

SUMMARY OF DES MOINES CITY COUNCIL MEETING
March 27, 2000 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

(A) In Special Recognition of Charles Gabus

(B) Doctor's Day

INVOCATION: Father Peter Cade, St. George Greek Orthodox Church

00-816 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

I. Request from Tom Johnson, Administrator of Iowa Department of General Services to present a video of the Iowa Capitol Complex Draft Master Plan.

00-817 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-818 3. APPROVING CONSENT AGENDA - items 3 through 50: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

00-819 4. Communication from Legal Department regarding March 27, 2000 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-820 5. Campbell's Concessions, Calvin G. Campbell, President dba Campbell's, 3000 East Grand - Iowa State Fairgrounds - 4-H Building; Renewal - Expires 4-2-00 (With Sunday Sales) - Application submitted 2-23-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-821 6. MLC, Inc., Mary Lynn Coenen, President dba Loco Joe's Nickel Arcade, 1300 East Army Post Road - Suite #5; Renewal - Expires 4-9-00 (With Sunday Sales) - Application submitted 2-9-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-822 7. Shie Concession Co., Inc., Shie Foudree, President dba Shie Concession, 3000 East Grand - Iowa State Fairgrounds - Grandstand; Renewal - Expires 4-7-00 (With Sunday Sales and Outdoor Service) - Application submitted 3-7-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

00-823 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #544, 3941 Southeast 14th Street; Renewal - Expires 4-9-00 (With Sunday Sales) - Application submitted 2-28-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-824 9. WB Stone, Inc., William B. Stone, President dba Southridge Amoco, 6300 Southeast 14th Street; Renewal - Expires 4-6-00 (With Sunday Sales) - Application submitted 3-6-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

00-825 10. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #544, 3941 Southeast 14th Street; Renewal - Expires 4-9-00 - Application submitted 2-28-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

00-826 11. Chicago Speakeasy LTD, Ronald G. Jaeger, President dba Chicago Speakeasy, 1520 Euclid; Renewal - Expires 4-5-00 - Application submitted 3-3-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-827 12. Famous Dave's Ribs, Inc., David W. Anderson, Chairman dba Famous Dave's, 4351 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 3-6-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-828 13. Iowa Cubs Club of Des Moines, Michael Gartner, Chairman dba

WITHDRAWN Iowa Cubs Club of Des Moines, 350 Southwest 1st Street; Renewal - Expires 4-8-00 (With Sunday Sales and Outdoor Service) - Application submitted 3-3-00.

00-829 14. Gracewood Ltd, Mike Wellman, President dba Wellman's Pub, 2920 Ingersoll; Renewal - Expires 4-2-00 (With Outdoor Service) - Application submitted 3-1-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Gameroom

00-830 15. Silver Cinema/Landmark, Inc., John Walker, Manager dba Silver Cinema 10, 6000 Aurora; Renewal - Expired 12-31-99 - Application submitted 3-14-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

00-831 16. Authorization to proceed with the SE 22nd Street and E. Park Avenue Sidewalk Program; included in the 2000/01 Capital Improvements Program. ([Council Communication No. 00-108](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Brooks.**

00-832 17. Approving Professional Services Agreement with Veenstra and Kimm, Inc., (Robert Veenstra, Jr., President, West Des Moines) in connection with Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System (NPDES) Permit Sampling and Analysis. [\(Council Communication No. 00-116\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-833 18. Approving Professional Services Agreement with Snyder & Associates, Inc., (Dennis L. Snyder, President, Ankeny,) in conjunction with acquisition and relocation to build the Indianola Avenue Connector. [\(Council Communication No. 00-114\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-834 19. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, and paving or curb replacement program, waiver signed by one property owner, (call the City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-835 20. Approving Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the E. Indianola Avenue Widening at Evergreen Avenue, Eco-Tech Contractors, Inc., \$7,908.58 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-836 21. Approving partial payments on WRA Raw Sewage Pump Station Improvements and Demolition Contract No. 167, B.H.N.A.C. public improvement projects. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

00-837 22. Resolution Levying Assessments for costs of Nuisance Abatement-1999 Sidewalk Replacement Program Schedule No. 2000-36 and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-838 23. Authorizing Assessment Clerk to delete assessment for cost charged for sidewalk repair in error at 1109 E. Rose in the amount of \$481.16 on Sidewalk Replacement Program Schedule No. 2000-34. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

00-839 24. Offer to purchase real estate and acceptance, form of warranty deed and temporary easement for construction in conjunction with the Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass, from Hubbell Realty Company, 226 Elm St. - \$74,760. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-840 25. Offer to sell real estate in the Central Place Urban Renewal Area from Annaloe Ceretti, 1540 Vermont Street - \$6,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-841 26. Certification of Title for 28 properties in conjunction with Airport Noise Compatibility Program, Phase II (call the City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-842 27. Certification of Title for 36 properties in conjunction with Airport Noise Compatibility Program, Phase II (call the City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

00-843 28. Recommendation of At Large Council Member Chris Coleman, for the appointment of Mary T. Gannon to the Greater Des Moines Sister City Commission for a five-year term (commencing in 1997) to expire April 28, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

