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See Roll Calls [01-3379 thru 01-3420](#)
See Roll Calls [01-3421 thru 01-3442](#)
See Roll Calls [01-3443 thru 01-3469](#)
See Roll Calls [01-3470 thru 01-3486](#)

SUMMARY OF DES MOINES CITY COUNCIL MEETING

November 19, 2001 4:30 P.M.

INVOCATION: Pastor Paul B. Koch, Jr., Park Avenue Christian Church

01-3383 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

SPECIAL ANNOUNCEMENT-Michael Armstrong, Chief Information Officer, regarding Digital Cities Survey Results for Des Moines

01-3384 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

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***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

01-3385 3. APPROVING CONSENT AGENDA - items 3 through 52: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-3386 4. Communication from Legal Department regarding November 19, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

"C" Beer Licenses

01-3387 5. Mjhiiall Corporation, Mohinder Kaur, Owner dba Fairgrounds 66, 303 SE 30th Street; New Application (With Sunday Sales) submitted 10-11-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-3388 6. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Store #2, 2540 East Euclid; Renewal - Expires 12-17-01 (With Sunday Sales) submitted 10-22-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-3389 7. American Drug Stores, Inc., Gary G. Michael, CEO dba Osco Drug #5095, 1345 East University; Renewal - Expires 11-30-01 (With Sunday Sales) submitted 10-10-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-3390 8. Bistro 43 LLC, Kristin McCauley-Morrow, Owner dba Bistro 43, 4345 Hickman Road; Renewal - Expires 12-3-01 submitted 11-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3391 9. Gino's Restaurant & Lounge, Inc., Gene Foggia, President dba Gino's Restaurant & Lounge, 2809 - 6th Avenue; Renewal - Expires 11-28-01 submitted 10-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3392 10. Elizabeth Rae Sample dba Liz's Bar & Grill, 509 East 25th Street; Renewal - Expires 11-30-01 submitted 10-30-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3393 11. Sleepy Hollow Sports Park, Inc., Rick Flatt, Owner dba Sleepy Hollow Sports Park, 4051 Dean Avenue; Renewal - Expires 12-1-01 (With Sunday Sales and Outdoor Service) submitted 11-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3394 12. Sudsucker's, Inc., Kevin Smith, President dba Sudsucker's, 1511 East Army Post Road; New Application (With Sunday Sales and Outdoor Service) submitted 11-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3395 13. The Ground Round, Inc., Mark Lawless, Sr. Vice President dba Tin Alley Grill, 4345 Merle Hay Road; Renewal - Expires 11-26-01 (With Sunday Sales) submitted 10-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-3396 14. DTMC, L.C., Dan Mauro, Owner dba Whiskey Rox, 208 Court Avenue; Renewal - Expires 11-12-01 (With Outdoor Service) submitted 10-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

01-3397 15. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3398 16. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Name Change

01-3399 17. South Beach Nightclub, L.L.C., Kurt Just, Owner dba Party Cove, 900 East Army Post Road, changing dba to Coyotes. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-3400 18. Agreement with the U.S. Department of the Interior Geological Survey, for operation of the City's six gaging stations, \$27,407 - City's share. ([Council Communication No. 01-577](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

19. Resolution Ordering Construction of the following:

01-3401 (A) Douglas Avenue at 50th Street Signalization, Receiving of Bids, (12-4-01), and Setting Date of Hearing, (12-17-01). (Construction Estimate - \$234,270) **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3402 (B) 2002 Sanitary Sewer Televising Program, Receiving of Bids, (12-4-01), and Setting Date of Hearing, (12-17-01). (Construction Estimate - \$57,440) **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3403 20. Communication from Story Construction Co., requesting permission to sublet items on the Des Moines Metropolitan Wastewater Reclamation Facility-Biosolids Storage Facilities. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3404 21. Approving [partial payments](#) on eight (8) public improvement projects. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3405 22. Approving Private Construction Contract for construction of Sanitary Sewer Improvements at Top Value Foods Market, 801 University Avenues between Rhiner's Plumbing Co., Inc. (William G. Rhiner, President), Contractor and Snag, LLC, (Marvin W. Alexander, Managing Member, DSM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-3406 (A) 2001 ACC Pavement Milling and Resurfacing, Des Moines Asphalt & Paving Co., \$54,392.51 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3407 (B) North Side Library Glazing Repair, The Hansen Company, Inc., \$1,485.50 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3408 (C) Union Park Rocket Slide, Hooyer Construction, Inc., \$2,352.50 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3409 (D) Allied Demolition Contract No. 3, M.E.D.A., \$8,375.90 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3410 (E) Ewing Park Parking Improvements, Des Moines Asphalt & Paving Co., \$2,945 is now due and \$3,469.28 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3411 (F) University Avenue Bridge Parapet Wall Modification, Jensen Construction Co., \$1,655.37 is now due and \$7,074.68 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3412 (G) Demolition Contract No. 168, B.H.N.A.C., DF Trucking, \$6,527.45 is now due and \$3,625 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3413 (H) Wells Fargo Demolition, Metro Wrecking & Excavating, Inc., \$4,275 is now due and \$19,982.83 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3414 (I) 812 Mulberry Street Asbestos Removal, Active Thermal Concepts, Inc., \$1,425 is now due and \$2,515.25 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3415 (J) 823 Walnut Street Demolition, Peterson Contractors Inc., \$63,152.20 is now due and \$16,743 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3416 (K) Lower Beaver Road Widening-Madison Avenue to Shawnee Place, Eco Tech Construction LLC, \$608 is now due and \$5,440.39 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

