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See Roll Calls [01-3262 thru 01-3299](#)

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SUMMARY OF DES MOINES CITY COUNCIL MEETING

November 5, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

(A) Adoption Month

(B) Gary Ihnen/Des Moines Night Life.com

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

01-3262 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-3263 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3264 3. APPROVING CONSENT AGENDA - items 3 through 69: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-3265 4. Communication from Legal Department regarding November 5, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-3266 5. Hwangs Canton Inc., Hai Hwang, Owner dba Mr. Egg Roll, 3330 Indianola; Renewal - Expires 11-22-01 (With Sunday Sales) - Application submitted 10-19-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Brooks.**

"C" Beer Licenses

01-3267 6. Full Line Foods, Inc., Eufrazio Mayorga, Owner dba Tienda Mexicana, 1524 East

Grand; Renewal - Expires 11-18-01 (With Sunday Sales) - Application submitted 10-23-01.
Moved by Hensley to adopt. Motion Carried 7-0.

Class "C" Beer/"B" Wine Licenses

01-3268 7. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #541, 2428 Hubbell; Renewal - Expires 12-9-01 (With Sunday Sales) - Application submitted 10-12-01.
Moved by Hensley to adopt. Motion Carried 7-0.

Class "C" Beer/"B" Wine/"E" Liquor Licenses

01-3269 8. IFFB, Inc., Sumanjit Kaur, President dba Sir Quick Stop, 4538 Lower Beaver Road; New Application (With Sunday Sales) - Application submitted 9-7-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-3270 9. Kimberly L. McCaughey dba Cartoons Oyster Bar, 2301 Hubbell; New Application (With Sunday Sales) - Application submitted 9-28-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3271 10. The Garden Inc., Scott Neasham, President dba The Garden, 112 Southeast 4th Street; Renewal - Expires 11-8-01 (With Sunday Sales and Outdoor Service) - Application submitted 10-4-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3272 11. Nacho Business, Inc., Richard Murillo, President dba Nacho Mamas, 216 Court Avenue; Renewal - Expires 11-21-01 (With Sunday Sales and Outdoor Service) - Application submitted 10-22-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3273 12. Rustys Lounge Inc., Harold Young, President dba Rusty's, 2565 Wedgewood Road; Renewal - Expires 11-23-01 (With Sunday Sales and Outdoor Service) - Application submitted 10-17-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3274 13. Timber Lane III LLC, Janet Carolyn Parsons, Owner dba Stroll Inn, 3325 Hubbell; New Application (With Sunday Sales) - Application submitted 10-31-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3275 14. J Thomas Inc, Jeffrey Johannsen, President dba Terrace Cafe, 600 East Locust; Renewal - Expires 11-30-01 (With Sunday Sales and Outdoor Service) - Application submitted 10-19-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3276 15. Varsity Cafe, Incorporated, John Shumacker, Owner dba Varsity Cafe, 1229-1233 25th Street; Renewal - Expires 11-12-01 (With Sunday Sales) - Application submitted 10-12-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

01-3277 16. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3278 17. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

01-3279 18. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-3280 19. Execution of Iowa Department of Transportation Agreement for resurfacing E. University Avenue from E. 14th Street to E. 41st Street. ([Council Communication No. 01-554](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3281 19-I Resolution ordering construction of E. 14th Street and E. University Avenue Traffic Signal Upgrade Project, Receiving of Bids, (11-20-01), and Setting Date of Hearing, (12-3-01), (Construction Estimate - \$155,725). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3282 20. Execution of Iowa Department of Transportation Agreement for replacement of traffic signals at the intersection of Beaver Avenue and Hickman Road. ([Council Communication No. 01-555](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3283 21. Approving Change Order No. 7 with Manatts, Inc. for additional work in conjunction with the S.W. 34th Street Relocation Contract, not to exceed \$13,581.14. ([Council Communication No. 01-553](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3284 22. Approving Change Order No. 1 with KRI Company for project modifications in connection with the Northeast Four Mile Trunk Sanitary Sewer Project, not to exceed \$13,364.50. ([Council Communication No. 01-565](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3285 23. Approving Change Order No. 14 with M. Peterson Construction Company, for additional work in conjunction with the Martin Luther King, Jr., Parkway Paving-SW 2nd Street to SW 7th Street, not to exceed \$16,527.50. ([Council Communication No. 01-571](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

24. Approving the acquisition of right-of-way for sanitary sewer in conjunction with the following, ([Council Communication No. 01-561](#)):

01-3286 (A) I-235 Group 1 Corridor Improvements, coordinate with consultant, Howard R. Green. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3287 (B) I-235 Group 2 Corridor Improvements, coordinate with consultant, Stanley Consultants, Inc. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3288 (C) I-235 Group 3 Corridor Improvements, coordinate with consultant, Snyder & Associates. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3289 (D) I-235 Group 4 Corridor Improvements, coordinate with consultant, Veenstra & Kimm, Inc. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3290 25. Approving Electric Distribution System Agreement with MidAmerican Energy Company (David L. Sokol, Chairman and CEO, DSM) for removal of overhead electrical lines and replacement with a below ground electrical circuit and providing a 300 KVA Pad Mounted Transformer at 226 Elm Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

26. Approving the following Private Construction Contracts:

01-3291 (A) Street Improvements for installation of approximately 2,625 square yards of 10" PCC Paving for construction of turn lanes and crossovers on Army Post Road at SW 34th Street and SW 37th Street between Elder Corporation (Jared Elder II, Vice President), Contractor and ABC Partners, L.P. (Richard B. Margulies, Treasurer of G.P., WDSM), Owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3292 (B) Street Paving Improvements to serve Stoney Pointe Development including widening of east side of SE 14th Street between Hart Avenue and E. Diehl Avenue and portion of full width paving of Hart Avenue and E. Diehl Avenue between Eco-Tech Construction, LLC (Jim Mackey, Manager, Grimes), Contractor and D.W. Homes, Inc. (David Walters, President, Urbandale), Owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3293 (C) Extension, turnlanes, and traffic signals in vicinity of Railroad Avenue east from 63rd, to 62nd, to provide ingress/egress to Quik Trip, Venter Spooner, Inc., (Daniel Venter, President, Johnston), (Contractor) and QuikTrip Corporation, Chester Cadieux, President, Mission, KS, (Owner). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-3294 (A) Fleur Drive Paving-Phase 2, McAninch Corporation, \$300.46 is now due and \$88,879.64 remaining balance is payable at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3295 (B) Police Academy Roof Replacement, Central States Roofing Company, \$5,212.65 is now due and \$3,224.35 remaining balance is payable at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3296 (C) Drake Municipal Observatory Restoration - Phase I, Munro Construction Co., \$913.90 is now due and \$7,209.05 remaining balance is payable at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3297 28. Communication from Eco-Tech Construction, L.L.C. requesting to sublet certain items on the Indianola Avenue Connector project. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3298 29. Approving partial payments on thirteen (13) public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

01-3299 30. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of October, 2001 for Certification to Polk County, Schedule 2001-30. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3300 31. Notice to levy assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2001-15. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3301 32. Authorizing Assessment Clerk to correct delinquent Solid Waste/Stormwater utility and or Sewer Rental Credits Schedule for October, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3302 33. Approve and accept offer to purchase real estate and acceptance and warranty deed from Terry May for 1035 Martin Luther King, Jr. Pkwy for Day Street Sanitary Sewer Relocation-\$46,000 plus closing and relocation costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3303 34. Approve and accept right-of-way documents from Bull Dogs Den, Ltd., 4340 NE Hubbell Avenue for the Northeast Four Mile Sanitary Sewer Project-\$1,365 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3304 35. Approve and accept right-of-way documents from Iowa State Lottery and Grand Avenue Associates Limited Partnership, 2015 Grand Avenue for the Martin Luther King, Jr. Parkway Project, North/South Segment-\$40,952 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3305 36. Approving rededication of alleys in block bounded by Walnut, Mulberry, 12th and 13th Street as public rights-of-way. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3306 37. Approving extension of filing time on Final Plat for Easter Lake Estates Plat 7 to November 30, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3307 38. Approving extension of filing time on Final Plat for Easter Lake South Plat 2 to November 30, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3308 39. Approving extension of filing time on Final Plat for Easter Lake Cove Plat 1, to November 30, 2001, and correcting error in name of plat on original approving resolution. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-3309 40. Appointment of Robert Mickle and Richard O. Jacobson, as local representatives to the committee formed to consider the City's pending Petition for Involuntary Annexation. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3310 41. Recommendation of Mayor Preston Daniels to reappoint Michael Simonson to Seat 3 on the City Plan Commission for a five year term commencing July 1, 2001 to expire July 1, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3311 42. Recommendation of Council Member Mike McPherson to appoint Alan Wolf to seat 5 on the Licensing and Appeals Board for a three year term commencing January 22, 2001 to expire April 1, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3312 43. Communication from Robert Utter, Chair, Sister City Commission advising of resignation of Mary Gannon, (seat 3) effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSURES

01-3313 44. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Pam Kulik, representing Downtown Community Alliance, 400 Locust Street, requesting permission to close 4th Street from Court Avenue to Walnut Street on Saturday, December 1, 2001 from 12:00 Noon to 10:00 P.M., on Friday, December 7, 2001 from 4:00 to 10:00 P.M. and on Friday, December 14, 2001 from 4:00 to 10:00 P.M. for Miracle On 4th Street.

(2) Scott Allen, representing STAR 102.5 and Downtown Community Alliance, 1416 Locust Street, requesting permission to close 7th Street from Locust Street to Mulberry Street from 8:00 A.M. to 10:00 P.M., Locust Street from 3rd Street to 4th Street from 12:00 Noon to 8:00 P.M., Walnut Street from 1st Street to E. 2nd Street from 10:00 A.M. to 10:00 P.M. and E. 1st Street from Court Avenue to Walnut Avenue from 10:00 A.M. to 10:00 P.M. on Saturday, December 1, 2001 for Fire In The Sky.

(3) Mo Dana, representing Downtown Community Alliance, 400 Locust Street, requesting permission to close Locust Street from 3rd Street to 4th Street from 12:00 Noon on December 31, 2001 to 1:00 A.M. on January 1, 2002 for ImaginEve.

SETTING DATE OF HEARINGS

01-3314 45. On proposed Des Moines Agrimergent Technology Park Plan, generally between SE

30th and SE 43rd Streets in vicinity of Vandalia Road, (12-3-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3315 46. On request from D. Scott Avitt, to rezone property at 714 Scott Avenue from "R-2A" (General Residential) to "M-1" (Light Industrial District), subject to conditions, (11-19-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3316 47. On vacation and to permanently abandon two separate pedestrian access parcels from the 4200 block of SE 24th Street, in the Easter Bay Colony residential area, to Easter Lake Park, to William B. Mittler, for consideration of a new 10' access easement north of Lot 18, (11-19-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3317 48. On vacation and conveyance of alley between 15th and 16th, and Woodland and High, to Woodland Avenue Partners, L.P., \$35,000, (11-19-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-3318 49. Approving payment of \$808.50 to Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in the case of Joyce Wilson and Val Wilson, Jr. as Administrators of the Estate of Jerome LeRoy Mozee v. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 7-0.**

01-3319 50. Approving payment of \$36,000 to Denise L. Smith for workers' compensation claim on an injury sustained during scope of her employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3320 51. Approving payment of \$77,071.75 to Michael C. Polland for workers' compensation claim on an injury sustained during scope of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3321 52. Approving waiver of medical subrogation lien in case of Jeffrey and Brenda Sample for a non-work related injury in the amount of \$17,950.85. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3322 53. Approving waiver of medical subrogation lien in case of Terry Durrett for a non-work related injury in the amount of \$7,126.60. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-3323 54. Submitting traffic regulation changes as follows: [\(Council Communication No. 01-568\)](#). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--South Side of Tiffin Avenue, East of East 14th Street.

(2) Stop Sign Placement on Greenwood Drive at 38th Place and on Woods Drive at 38th Place.

01-3324 55. Submitting out-of-state travel requests for John Hagener and Carl Elshire. ([Council Communication No. 01-556](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

01-3325 56. Request from Downtown Community Alliance for permission to hang Victorian-style wreaths along Court Avenue and on Fourth Street, between Court and Walnut during November and December. **Moved by Hensley to receive, file and grant the request as submitted. Motion Carried 7-0.**

01-3326 57. Approving AMENDMENT ONE to the 2001 Neighborhood Conservation Services (NCS) Owner Occupied Rehabilitation Program Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

58. NUMBER NOT USED.

01-3327 59. Fourth Amendment to agreement for professional services with Foresite RDG Inc. for project management services on the Gateway Project. ([Council Communication No. 01-558](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3328 60. Preliminary approval of Woodland Avenue Partners, L.P. application for TIF Financing on proposed construction of 54 residential units at 15th and Woodland Avenue. ([Council Communication No. 01-557](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3329 61. Amendment to annual audit contract with McGladrey & Pullen, LLP increasing scope of original contract to include additional requirements of GASB 34 and to add training to assist staff in meeting additional requirements on a timely basis, not to exceed \$50,601. ([Council Communication No. 01-566](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

62. Bids for the following:

01-3330 (A) O'Halloran International, (Jim O'Halloran, President) for truck tractors, \$80,904 and Mid States Ford/Sterling Truck Sales, (Marv Perry, President) for trailers, \$83,800 to be used by the Wastewater Reclamation Facility at a total cost of \$164,704. (Eight bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3331 (B) Dewey Ford, (Mark Vuckovich, President) for 11,000 GVWR Truck to be used by the Wastewater Reclamation Facility, \$27,640.60. (Nine bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3332 (C) Dewey Ford, (Mark Vuckovich, President) for 8,500 GVWR Truck (\$20,472.29), 11,000 GVWR Truck (\$44,757.57), 11,000 GVWR Truck (\$43,074.14) and one intermediate size pickup truck (\$8,145.17); also from Mid States Ford/Sterling Truck Sales, (Marv Perry,

President) for two intermediate cargo vans (\$34,118) and three heavy duty cargo vans (\$49,301) to be used by the Wastewater Reclamation Facility at a total cost of \$199,868.17. (Eleven bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3333 (D) Grimes Asphalt and Paving, (J.M. Yonker, President, Grimes) for 700 tons 1/2" multigrade asphalt cold mix, \$38,500 and Des Moines Asphalt and Paving Co., (Jim Gauger, President) for 1300 tons omega high performance cold mix, \$94,250 to be used by Public Works Department, Street Maintenance at a total cost of \$132,750. (Two bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3334 (E) Sandry Fire Supply, (Mark Sandry, President, Lansing, IA) for MSA self contained breathing apparatus and tanks \$74,470 and 2-1/2" fire fighting nozzles at \$4,064 also from Ed M. Feld Equipment Company, (Judy Feld, President, Carroll, IA) for 1" and 2" fire fighting hose \$2002 to be used by the Fire Department at a total cost of \$80,536. (Eight bids mailed, two received). ([Council Communication No. 01-560](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3335 63. Authorizing Finance Director to draw checks on the registers of November 9, 2001 and November 16, 2001; and for the bills of the Des Moines Municipal Housing Agency for the weeks of November 5, 2001 and November 13, 2001; and for biweekly payroll due November 16, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-3336 64. Amending Chapter 42 of the Municipal Code regarding definition of Noise Disturbance. **Moved by Hensley that this ordinance do now pass, [#14,009](#). Motion Carried 7-0.**

01-3337 65. Amending Chapter 42 of the Municipal Code regarding abatement, enforcement, liability and abandonment of property in the right-of-way (costs of abatement, location of items and service of notice). **Moved by Hensley that this ordinance do now pass, [#14,010](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-3338 66. Amending Chapter 74 of the Municipal Code regarding temporary fee adjustments for the Park and Recreation Department. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3339 (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, [#14,011](#). Motion Carried 7-0.**

01-3340 67. Amending Chapter 114 of the Municipal Code regarding the following traffic

regulation changes: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Corner Clearance--West Side of 15th Street and North Side of Seneca Avenue.

(2) Commercial Loading Zone--North Side of Grand Avenue, West of 3rd Street.

01-3341 (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, [#14,012](#). Motion Carried 7-0.**

01-3342 68. Amending Chapters 82 and 134 of the Municipal Code submitting Zoning Ordinance and Site Plan Regulation text amendments, regarding vehicle display lots. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: McPherson.**

01-3343 69. Amending the Municipal Code regarding boundaries of the City limits. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3344 (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, [#14,013](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-3345 70. Amending description of the Election Precincts and Wards. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3346 (A) Final consideration of ordinance above, (waiver requested by City Clerk), 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, [#14,014](#). Motion Carried 7-0.**

01-3347 71. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes on University Avenue between 29th and 48th Street. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3348 72. Amending Chapter 114 of the Municipal Code regarding the following traffic

regulation changes: **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (1) Corner Clearance--West Side of East 27th Street, South of East Madison Avenue.
- (2) Commercial Loading Zone Removal--North Side of Pleasant Street, East of 10th Street.
- (3) Two-Sided Parking Revision--East 25th Street, South of University Avenue.
- (4) Speed Limit Change--SE 34th Street Between Evergreen and Easter Lake Drive.
- (5) Corner Clearance--South Side of Maple Street, East and West of East 28th Street.

01-3349 (A) Final consideration of ordinance above. **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, [#14,015](#). Motion Carried 7-0.**

COUNCIL REQUESTS

01-3350 73. From Mayor Preston Daniels to discuss "Outside In: African-American History in Iowa, 1838-2000", to be published in December by the State Historical Society of Iowa. **Moved by Brooks to grant the request and direct the City Manager to place the City's contribution of \$1,000 in the 2002-2003 budget. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-3351 74. Presentation by Carol Bower, Executive Director of Neighborhood Development Corporation (NDC), regarding status of NDC's projects and activities. **Moved by Hensley to receive and file presentation. Motion Carried 7-0.**

****Council Considered Item 85 next****

HEARINGS (Opened at 5:31 P.M.) (Items 75 thru 83)

01-3352 75. On appeal from Candace J. Brandt, 242 E. 30th, of denial for a Pawnbroker License. **Moved by Hensley to continue to 11-19-01 at 5:30 P.M. Motion Carried 7-0.**

01-3353 76. On appeal of Kealoha Crytser, 2940 Brattleboro Avenue #1, regarding recommended denial of taxicab license. **Moved by Vlassis to deny the license. Motion Carried 6-1. Nays: Brooks.**

77. On proposed issuance of the following bonds:

01-3354 (A) \$31,000,000 General Obligation Refunding Bonds Series 1993B and 1994A.

Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Flagg.

01-3355 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Flagg.**

01-3356 (B) \$4,000,000 General Obligation Refunding Bonds Series 1993A. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Flagg.**

01-3357 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Flagg.**

01-3358 (C) \$4,000,000 General Obligation Hotel and Motel Tax Refunding Bonds Series 1992B. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Flagg.**

01-3359 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Flagg.**

01-3360 78. On request from Neighborhood Improvement Corporation for vacation and conveyance of remaining alley rights-of-way in the block bounded by Vine, 1st, Court and 2nd, \$115,700. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-3361 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-3362 (B) 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, [#14,016](#). Motion Carried 6-1. Absent: Flagg.**

01-3363 79. On request from Thomas Keyes and Lorri Taylor, to rezone property at 1608 Dixon from "R-2A" (General Residential) to "M-1" (Light Industrial) subject to limitations. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3364 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3365 (B) Final consideration of ordinance above, (waiver requested by applicant), 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, [#14,017](#). Motion Carried 7-0.**

01-3366 80. On License Agreement with Des Moines Water Works Board of Trustees, for

placement of "Data Collection Equipment" on 9 scattered fire department siren poles throughout the City. ([Council Communication No. 01-563](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3367 81. On conveyance of City property at 5723 Winona Avenue, to R.M. Madden Construction, for residential infill housing, \$15,000. ([Council Communication No. 01-562](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3368 82. On conveyance of vacated alley west of 2804 E. 16th Street, to Luther Care Service, \$50, for expansion of a residential side yard. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3369 83. On 1201 Walnut Street (Former 3-E Building) Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as L.A. Company (Linda Wicker, Owner, DSM), \$338,999. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3370 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:48 P.M. * *

CITY MANAGER RECOMMENDATIONS

01-3371 84. Preliminary Memorandum of Understanding with Johnson Property Development L.C., and recommending approval of application to Des Moines Enterprise Commission for Enterprise Zone benefits for proposed development of property in the Metro Center Urban Renewal project and Gateway Enterprise Zone, in the vicinity of Pennsylvania and E. Grand. ([Council Communication 01-567](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

APPROVING

01-3372 85. Designation of Greenwood Historic, Waveland Park and King-Irving Park as neighborhoods to be included in the City's Neighborhood Revitalization Program. ([Council Communication No. 01-559](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-3373 86. Amendment One to the Southwest Fairmont Park Neighborhood Enhancement Program. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3374 (A) Fairmont Park Program Agreement with Neighborhood Finance Corporation to administer the Southwest Fairmont Park Neighborhood Enhancement Program. ([Council Communication No. 01-569](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3375 87. Authorization of City Manager to submit applications to the MPO for Federal STP and TE Funds for various locations in the City of Des Moines in the amount of \$6,485,000. (Please refer to City Clerk's Office or City's Web Page for listing of projects). ([Council](#)

[Communication No. 01-572](#)). Moved by Hensley to adopt. Motion Carried 7-0.

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A G E N D A

BOARD OF HEALTH

November 5, 2001

01-3376 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as Board of Health. Motion Carried 7-0.

AUTHORIZING

01-3377 1. Court authority to abate the public nuisance at 2913 Delaware Avenue, (occupied), Titleholders: Leo R. and Margaret R. Brown; Contract Buyer: Roy Reha; and Legal Interest Holders: ESI 97F, Attn: Darren, Asset Manager. Moved by Vlassis to adopt. Motion Carried 7-0.

01-3377 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:04 P.M. Motion Carried 7-0.

DES MOINES-CITY OF SKYWALKS