00-844 29. Approving exception regarding length of time request from Tyrone Anderson, 1217 McCormick Street, requesting permission to close Walker Street from E. 14th to E. 15th on Saturday, May 6, 2000, from 9:00 A.M. to 5:00 P.M. (Rain Date of May 13, 2000) for Children's Fire and Safety Day. **Moved by Vlassis to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

30. Approving closure of the following City Streets

00-845 (1) Des Moines Park & Recreation, Chris Bolten, 3226 University, requesting permission to close E. 1st Street from Grand Avenue to Locust Street on Saturday, April 15, 2000, from 10:00 A.M. to 2:00 P.M. for the Mayors Annual Bike Ride. **Moved by Vlassis to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

00-846 31. On City Plan and Zoning Commission recommendation to approve request from City of Des Moines (represented by Eric Anderson) to rezone property located at 3400 and 3800 Army Post Road from an "C-2" General Retail and Highway Oriented Commercial District and "PBP" Planned Business Park District to a "M-3" Limited Industrial District (4-17-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-847 32. On City Plan and Zoning Commission recommendation to approve request from Historic District Commission to designate Chautauqua Park as a Local Historic District (4-17-00). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

00-848 33. On Plan and Zoning Commission recommendation to approve request from Historic District Commission to designate 709 E. Locust Street as a Local Landmark (4-17-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-849 34. On Plan and Zoning Commission recommendation to deny request from the Historic District Commission to designate 428-430 E. Locust Street as Local Landmarks (4-17-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-850 35. Approving payment of \$2,704.30 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. for services relating to collective bargaining. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-851 36. Approving payment of \$21,163.95 to Steven C. Beveridge for payment of Workers' Compensation claim for injury suffered in course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-852 37. Approving payment of \$24,722.50 to Dennis R. Bair for payment of Workers' Compensation claim for injury suffered in course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

00-853 38. Submitting out-of-state travel request for Preston Daniels, George Flagg, Andrea Hauer, Michael Valen, and Krista Aldred. ([Council Communication No. 00-117](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

00-854 39. City of Des Moines and River Bend Association, Inc. Enterprise Community Weed & Seed Agreement in conjunction with the River Bend Neighborhood Beautification Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-855 40. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly (Report available on Monday). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-856 41. 1999 Local Law Enforcement Block Grant Report, the Police Department's proposal, and the disband of the 1999 Local Law Enforcement Block Grant Advisory Board. ([Council Communication No. 00-111](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-857 42. Submitting Civil Service Entrance List for Horticulture Technician, Custodial Worker, and Promotional List for WRF Process Automation Specialist. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-858 43. Bid from Per Mar Security Services, (720 E. 2nd Street, Mike Duffy, President) for annual contract with two renewal options for security guard service at Blank Park Zoo to be used by the Park and Recreation Department, \$28,200. (Five bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-859 44. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-860 45. Authorizing Finance Director to draw checks on check register of March 31, 2000, and to draw checks for bills of the Des Moines Municipal Housing Agency for the week beginning March 27, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

00-861 46. On amendment to the "C-3A" Central Business District Support Commercial District regulation, to remove the requirement for off-street parking for residential and for C-1 commercial uses. **Moved by Vlassis that this ordinance do now pass, [#13,802](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

00-862 47. On amending the prior ordinances creating the separate tax increment financing (TIF) districts for the Riverpoint Capitol-Center Development Area and the Capitol-Center Development Area Urban Renewal Projects to merge the two TIF districts into a single TIF district for the Metro Center Urban Renewal Project. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 4-3. Nays: Flagg, McPherson and Brooks.**

WITHDRAWN00-863 (A) Final consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes.

00-864 48. On vacation of portions of 11th Street right-of-way between Locust and Mulberry Streets; public alleys in the six blocks bounded by Locust, Mulberry, 10th and 13th Streets; the subterranean space under and the air rights over the Walnut Street right-of-way from the alley between 10th and 11th Streets extending west to 13th Street; and the subterranean space under and the air rights over the 12th Street right-of-way between Locust and Mulberry Streets. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

00-865 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,803](#). Motion Carried 6-1. Nays: Flagg.**

****Council considered Hearing Items 54 through 59 next****

00-866 49. On rezoning property at 1215 and 1217 Ure Street, from Ltd. "C-1" (Neighborhood Retail Commercial) and "R1-60" (One Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-967 (A) Final consideration of ordinance above. **Moved by McPherson to that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,804](#). Motion Carried 7-0.**

00-868 50. On rezoning property at 1211, 1215, 1221 and 1223 E. 21st Street, and 1214, 1216 and 1220 Ure Street, from "R1-60" (One Family Low Density Residential) to a "C-2" (General Retail and Highway Oriented Commercial), to allow used automobile sales and future building addition. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

00-869 (A) Final consideration of ordinance above. **Moved by McPherson to that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,805](#). Motion Carried 7-0.**

