm, and the remaining alleys in the vicinity, for the Court Avenue Entertainment Center Parking Lot. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3371 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

00-3372 (B) Final consideration of ordinance above, (waiver requested by 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, [#13,852](#). Motion Carried 6-1. Nays: Flagg.**

00-3373 85. On conveyance of vacated North/South alley right-of-way between 28th and 29th Street and north of Clark Street, to Christopher D. and Phyllis Pryor, \$50 plus costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3374 86. On application from Beckley Automotive Services, to rezone property owned by Bankers Trust, AmerUS and Des Moines Development Corp., located north of Crocker Street between 7th and 8th Streets from "R-4" (Multiple Family Residential) to Limited "C-3A" (Central Business District Support Commercial). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

00-3375 (A) Approving amendment to the Des Moines 2020 Community Character Land Use Plan changing the designation of the property from High Density Residential/Limited Commercial, to Support Commercial. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

00-3376 86. (B) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

00-3377 (C) 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, [#13,853](#). Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

00-3378 87. On conveyance of property in vicinity of 904-910 SW 62nd Street, to JSV Community Properties, Inc., (Dr. Eugene Cherny, President), \$16,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3379 88. On amendment to the Zoning Ordinance to remove limitation on the Maximum Floor Area Ratio on buildings. **Moved by Hensley to adopt and approve the zoning amendment, subject to final passage of the required ordinance. Motion Carried 7-0.**

00-3380 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3381 89. On proposed 2020 Community Character Land Use Plan amendments, to replace the Des Moines 2000 Land Use Plan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3382 90. On Fire Stations Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Contract Glazing, Inc., (Leslie R. Bettis, President, WDM), \$58,800. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3383 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-3384 91. On Fleur Drive Paving - Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as McAninch Corporation, Dwayne McAninch, President, WDM, \$1,654,315.30 **Moved by Coleman to adopt. City Manager and staff to report on various issues raised regarding funding of Capital Improvement Projects (CIP), including funding transfers, status of projects, projects withdrawn or delayed, Engineering estimates and notification to Council as projects move through the CIP Process. Motion Carried 5-2. Nays: Flagg and McPherson.**

00-3385 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

00-3386 92. On Central Library Tuckpointing and Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Western Waterproofing Co. Inc., (William L. Bishop, CEO, WDM), \$63,751. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Coleman abstained.**

00-3387 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Coleman abstained.**

00-3388 93. On 55th/56th Street Intersection at University Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Construction LLC. (Steve Gillotti, President, WDM), \$149,718.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3389 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3390 94. On Southwest Outfall Relief Sewer, Phase 12, Segment 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), \$1,790,010. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3391 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to**

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

00-3392 95. On SW 34th Street Relocation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Manatts, Inc., (Bradford J. Manatt, President, Johnston), \$1,535,035. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3393 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* END HEARINGS at 7:33 P.M. \* \*

**\*\*Council considered Items 104 through end of agenda next\*\***

## **APPROVING**

00-3394 96. Agreement with Ampco System Parking (Mark Muglich, V.P. and Regional Manager; San Francisco, CA), to provide management services at City's parking facilities. ([Council Communication No. 00-363](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Flagg abstained.**

00-3395 97. Professional Services Agreement with Snyder and Associates, Inc., (Dennis Snyder, President) to assist with traffic analysis elements of the downtown traffic study-\$70,000. ([Council Communication No. 00-362](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3396 98. Addendum to Intergovernmental 28E Agreement with City of Pleasant Hill for construction of Phase I of the Four Mile Greenway Trail. ([Council Communication No. 00-366](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3397 99. Submission of Community Economic Betterment Account (CEBA) Application to State of Iowa and preliminary approval for a local contribution from the City for Lomar Distributing, Inc. for purchase and renovation of 2500 Dixon. ([Council Communication No. 00-369](#)). **Moved by McPherson to approve. Motion Carried 6-1. Nays: Flagg.**

100. The following items regarding Kemin Industries, Des Moines Agribusiness Enterprise Zone:

00-3398 (A) Accepting a Good Neighbor Agreement between the Des Moines Good Neighbor Task Force and Kemin Industries, Inc., for development in the Des Moines Agribusiness Zone. **Moved by Coleman to approve. Motion Carried 6-0. Council Member Brooks abstained.**

00-3399 (B) Approving submission of State of Iowa Community Economic Betterment Account (CEBA) application, and providing preliminary approval for financial assistance from the City. **Moved by Coleman to approve. Motion Carried 6-0. Council Member Brooks abstained.**



00-3400 (C) Resolution recommending approval by the Des Moines Enterprise Commission, of an application submitted by Kemin Industries, Inc., for Enterprise Zone Benefits and authorizing Enterprise Zone property tax exemption. ([Council Communication No. 00-367](#)). **Moved by Coleman to approve. Motion Carried 6-0. Council Member Brooks abstained.**

00-3401 101. Agreement with NetGov, Inc. (Stephen Goldsmith, Executive Chairman, Chicago) designating Des Moines as "Charter City" and to provide Web-enabled government services and participation in development and testing. ([Council Communication No. 00-364](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3402 102. Submission of Supplemental Assistance Application for a \$150,000 Grant from U.S. Environmental Protection Agency for site assessment work and related planning in Riverpoint West Area. ([Council Communication No. 00-349](#)). **Moved by Coleman to approve. Motion Carried 6-1. Nays: Brooks.**

103. Support for an application to Iowa Housing Finance Authority requesting Low Income Housing Tax Credits for the following:

00-3403 (A) Bernie Van Til for rehabilitation of 48 units of housing at 921 Pleasant, Hawthorne Hill Apartments. ([Council Communication No. 00-361](#)). **Moved by Flagg to adopt. Motion Carried 4-3. Nays: Daniels, Hensley and McPherson.**

00-3404 (B) James C. Conlin for new construction of 43 units of housing at 3610 E. Douglas Avenue, Parkside East Apartments. ([Council Communication No. 00-370](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Vlassis.**

00-3405 (C) Bernie Van Til for rehabilitation of 60 units of housing at 112 11th Street, Harger Blish Apartments ([Council Communication No. 00-371](#)). **Moved by Flagg to adopt. Motion Carried 6-1. Nays: Hensley.**

**\*\*Council considered Hearing Items 81 through 95 next\*\***

00-3406 104. Report from City Manager regarding grading activity at the Easter Lake South plat. **Moved by Brooks to receive and file. Motion Carried 7-0.**

00-3407 105. Communication from City Manager regarding request for Tax Abatement for properties on SE 14th. **Moved by Brooks to receive, file and refer to City Manager for Council action on August 28, 2000. Motion Carried 7-0.**

00-3408 (A) Communication from Southside Revitalization Partnership regarding tax abatement applications for Jim Hall and Irv Winfrey. **Moved by Brooks to receive and file. Motion Carried 7-0.**



\* \* \* \* \*

### **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.**

**WITHDRAWN 00-3409 1. Approving Private Construction Contract between Reed's Plumbing & Heating, Inc., (Contractors), and Polk County General Services, Building and Grounds Division, (Owners), for construction of a Sanitary Sewer Manhole in 21st Street, 1300 block.**

**00-3410 2. Communication from City Manager recommending adoption of an Economic Development Fair Play Policy and Agreement. SPONSOR: Mayor Daniels. Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Abstain: Flagg.**

**00-3411 3. Approving Private Construction Contract between DM Metropolitan Transit Authority, (Steven Spade, General Manager), and Christensen Construction, (Kirk Christiansen, President), for relocation of storm sewer as part of the MTA Building Expansion at 1100 MTA Lane. SPONSOR: Hensley. Moved by Vlassis to adopt. Motion Carried 7-0.**

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

### **BOARD OF HEALTH**

**August 7, 2000**

**00-3142 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

### **COMMUNICATIONS**

**00-3413 1. Communication regarding demolition cost reserve escrowed for 1722 30th. Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

### **AUTHORIZING**

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

**00-3414 (a) 1321 Ascension, occupied, Titleholder: First National Acceptance Company; Contract Buyers: Shawn P Carmichael, Leveda S. Weipert, and Kenneth E. Weipert; Legal Interest Holders: James F. Schaer, Martha Ann Schaer, and Comerica Bank, a Michigan Banking**

Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3415 (b) 1531 7th, vacant, Titleholders: Mary F Moore (deceased), Gail T. Moore; Contract Buyer: Ronald L. Burton; Legal Interest Holder: Joseph T. Callaway **Moved by Vlassis to adopt. Motion Carried 7-0.**

3. Release of demolition cost reserve held under:

00-3416 (a) Claim number 14M 59109 regarding property known as 2928 E Walnut owned by Charles Smith. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3417 (b) Claim number 56018-40727 regarding property known as 1965 Lincoln owned by First National Acceptance Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3418 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:50 P.M. Motion Carried 7-0.**

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