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

01-3417 (A) Schedule No. 2001-75. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3418 (B) Schedule No. 2001-34. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3419 (C) Schedule No. 2001-55. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3420 24-I Approve and accept offer to purchase real estate and acceptance and Warranty

Deed from Larry Stougaard for 940-19th Street for Martin Luther King, Jr. Parkway Project-North/South Segment-\$80,000 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3421 25. Rescind Offer to buy vacated street right-of-way from Raymond Rosenberg and Gene Rosenberg, Carol May Harris and Lowell Harris, and Renee R. Rosenberg as Trustee of Renee R. Rosenberg Trust adjacent to Douglas Avenue Widening at Beaver Avenue Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3422 26. Approving Curative Special Warranty Deeds to SNAG, L.L.C. and Midwest Property Group, Ltd., for portions of 7th and 8th Streets and alleys north of University Avenue, previously conveyed by City for site of new grocery store (original deed contains error in legal description). **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

01-3423 27. Regarding renaming portions of the Martin Luther King, Jr. Parkway. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

(1) North/South portion to remain Martin Luther King, Jr. Parkway.

(2) East/West portion, west of the Des Moines River, be renamed West Martin Luther King, Jr. Parkway

(3) East/West portion, east of the Des Moines River, be renamed East Martin Luther King, Jr. Parkway

01-3424 28. Regarding renaming Indianola Avenue between SW 7th and SE 1st Street, to Indianola Road; and renaming a future street between SW 3rd Street bridge and SE 1st Street to Indianola Avenue. **Moved by McPherson to adopt and to refer to the Legal Department for preparation of the necessary legislation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-3425 29. On vacation and lease of 12th Street right-of-way between Crocker and School Streets, to William Crist, \$300 per month, (12-3-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3426 30. On conveyance of City property locally known as the Southeast corner of Whitmer Park--E. 6th and Lyon, to State of Iowa, for road construction, (12-3-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3427 31. On vacation and conveyance of a portion of E. Court Avenue and E. 7th Street right-of-way at 625 E. Court Avenue, to Hamms-Des Moines Company, \$13,620, (12-3-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3428 32. On vacation and conveyance of a portion of E. Court Avenue and E. 6th Street right-of-way at 601 E. Court to Blue Plans Credit Union, \$4,250, (12-3-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3429 33. On request from ABC Partners, L.P. and Army Post Development L.C., to rezone property at 3600 Army Post Road, from "PBP" (Planned Business Park) to "PUD" (Planned Unit Development), and to approve a PUD Conceptual Plan, (12-3-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3430 34. On request from Uptown Partners, L.P. to rezone property in vicinity of 4115 University Avenue from "C-1" (Neighborhood Retail Commercial) to "NPC" (Neighborhood Pedestrian Commercial) to ensure future development of the site will be pedestrian oriented, neighborhood commercial development, subject to limiting the story height for all development on two-stories, (12-3-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-3431 35. Approving payment of \$6,510.80 to Carol S. Yazel for settlement of a worker's compensation claim for an injury sustained during scope of her employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3432 36. Approving payment of \$6,803.38 to Jane McAllister of Ahlers, Cooney, Dorwieler, Haynie, Smith & Allbee Law Firm for assistance to the City in conjunction with the acquisition of the DICO property at 200 SW 16th Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3433 37. Approving payment of \$181.59 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for assistance to the City in conjunction with Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc., v. City of Des Moines. **Moved by McPherson to approve payment. Motion Carried 7-0.**

01-3434 38. Approving payment of \$57.57 to John L. Corbett of Spiegel & McDiarmid Law Firm for assistance to the City in conjunction with FAA concerns regarding City's Airport PILOT charge. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3435 39. Approving payment of \$1,472.22 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance to the City in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3436 40. Approving payment of \$1,505.81 to Spiegel & McDiarmid Law Firm for services in connection with the Brownfields Showcase Community and related matters. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3437 41. Approving payments of \$610.40 to William Jenkins of law firm of Myers & Jenkins and \$209.04 from Jack Phillips of law firm of Phillips, Goldman & Spence, P.A. retained as

counsel to represent City in the Trans World Airlines, Inc. bankruptcy, Total - \$819.44. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3438 42. Approving payment of \$1,489.95 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case Mary Elaine (Kirsch) Sinclair as Administrator of the 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.**

CITY MANAGER COMMUNICATIONS

01-3439 43. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-574](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--West Side of Cambridge Street, South of East Ovid Avenue.

(2) Relocation of Handicapped Parking Meters--East Side of 6th Avenue, South of Mulberry Street.

(3) Parking Restriction for Driveway at Polk County Jail--North Side of Cherry Street, West of 6th Avenue.

(4) Corner Clearance--West Side of East 13th Street, South of Guthrie Avenue.

(5) Corner Clearance--East Side of SE 3rd Street, North of East Watrous Avenue.

(6) Corner Clearance--North Side of Center Street, East of 31st Street.

01-3440 44. Submitting out-of-state travel requests for Don Tripp, David Bettis and Eric Anderson. ([Council Communication No. 01-573](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

APPROVING

45. Forms of Agreement with the following for dispersal of Federal Home Loan Bank Affordable Housing Program Grants to be used in conjunction with City of Des Moines' Emergency Repair Loan Program:

01-3441 (A) West Des Moines State Bank (West Bank) - \$249,999. ([Council Communication No. 01-584](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3442 (B) Bankers Trust Company, N.A. (Bankers Trust) - \$249,999. ([Council Communication No. 01-585](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3443 46. Execution of 28E Agreement with Polk County for maintenance of shared boundary streets and roads. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3444 47. Revised Form of Commitment Contracts for Community Development NCS Division Home and CDBG Housing Programs. ([Council Communication No. 01-583](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

01-3445 48. Bid from Big Bear Equipment, (Dave Wilson, President), for four outfront riding lawn mowers to be used by the Wastewater Reclamation Facility, \$38,500, (Eight bids mailed, six received). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3446 49. Civil Service Entrance Lists for Housing Services Maintenance Mechanic B, Assistant Building Maintenance Supervisor, and Development Zoning Inspector; also Promotional List for Public Works Customer Service Supervisor. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-3447 50. Authorizing Finance Director to draw checks on registers of November 23, 2001, November 30, 2001 and December 7, 2001; bills of the Des Moines Municipal Housing Agency for the weeks of November 19, 2001 and November 26, 2001 and biweekly payroll due employees of the City on November 30, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-3448 51. 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 do now pass, #14,018. Motion Carried 5-2. Nays: Flagg and McPherson.**

ORDINANCES - SECOND CONSIDERATION

01-3449 52. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes on University Avenue between 29th and 48th Street. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-3450 53. Amending Chapter 42 of the Municipal Code regarding soil erosion control, grading, grading permits and fees. ([Council Communication No. 01-588](#)). **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3451 54. Amending Chapter 114 of the Municipal Code regarding lowering speed limits in public parks. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3452 55. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given first vote for passage. 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.

01-3453 (A) Final consideration of ordinance above. **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, #14,019. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-3454 56. Presentation by Ben Bishop, Neighborhood Inspection Division Administrator regarding new enforcement process by Police and Community Development Department, for illegal parking on private property. ([Council Communication No. 01-586](#)). **Moved by Vlassis to receive and file presentation. Motion Carried 7-0.**

****Council considered Hearing Items 64 through 67 next****

01-3455 57. From B.J. Adams, 1101 Crocker, #808 requesting permission to speak regarding sidewalks in the City. **Moved by Coleman to receive, file and grant the request to speak, and refer the issues raised to the City Manager for review and recommendation. Motion Carried 7-0.**

01-3456 58. From Robert Willis, 3921 Columbia, requesting to speak regarding "Legislation for effective Urban Revitalization Law." **Moved by Vlassis to grant the request to speak; receive and file the information. Motion Carried 7-0.**

****Council considered Extra Item No. 2 next****

****Mayor Daniels left the meeting at 6:28 P.M.****

01-3457 59. From Gerald LaBlanc, 8912 46th Avenue N.E., Altoona, requesting permission to speak regarding observing the fifteenth anniversary of Pete Crivaro Park. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Daniels.**

01-3458 60. From Brenda Bash requesting permission to speak regarding a building permit waiver on thirty foot sewer easement. **Moved by Brooks to receive, file and refer to the City Manager for a recommendation prior to the next Council meeting. Motion Carried 6-1. Absent: Daniels.**

01-3459 61. From Habitat for Humanity to speak regarding an extension of a building permit for

108 E. Livingston. **Moved by Brooks to receive, file and grant the request for three 90-day extensions, with no fee. Motion Carried 6-1. Absent: Daniels.**

01-3460 62. From Jose Gallardo, 3016 Third street, to speak regarding remodeling of a three-plex at 1107 Filmore, for use as a rental. **Moved by Vlassis to receive, file and grant the request; refer to City Manager for review and recommendation by the next Council meeting. Motion Carried 6-1. Absent: Daniels.**

63. NUMBER NOT USED.

HEARINGS (Opened at 5:43 P.M.) (Items 64 thru 67)

64. On the following items:

01-3461 (A) Hearing on the 2002 Housing & Urban Development (HUD) Consolidated Plan, and Community Development Block Grant Funding Allocations. ([Council Communication No. 01-581](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3462 (B) Communication from City Manager Eric Anderson, regarding City inspection of homes sold on contract. ([Council Communication No. 01-582](#)). **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-3463 (C) Communication from Neighborhood Revitalization Board Chair, regarding requests for contract extensions, carryover funds and program income. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-3464 (D) Comprehensive Strategy Environmental Review Record, Finding No Significant Impact on the Environment, and publishing Notice of Intent to Request Release of Funds. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3465 (E) Communications received regarding CDBG Funding. **Moved by McPherson to receive and file; refer to City Manager for a response by the next Council meeting. Motion Carried 7-0.**

Council considered Extra Item 1 next - then Items 68 through end of agenda

01-3466 65. 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. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3467 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3468 (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, #14,020. Motion Carried 7-0.

01-3469 66. 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. Nittler, for consideration of a new 10' access easement north of Lot 18. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3470 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3471 (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, #14,021. Motion Carried 7-0.**

01-3472 67. On vacation and conveyance of alley between 15th and 16th, and Woodland and High, to Woodland Avenue Partners, L.P., \$35,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3473 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3474 (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, #14,022. Motion Carried 7-0.**

* * END HEARINGS at 6:07 P.M. * *

****Council considered Items 57 through 62 next****

APPROVING

01-3475 68. Professional Services Supplemental Agreement No. 1 with Brian Clark and Associates, for additional professional services in conjunction with the Highland Park Streetscape Project, not to exceed \$29,355. ([Council Communication No. 01-580](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-3476 69. Renewal of Advertising Agreement with Ad In the Hole, LLC, (Ron Sorenson, General Manager), for sale of advertising in cups and on the tee-markers at Des Moines' municipal golf courses. ([Council Communication No. 01-587](#)) **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Vlassis. Absent: Daniels.**

70. The following items regarding Walnut Creek Trail:

01-3477 (A) 28E Agreement with West Des Moines and Windsor Heights, which will allow uniform planning and construction of Phases 1-A, 1-B and II. ([Council Communication No. 01-578](#)). **Moved by McPherson to approve. Motion Carried 6-1. Absent: Daniels.**

01-3478 (B) Iowa Department of Transportation (IDOT) Agreement for a Multi-Use Trail along Walnut Creek from Center Street to 63rd Street. ([Council Communication No. 01-579](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-3479 71. Renewal of Service Contract with Metro Waste Authority for joint operation of a program for disposal of recyclable materials. ([Council Communication No. 01-589](#)). **Moved by Coleman to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

01-3480 72. Memorandum of Agreement with Polk County, for sharing of precincts 92 and 98. **Moved by Hensley to adopt. Council Member Hensley asked that we have discussion with the County Auditor prior to year-end regarding merging precincts in Ward III. Motion Carried 6-1. Absent: Daniels.**

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EXTRA ITEMS

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

01-3481 1. From Stacie Mitchell, 1430 7th Street, requesting permission to speak regarding a release on the property located at 1211 21st Street. SPONSOR: Vlassis. **Moved by Vlassis to receive, file and refer to City Manager and Legal for review and recommendation. Motion Carried 6-1. Absent: Daniels.**

01-3482 2. Resolution to REJECT all bids on the M.L. King Jr. Parkway Paving Project: Raccoon River Bridge to Ingersoll Avenue, (two bids received - both over estimate). ([Council Communication No. 01-590](#)) SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3483 3. Approving settlement of claims with two patrons of the Cafe Di Vang, in the amount of \$7,500 each. SPONSOR: Brooks. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent:**

Daniels.

A G E N D A
BOARD OF HEALTH
November 19, 2001

01-3484 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Daniels.**

AUTHORIZING

01-3485 1. Court authority to abate the public nuisance at 1622 Martin Luther King, Jr. Parkway, (vacant), Titleholders: Life Limited to Faith in Jesus Christ, Attn: Phil Watson, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

01-3486 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:55 P.M. Motion Carried 6-1. Absent: Daniels.**

DES MOINES-CITY OF SKYWALKS