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

***Council considered Hearing Items 54 thru 59 next,
and then 49A and 50A, and Items 52 and 53****

ORDINANCES - FIRST CONSIDERATION

WITHDRAWN00-870 51. Amending Chapter 23 of the Municipal Code regarding curb drop location limitations. (Council Communication No. 00-113)

COUNCIL REQUESTS

00-871 52. From Mayor Daniels and Council Member Vlassis to discuss training for staff of entertainment facilities. **Moved by Vlassis to receive, file, discuss and refer to City Manager, Police and Legal to recommend how a program might be developed to require "floor staff" to attend a training program for certification, working with appropriate associations, for a report back at last meeting in April (4-24-00); consider a potential ordinance to require certification and level of training. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

00-872 53. Request from Sharon J. Bradford, 4410 SE 14th to speak regarding her complaints about Southpark Village located at 1222 SE Emma and surrounding neighbors. **Moved by Brooks to receive, file and grant the request to speak; refer to City Manager and staff to continue enforcement plan for this park, as outlined by Community Development Director, and consider Radio City Mobile Home Park as next enforcement target. Motion Carried 7-0.**

****Council considered Item 60 through end of agenda next****

HEARINGS (Opened at 6:03 P.M.) (Items 54 thru 59)

00-873 54. On Consolidated Annual Performance and Evaluation Report (CAPER) and assessment of the 1999 HUD Consolidated Plan Program Year performance. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-874 55. On proposal to reallocate certain unspent proceeds of the Aviation System Revenue Bonds, Series 1998, to the Airport Skywalk Project. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-875 (A) Approving authorization of additional action for reallocation of the above bonds. ([Council Communication No. 00-110](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-876 56. On Plan and Zoning Commission recommendation to approve request from Easter Lake Estates, Inc., represented by Ronald Woods, to rezone property located at 700 E. County Line Road, from "R1-80" (One Family Residential District) and "R-5" (Mobile Home Residential District) to "R-3" (Multiple Family Residential District), with the condition to include off-set roof lines. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

00-877 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

00-878 (B) Final consideration of ordinance above, (waiver requested by Council Member Brooks), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,806](#). Motion Carried 6-1. Absent: Coleman.**

00-879 57. On Martin Luther King, Jr., Parkway Demolition, Contract No. 3 East/West: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as DF Trucking, (Mae Dillard, Owners, Indianola,), \$138,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-880 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

00-881 58. On Mac Rae Park Restroom: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Lakeview Industries, Inc., (Steven S. Sonnenburg, President, West Des Moines, Iowa), \$80,673. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-882 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-883 59. On Hearing Officer's Decision regarding vehicle impound appeal of Veronica Seville, 1710 7th Street, Suite 3 (continued from 3-20-00). **Moved by Flagg to uphold decision of the hearing officer. Motion Carried 7-0.**

* * END HEARINGS at 6:06 P.M. * *

APPROVING

00-884 60. Communication from City Manager regarding creation of Two Rivers Task Force. ([Council Communication No. 00-118](#)). **Moved by Vlassis to receive, file and approve recommendation as contained in Council Communication No. 00-118, and adding a representative to be appointed from the Polk County Board of Supervisors, and an Ex-Officio appointment of an Arts Community representative is to be included. Council suggested the Chair of the represented Board be designated to serve, if possible. Motion Carried 7-0.**

00-885 61. Establishing Fair Market Value and authorizing acquisition of property for the Allied Insurance Campus Project within the Riverpoint Capitol-Center Development Area Urban Renewal Project. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

00-886 62. Intergovernmental 28E Agreement with Polk County for the construction of the East Euclid Avenue Detention Basin and Stormwater Improvement Project. ([Council Communication No. 00-112](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

00-887 63. Intergovernmental 28E Agreement with Warren County to provide design and construction phase services for paving of Fleur Drive from County Line Road to approximately 325' south and grading of County Line Road to 700' east of Fleur Drive. ([Council Communication No. 00-107](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-888 64. Authorizing the execution of an agreement and covenant with Matthew R. Tofanelli, 3612 SW 7th St., for the construction of a private sewer service in lieu of constructing a public sanitary sewer extension to service property at 3000 Stanton Avenue. ([Council Communication No. 00-115](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

65. Grant applications to Federal Home Loan Bank to provide money for emergency repairs for low-income owner-occupants, sponsored by the following, ([Council Communication No. 00-109](#)):

00-889 (A) Bankers Trust - \$249,999. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-890 (B) West Bank - \$249,999. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * * * *

EXTRA ITEMS

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

00-891 1. Preliminary Approval of request for Tax Increment Financing from Preservation Properties Development Corporation, Bernie Van Til, Principal Investor, for Housing Rehabilitation Project located at 501 E. Locust Street. ([Council Communication No. 00-119](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

March 27, 2000

00-892 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

00-893 1. Court authority to abate the public nuisance at 2520 SE 6th, vacant, Titleholder: Edwin D. Prothero, Jr., Rick L. Prothero; Legal Interest Holders: Household Finance as Successor to Pacific Loans d/b/a Transamerica Credit Corporation, Tax 216. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-894 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:10 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS