

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 23, 2002 - 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Recognition of Ken Tynan

PROCLAMATIONS - 4:15 P.M.:

- (a) Alpha Delta Kappa Month
- (b) Alzheimer's Association Memory Walk Awareness Day
- (c) Iowa Asian Alliance

INVOCATION: Pastor Chaitram Prashad, Lutheran Church of the Good Shepherd

02-2267 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-2268 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2269 3. APPROVING CONSENT AGENDA - items 3 through 57: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-2270 4. The following Beer/Liquor Applications: **Moved by Vlassis to adopt with the exception of **Drake Liquor Store which is to be deferred for sixty (60) days. Motion Carried 7-0.**

NEW APPLICATIONS

- (1) Carlos O'Kellys, 4371 Merle Hay Rd., C Liquor.

RENEWAL APPLICATIONS

- (2) Bredeaux Pizza, 1901 Beaver Avenue, B Beer.

- (3) Godfather's Pizza, 4119 University Avenue, B Beer.
- (4) Godfather's Pizza, 3022 SE 14th Street, B Beer.
- (5) QuikTrip #500, 3700 Hubbell Avenue, C Beer.
- (6) Buzz, 214 3rd Street, C Liquor.
- (7) Des Moines Izaak Walton League, 4343 Valley Drive, C Liquor.
- (8) Helen & Pats Restaurant, 209 Euclid Avenue, C Liquor.
- (9) Ibiza, 101 4th Street, C Liquor.
- (10) Ingersoll Dinner Theater, 3711 Ingersoll Avenue, C Liquor.
- (11) Kenny D's, 3925 E 14th Street, C Liquor.
- (12) Smokeys Triangle Tap, 2506 Post, C Liquor.
- (13) Trattoria, 207 4th Street, C Liquor.
- (14) Des Moines Marriott Hotel, 700 Grand Avenue, B Liquor.
- (15) Embassy Suites Hotel, 101 E Locust Street, B Liquor.
- (16) QuikTrip #500, 3700 Hubbell Avenue, B Wine.
- (17) Trattoria, 207 4th Street, B Wine.
- (18) Des Moines Marriott Hotel, 700 Grand Avenue, E Liquor.
- (19)** Drake Liquor Store, 2106 Forest Avenue, E Liquor.

OUTDOOR SERVICE APPLICATION

(20) Court Avenue Brewing Company, 309 Court Avenue, C Liquor License. Temporary outdoor service area for an Oktoberfest Event on October 5, 2002. Pending Building inspection.

02-2271 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

02-2272 6. Approving agreement with Seneca Corporation (Chris Risewick, President) for

replacement of the City's monitoring system of its Underground Storage Tanks used for dispensing fuel, not to exceed \$147,231.25. ([Council Communication No. 02-512](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2273 7. Approving Professional Services Agreement with firm of Wilbur Smith Associates, (George R. Scheuring, VP, Pittsburgh, PA) for comprehensive design study of all signing related to the Downtown Parking System, not to exceed \$200,000. ([Council Communication No. 02-515](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, Brooks and Vlassis.**

02-2274 8. Approving addendum to IDOT Predesign Agreement (No. 2002-P-079) for the I-235/Cross Street Traffic Signals. ([Council Communication No. 02-513](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2275 9. Approving Supplemental Agreement No. 2 with Calhoun-Burns and Associates Inc. Consulting Engineers (John C. Calhoun, President, WDM) for additional work on redesign of the SW 9th Street Bridge over Yeader Creek, \$90,546.50. ([Council Communication No. 02-510](#)). **Moved by Coleman to adopt. City Manager to report on monitoring process for change orders of significant amounts. Motion Carried 7-0.**

02-2276 10. Approving Change Order No. 9 with Corell Contractor, Inc., for additional work in conjunction with the Martin Luther King, Jr. Parkway Paving-Ingersoll Avenue to Center Street project, \$25,520. ([Council Communication No. 02-511](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Brooks.**

02-2277 11. Approving Change Order No. 9 with McAninch Corporation, for additional work in conjunction with the Grandshire Area Sanitary Sewer, \$16,850. ([Council Communication No. 02-517](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2278 12. Resolution Ordering Construction of Argonne Armory Drainage Corrections, Receiving of Bids, (10-8-02), and Setting Date of Hearing, (10-21-02). (Construction Estimate - \$41,850). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2279 13. Approving partial payments on fifteen public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2280 14. Authorizing execution of waiver forms for Sidewalk Program/Request to Repair Sidewalk executed by ten property owners and Sidewalk Program/Request to Repair Driveway executed by four property owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2281 15. Approving Private Construction Contract between Elder Corporation (Jared R. Elder II, Vice President, as Contractor) and Koester Construction (Paul Koester, President, as Owner) for construction of Storm Sewer Improvements at SW 9th Street and Virginia Avenue, \$17,400. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2282 16. Approving Private Construction Contract between Elder Corporation (Jared R. Elder II, Vice President as Contractor) and Des Moines Independent Community School District

(Duane Van Hemert, Executive Director as Owner) for construction of Street Improvements for widening of Geil Avenue to provide vehicle drop-off area for Morris Elementary School, \$23,374. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2283 17. Approving Private Construction Contract between Manatt's Inc. (Bradford J. Manatt, President, Johnston as Contractor) and Jerry's Homes (Jerry Grubb, President as Owner) for construction of Street Improvements in the new development, Hillsboro Phase 2, \$31,675. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2284 18. Accepting completed construction and approving final payment for College Avenue Storm Sewer Improvements Arlington Avenue to 7th Street, \$18,458.50 is now due and \$26,527.75 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

19. Levying assessments for Costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

02-2285 (A) Schedule No. 2002-55. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2286 (B) Schedule No. 2002-30. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2287 (C) Schedule No. 2002-08. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2288 (D) Schedule No. 2002-78. **Moved by Hensley to adopt. Motion Carried 7-0.**

20. Delete NAC-Emergency Order Assessments that Community Development Department already received payment in full for the following properties:

02-2289 (A) 3316 E. 9th Street, Schedule No. 2002-51, Certificate No. 00-08590-00 in the amount of \$95. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2290 (B) 1539 E. Glenwood Drive, Schedule No. 2002-26, Certificate No. 00-08406-00 in the amount of \$145. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-2291 21. Approve and accept real estate documents for property located at 2914 and 2918 Garfield Avenue, (Robert J. and Cheryl A. Hites) for the Leetown Creekway Project F/K/A 7th Ward Ditch Project - Phase 2, \$360 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2292 22. Approve and accept real estate documents for property located at 1239 Stewart Street (Lovella Agnew Neighbors and Larry Wright) for the I-235 Sanitary Sewer Relocation Project - Group 3, \$990 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2293 23. Release of Subdivision Bond No. IAC 389892 from Merchants Bonding Company (Mutual) in the amount of \$7,565 as security for completion of required sidewalk and street tree improvements for Christy Lea Manor Plat No. 4. ([Council Communication No. 02-506](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-2294 24. Communication from Kristopher Klop advising of his resignation from the Sister City Commission, (Seat 5) effective September 6, 2002. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-2295 25. Communication from LaVerne Williams advising of his resignation from the Des Moines Public Housing Board, (Seat 3) effective September 16, 2002. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSURES

02-2296 26. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

- (1) Helene Neville, representing Des Moines Marathon Inc., requesting permission to close various streets (Call City Clerk's Office for list) on Saturday, October 5, 2002 for Des Moines Marathon.
- (2) Amy Donnelly, representing Linden Heights Neighborhood, requesting permission to close Foster Drive to Woodlawn Drive on North and South and East to where Woodland Drive Connects, on Sunday, September 29, 2002 from 4:00 to 6:00 PM for a neighborhood block party.
- (3) Eileen Omeara, representing Waterbury Neighborhood, requesting permission to close Cummins Parkway from Pleasant to Harwood on Saturday, October 12, 2002 from 6:00 to 10:00 PM for a street dance.
- (4) Sandy Gibson, representing 51st Street Neighborhood, requesting permission to close 51st Street from Hickman to Urbandale on Sunday, September 29, 2002 (Raindate of Sunday, October 6, 2002) from 2:00 to 7:00 PM for a neighborhood block party.
- (5) Roberta Conrad, representing 40th Place Neighborhood, requesting permission to close 40th Place from Franklin Avenue to Hickman Road on Saturday, October 5, 2002 from 12:00 to 6:00 PM for a neighborhood block party.
- (6) Mary Schaefer, representing Ashby Neighborhood, requesting permission to close Ashby Avenue from Beaver Avenue to 44th Street on Saturday, September 28, 2002 from 4:00 to 10:00 PM for a neighborhood block party.
- (7) Bryon Johannes, representing SE 30th Street Neighborhood, requesting permission to close

SE 30th Street from E Kenyon Avenue to E Cutler Avenue on Saturday, September 28, 2002 from 2:00 to 9:00 PM for a neighborhood block party.

(8) Joy Davis, representing Frazier Neighborhood, requesting permission to close Frazier Avenue from SW 18th Street to west dead end on Saturday, September 28, 2002 (Raindate of Sunday, September 29, 2002) from 2:00 to 7:00 PM for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

02-2297 27. On Council-initiated request for vacation and conveyance of the north/south alley between 24th and 25th, from School to Kingman, subject to completion of the improvements by the IDOT on Kingman and Cottage Grove, and release of the excess right-of-way along Kingman Blvd to the City, (south 180 feet of the alley be left open as a public alley), continued from 8-19-02. **Moved by Hensley to adopt with retention of the south 180' of the alley as a public alley, and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 6-0. Mayor Daniels declares a conflict of interest, and abstains from voting.**

02-2298 28. Regarding request from Charles L. Parcel, 109 E. 28th Court, for vacation and conveyance of the north/south alley between E. 28th Court and E. 29th Street, from Dean Avenue south to the railroad tracks, provided that the vacation should extend no further than the limits of the property of the consenting owners. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

02-2299 29. Regarding request from Neighborhood Development Corporation, 1182-8th Street, for vacation and conveyance of 8th Street from a point south of the access drive to the Mail Services L.C. property, to the north right-of-way line of Enos Avenue. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

WITHDRAWN 30. Regarding recommendation for the Fleur Drive Beautification Project.

SETTING DATE OF HEARINGS

02-2300 31. On request from Hawthorn Hill Community Partners, LP, and Preservation Properties Land Company, LLC, to rezone property at 921 Pleasant Street, from "C-2" (General Retail and Highway-oriented Commercial, to "C-3R" (Central Building District Mixed-Residential District), for adaptive reuse of the existing building into 46 one-bedroom apartments utilizing Iowa Finance Authority Tax Credit Program, subject to conditions, (10-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2301 32. On request from Mark Lazar, to rezone property at 6100 SW 9th from "C-2" (General Retail and Highway-Oriented Commercial) and "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial) for a proposed 1,200 square foot building addition and parking lot expansion, subject to conditions, (10-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2302 33. On request from Marc S. Harding, to rezone property at 6304 SW 12th Place, from "C-1" (Neighborhood Retail Commercial) to "R1-60" (One-Family Low-Density Residential), (10-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2303 34. On 13th Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, to encourage residential development by expanding the area, and encourage renovation and reuse of the old Washington School at 2 Hartford Avenue for residential use, (10-21-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2304 35. On vacation and conveyance of a portion of 8th Street south of University Avenue, to Neighborhood Development Corporation, \$9,000 and lot at 1170-8th Street, \$7,000, (10-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2305 36. On recommended DENIAL of Council-initiated request to change zoning conditions for property in the vicinity of NE 43rd Court and E. Douglas Avenue, to an amended Ltd. "R1-60" (One Family Low-Density Residential) to require a minimum dwelling unit size of 1,100 square feet and to eliminate a requirement for detached or attached garages, (10-21-02). **Moved by McPherson to adopt and set hearing date of October 21, 2002. Motion Carried 7-0.**

02-2306 37. On the proposed 2003 HUD Consolidated CDBG Plan, (11-4-02). ([Council Communication No. 02-498](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2307 (A) Communication from Neighborhood Revitalization Board, submitting funding recommendations for the Five Year Strategy/Fourth Year Action Plan. **Moved by Hensley to receive, file and refer to City Manager. Motion Carried 6-1. Nays: Brooks.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-2308 38. Approving communication from City Attorney concerning settlements not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

02-2309 39. Approving payment of \$26,022.83 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for bond counsel services related to general obligation bonds. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2310 40. Approving payment of \$3,082.99 to Service Master by Kintz on account of George and Doris Ring for reimbursement of cleaning costs as the result of a sewer backup. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-2311 41. Submitting the following out-of-state travel requests for Christine Hensley, Jim Fox, Michael West, and Kristin Tuttle. ([Council Communication No. 02-492](#)). **Moved by Hensley to**

adopt. Motion Carried 7-0.

APPROVING

WITHDRAWN02-2312 42. Amendment 2 to the Banking and Custodial Services Contract with Bankers Trust Company extending the contract to July 31, 2008. ([Council Communication No. 02-508](#)).

02-2313 43. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the General Election to be held on Tuesday, November 5, 2002. **Moved by Hensley to approve. Motion Carried 7-0.**

02-2314 44. Submitting Official Financial Report for City Streets for FY2002, to be submitted to Iowa Department of Transportation (IDOT) for continued eligibility for Road Use Tax Allotments. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2315 45. Certificate of Completion for Disposition Parcel No. 10A (1900 Dixon Street), Guthrie Avenue Business Park Urban Renewal Area to HTJ Inc. and Release of Good Faith Deposit. **Moved by Hensley to approve. Motion Carried 7-0.**

02-2316 46. Trail proposal recommended by Park and Recreation Board and supported by Waveland Park Neighborhood Association to be submitted to the Metropolitan Planning Organization for two trail segments which will provide recreational opportunities. ([Council Communication No. 02-495](#)). **Moved by Cownie to adopt, with three-pronged piece to be more closely identified as shown in Exhibit "A" to the roll call. Motion Carried 6-1. Absent: McPherson.**

02-2317 47. Application for Metropolitan Planning Organizational and Statewide Transportation Enhancement Program Grant from IDOT to assist in funding for 3.7 mile multi-use recreational trail that would connect the cities of Johnston and Des Moines, \$71,000. ([Council Communication No. 02-497](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-2318 48. Grant Application to Iowa Department of Transportation for Statewide Transportation Enhancement Program Grant in amount of \$345,000 as part of American Discovery Trail that will connect the Kruidenier Trail at Gray's Lake with proposed Principal Riverwalk. ([Council Communication No. 02-496](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-2319 (A) Grant Application to IDOT for Statewide Transportation Enhancement Program grant, \$500,000 for the Fleur Drive Landscaping and Beautification Project. SPONSOR: Brooks **Moved by Hensley to approve. Motion Carried 7-0.**

49. Bids for the following:

02-2320 (A) Dewey Ford (Mark Vukovich, President, Ankeny) for a one ton truck to be used by the Sign Shop, \$43,710.21. (Eight bids mailed, six received). **Moved by Hensley to adopt.**

Motion Carried 7-0.

02-2321 (B) Great American Outdoor (Don VanHouweling, President) for a utility tractor to be used by the Horticulture Division, \$42,250. (Eight bids mailed, seven received). ([Council Communication No. 02-494](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2322 (C) Quad Country Implement (Tom Less, President, Blairstown) for five finish mowers, \$12,195 and Great American Outdoor (Don VanHouweling, President) for an outfront rotary mower, \$20,195 both to be used by the Horticulture Division. (Nine bids mailed, seven bids received). ([Council Communication No. 02-493](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2323 (D) O'Halloran International (Jim O'Halloran, President) for three 39,000 GVW trucks to be used by the Street Maintenance Division, \$265,014. (Seven bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2324 (E) Dewey Ford (Mark Vukovich, President, Ankeny) for a van and two trucks, \$65,421.41 and Mid-States Ford Truck Sales (Marv Perry, President) for two vans, \$30,929.93 to be used by the Wastewater Reclamation Facility. (Nine bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2325 (F) ASAP Software Express (Buffalo Grove, IL) for Microsoft software products for public safety information systems and communications center systems from State of Iowa Contract No. CT2545 to be used by the Police Department, \$79,142.40. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2326 (G) RACOM (Marshalltown) for GE radio communications equipment for public safety information systems and communications center systems from State of Iowa Contract No. CT1199MV to be used by the Police Department, \$79,386.40. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2327 (H) Compaq Computer Corporation (Houston, TX) for Compaq server equipment from the Western States Contract Alliance (WSCA) price agreement No. 90-00151 to be used by the Information Technology Department, \$73,890. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2328 (I) Compaq Computer Corporation (Houston, TX) for Compaq computer equipment for the public safety information systems and communications center systems from the Western States Contract Alliance (WSCA) price agreement No. 90-00151 to be used by the Police Department, \$126,360. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2329 (J) RouteSmart Technologies, Inc. (George Fagan, President, Columbia, MD) for an automated routing systems software to be used by the Public Works Department, \$32,900. (Twenty-six bids mailed, one received). ([Council Communication No. 02-507](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

50. Authorizing Public Works Department to proceed to issue the following Requests for Proposals (RFP's on file in Clerk's Office) :

02-2330 (A) Traffic Control Safety Devices. ([Council Communication No. 02-505](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2331 (B) Sewer Infrastructure Management System. ([Council Communication No. 02-504](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2332 (C) Recyclables Processing. ([Council Communication No. 02-503](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2333 51. Civil Service Promotional List for Police Captain. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2334 52. Authorizing Finance Director to draw checks on check registers of September 23 and September 30, 2002; and for bills of the Des Moines Municipal Housing Agency for the weeks of September 27 and October 4, 2002; and to draw checks for biweekly payroll due City employees on October 4, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-2335 53. Updating Chapter 26 of the Municipal Code, adopting the 2002 National Electrical Code. **Moved by Hensley that this ordinance do now pass, [#14,138](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-2336 54. Amending Chapter 98 of the Municipal Code regarding charges for collection of solid waste at multiple family dwellings. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-2337 55. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Corner Clearance-West Side of SW 60th Street, North of Muskogee Avenue.

(2) Repeal 20-Ton Load Limit-SW 9th Street Viaduct over Martin Luther King, Jr. Parkway.

02-2338 56. Amending Chapters 74 and 114 of the Municipal Code regarding Multi-use Recreational Trails. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

57. On vacation of the following City property:

02-2339 (A) Grand to Locust, 11th to 12th, for the Library. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-2340 (B) Grand to Locust, 12th to 13th, for the Higher Education Learning Center. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

02-2341 58. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Daniels.**

(1) Parking Restriction on the North Side of Oneida Point from SW 37th Street West to and including the cul-de-sac.

(2) Corner Clearance-North Side of Pleasant Street, West of Polk Boulevard and West Side of Polk Boulevard, south of Pleasant Street.

(3) Corner Clearance-North Side of Waterbury Road, West of 48th Street.

(4) Parking Restrictions Adjacent to the Federal Courthouse and the Courthouse Annex.

(5) Parking Restrictions on Locust between 10th Street and 11th Street.

02-2342 (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, [#14,139](#). Motion Carried 6-1. Absent: Daniels.**

02-2343 59. Amending Chapter 26 of the Municipal Code regarding inspection of properties sold on real estate installment contract, (communication from Legal attached). **Moved by Hensley to receive and file comments and defer consideration to October 7, 2002. Motion Carried 7-0.**

COUNCIL REQUESTS

02-2344 60. From Mayor Daniels to discuss establishing an Ad Hoc Task Force to deal with issues surrounding crimes of hate. **Moved by Brooks to receive, file discuss, and approve formation of the Task Force as outlined in the attachment to the roll call, and to authorize Council Members to appoint one or two additional members to the Task Force. Motion Carried 7-0.**

02-2345 61. From Mayor Daniels to discuss request from Des Moines Area Community College

(DMACC) to acquire Des Moines Municipal Housing Agency's apartments on Enos Street and the property at 1170 8th Street, and the potential closing of Eighth Street from University to Enos. **Moved by Brooks to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

****Council considered Hearing Items 66 thru 72 next****

COMMUNICATIONS/REPORTS

02-2346 62. From Police Department's Animal Control Unit to make a [presentation](#) regarding the pet adoption program and the new Animal Control web site. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

02-2347 63. From John Avery, 2829 E. 37th Court requesting an extension of time for removal of structure at 2322 Hubbell which was approved on 9-9-02 by Roll Call No. 02-2249. **Moved by McPherson to receive, file and grant a thirty (30) day extension. Motion Carried 7-0.**

02-2348 64. From Mark White to present a CIPA report to City Council. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 7-0.**

02-2349 65. From Mary Rios, 610 Virginia, regarding entrance and exit for the McDonald's under construction at SW 9th and Virginia Avenue. **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation. Future site plan approvals by Plan and Zoning to be addressed, as well as lighting levels at McDonalds at 63rd and Grand. Motion Carried 7-0.**

****Council considered Item 72 thru end of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 66 thru 72)

02-2350 66. On request from Brook Run L.C., (Owner), to amend the PUD Conceptual Plan for Brook Run Village, for property in the vicinity of 4975 E. Douglas, to revise the western parcel approved for townhome use to increase the permitted density from 8 units/acre to 10.9 units/acre, to allow development of 88 villas Townhome units by Rottlund Homes of Iowa. **Moved by McPherson to adopt and approve the amended "PUD" conceptual plan. Motion Carried 7-0.**

02-2351 67. On request from Tempus Utile, L.C., to rezone property at 6700 Chaffee Road from "A-1" (Agricultural) to "PUD", (Planned Unit Development), and approval of the "PUD" Conceptual Plan for West Point South, a redevelopment of existing garrison buildings for multi-family use on 13.7 acres of the former Ft. Des Moines site, subject to conditions. **Moved by Brooks to adopt and approve the rezoning and Conceptual plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-2352 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be**

considered and given first vote for passage. Motion Carried 7-0.

02-2353 (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, [#14,140](#). Motion Carried 7-0.**

68. On Developer-Initiated Development Proposal for portions of Disposition Parcel No. 97-A (6th and University) in Metro Center Urban Renewal Project:

02-2354 (A) Approving Urban Renewal Purchase Agreement and sale of property to Neighborhood Development Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-2355 (B) Releasing easement and ordering removal of utility facilities. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-2356 69. On vacation of E. Granger Avenue right-of-way between SE 37th and SE 38th Street. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2357 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2358 70. On vacation of a portion of E. Railroad Avenue right-of-way. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2359 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2360 71. On Zoning Ordinance amendments regarding use of barb wire and electric fences. **Moved by Coleman to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 7-0.**

02-2361 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

72. On items regarding Carman Estates, 5405 Indianola Avenue:

02-2362 (A) Approving amendment to the Comprehensive Plan. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2363 (B) Approving amendment to the "PUD" Conceptual Plan. **Moved by Brooks to adopt and approve the amended "PUD" Conceptual Plan for Carman Estates. City Manager and City Engineer to report on detention pond and condition of streets - Indianola Avenue and Easter Lake Drive. Motion Carried 7-0.**

WITHDRAWN02-2364 (C) ALTERNATE RESOLUTION to A & B: Resolution denying amendments to the Comprehensive Plan and "PUD" Conceptual Plan.

* * END HEARINGS at 5:50 P.M. * *

****Council considered items 62 through 65 next****

CITY MANAGER RECOMMENDATIONS

02-2365 73. Regarding the removal of school crossing guards at the noon crossing period for the 2002-2003 school year. ([Council Communication No. 02-516](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

APPROVING

02-2366 74. Preservation Properties, I, L.L.C. Application for Enterprise Zone Benefits for a project in the Des Moines Gateway Enterprise Zone, (501/507 E. Locust). ([Council Communication No. 02-499](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

02-2367 75. Joint Service Agreement with Metro Transit Authority, the Downtown Community Alliance, and the City regarding the maintenance of the Walnut Street Transit Mall. ([Council Communication No. 02-518](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

76. NUMBER NOT USED.

02-2368 77. Authorizing the City Manager to work with the MTA to solicit proposals and to allocate up to \$25,000 of Park and Ride revenues for a study of an additional Park and Ride Facility and evaluation of the Walnut Transit Mall, with identification of possible alternative arrangements for accommodating transit operations in the downtown. ([Council Communication No. 02-514](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2369 78. Minimum Assessment Agreement with Airport Commerce Park, L.C., 6200 Park Avenue; Principal Life Insurance Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2370 79. Brick Salvage Policy to facilitate reuse of brick pavers in neighborhoods and parks. ([Council Communication No. 02-509](#)). **Moved by Hensley to refer back to staff to address a second tier regarding storage costs and selling price, as appropriate. Motion Carried 7-0.**

02-2371 80. Receipt of Mayor's Landscape Task Force Draft Des Moines Landscape Guidelines, for referral to Architectural Advisory Committee, Park and Recreation Board, and Plan and Zoning Commission for review. (Copy on file in City Clerk's Office). ([Council Communication No. 02-500](#)). **Moved by Vlassis 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.

02-2372 1. Communication from Carl Voss, 323 E. 5th Street requesting permission to hang a banner on behalf of the Historic East Village across East Fifth Street between Teachout Building and Locust Tap on October 4-6 (Des Moines Marathon) and on November 22-24 (Neighborhood Open House) across Locust Street between the Teachout Building and Capitol Village Lofts. SPONSOR: Brooks. **Moved by Brooks to receive, file and approve banner design as submitted. Motion Carried 7-0.**

02-2373 (A) Request from Des Moines Marathon for approval to hang a temporary banner at the start of the marathon (2nd and Court) on October 6, 2002. SPONSOR: Mayor Daniels. **Moved by Brooks to receive, file and grant the request. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH September 23, 2002

02-2374 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:

02-2375 (A) 1964 Arlington Avenue (vacant) Titleholder: Earl Nelson; and Legal Interest Holders: Nationscredit Financial Services Corporation d/b/a Equicredit, Attn: C T Corporation System, Inc., Registered Agent and Household Finance Industrial Loan Company of Iowa, Attn: C T Corporation System, Registered Agent. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-2376 (B) 2620 Dean Avenue (vacant) Titleholder: Robert Wilson, III and Legal Interest Holder: FEZ, Inc., Attn: William S. Rothmeyer, Registered Agent. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-2377 (C) 3829 13th Street (vacant) Titleholder: SRS, Inc., Attn: David M. Erickson, Registered Agent. **Moved by Cownie to adopt. Motion Carried 7-0.**

(D) NUMBER NOT USED.

02-2378 (E) 923 E. 23rd Court (vacant) Titleholders: Vickie J. Wheeler, Argus Lett d/b/a A & S Property Management, Inc., and Stacie Lett d/b/a A & S Property Management, Inc. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-2379 (F) 932 59th Street (vacant) Titleholder: Meyer and Frances Shnurman, and Contract Buyer: Carmi Ofir. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-2380 MOTION TO ADJOURN. **Moved by Cownie to adjourn at 6:50 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS