

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**April 17, 2000 4:30 P.M.**

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

Special recognition for Danny Shelton

**INVOCATION:** Tom Vlassis, Council Member, Ward I

00-1009 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

**\*\*Council considered Items 97 and 89 next\*\***

00-1010 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1011 3. APPROVING CONSENT AGENDA - items 3 through 87: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

00-1012 4. Communication from Legal Department regarding April 17, 2000 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-1013 5. George Davis dba Davis Concessions, 2401 Hubbell - Savage Softball Complex; New Application (6 Months) (With Sunday Sales and Outdoor Service) - Application submitted 3-6-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1014 6. Varsity Cafe, Inc., Robert Fisher, V-President dba Varsity Cafe, 1235 25th Street; New Application for (5) day License for event on April 27 & 28, 2000 (With Outdoor Service) - Application submitted 4-11-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

00-1015 7. AJS Incorporated, Amy Swacker dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-00 (With Sunday Sales) - Application submitted 3-31-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

00-1016 8. AJS Incorporated, Amy Swacker dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-00 - Application submitted 3-31-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1017 9. Parisian, Inc., Brian J. Martin, President dba Younkers Tea Room, 701 Walnut Street; Renewal - Expires 4-30-00 - Application submitted 3-14-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

00-1018 10. All In The Family, Inc., Helen L. Gordon, President dba All In The Family, 4413 Fleur Drive; Renewal - Expires 5-1-00 (With Sunday Sales) - Application submitted 3-29-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1019 11. Benchmark Redevelopment, Inc., Andrew M. Massoth, President dba Buzzard Billy's, 100 Court Avenue; New Application (With Sunday Sales) - Application submitted 3-29-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1020 12. Mills Corner Grocery, Inc., Lisa M. LaValle, President dba Des Moines Art Center Restaurant, 4700 Grand Avenue; Renewal - Expires 4-25-00 (With Sunday Sales and Outdoor Service) - Application submitted 3-24-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1021 13. Flanagan Corporation, Tim Flanagan, President dba Flanagan's Restaurant, 2120 Ingersoll; Renewal - Expires 4-30-00 (With Sunday Sales and Outdoor Service) - Application submitted 3-31-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1022 14. Gerri's, Inc., Janine K. Sturdivant, President dba Gerri's, 232 East 30th Street; Renewal - Expires 4-25-00 (With Sunday Sales) - Application submitted 3-6-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1023 15. RAR, Inc., John D. Reynolds, President dba John's Place, 2401 East Walnut; Renewal - Expires 4-26-00 (With Sunday Sales) - Application submitted 3-23-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1024 16. Lai Restaurant, Inc., Yu Ping Wong, Owner dba The Mandarin Restaurant, 3520 Beaver; Renewal - Expires 4-30-00 (With Sunday Sales) - Application submitted 3-23-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1025 17. The Sands Volleyball Club, Inc., President dba The Sands Volleyball Club, 6214 Grand Avenue; New Application (With Sunday Sales and Outdoor Service) - Application submitted 3-24-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1026 18. Scornovacca, Inc., Michael A. Vacco, President dba Scornovacca's, 1930 Southeast 14th Street; Renewal - Expires 4-22-00 (With Sunday Sales and Outdoor Service) - Application submitted 2-29-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1027 19. Vic & Andy's, Inc., Mary Anne Victor, President dba Vic & Andy's, 5114 Southwest 9th Street; Renewal - Expires 4-30-00 (With Sunday Sales) - Application submitted 3-23-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1028 20. Parisian, Inc., Brian J. Martin, President dba Younkers Tea Room, 701 Walnut Street; Renewal - Expires 4-30-00 (With Sunday Sales) - Application submitted 3-14-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Class "E" Liquor

00-1029 21. AJS Incorporated, Amy Swacker dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-00 - Application submitted 3-31-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Outdoor Service

00-1030 22. Peggy's Tavern, Inc., Mike Simpson, Treasurer dba Peggy's Tavern, 3020 Forest; requesting permission for temporary outdoor service on 5-12-00 thru 5-14-00 for Drake Graduation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1031 23. Lowell M. Coil dba University Library Cafe, 3506 University; requesting permission for temporary outdoor service on 4-26-00 thru 4-30-00 for Drake Relays. Subject to submission of acceptable zoning inspection. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Gamerrooms

00-1032 24. Lou McCormick dba Super Toad, Inc, (Wizard's), 1424 East Euclid; Application to add additional amusement machines, submitted 4-7-00. Subject to submission of acceptable electrical, zoning, and fire inspections. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

#### Authorizing

00-1033 25. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1034 26. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **PUBLIC IMPROVEMENTS**

00-1035 27. Approving Supplemental Agreement No. 4 with RDG Crose Gardner Shukert, Inc., (Jon F. Crose, Partner) to provide construction documents and observation/testing of approximately 1,400 ft. long pedestrian bridge and Stage 1 development at the southwest corner of Grays Lake Park. [\(Council Communication No. 00-159\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1036 28. Iowa Department of Transportation Agreement for Transportation Enhancement Funding for landscaping at the intersection of M.L. King Jr. Parkway and SW 7th Street - \$193,566. ([Council Communication No. 00-163](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1037 29. Professional Design Services Agreement with Larson Architecture LLC, Rick Larson, President, WDM, to perform professional design services in connection with the Grandview Park Shelter Improvements - \$13,715. ([Council Communication No. 00-164](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

30. Resolution Ordering Construction of the following:

00-1038 (A) Blank Park Zoo Fencing of Elephant Exhibit, Receiving of Bids, (4-25-00), and Setting Date of Hearing, (5-1-00), (Construction Estimate - \$9,950). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1039 (B) John Pat Dorrian Recreation Trail Improvements, Phase 2, Receiving of Bids, (4-25-00), and Setting Date of Hearing, (5-1-00), (Construction Estimate - \$72,150). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1040 (C) Laurel Hill Park Improvements, Receiving of Bids, (4-25-00), and Setting Date of Hearing, (5-1-00), (Construction Estimate - \$127,388). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1041 (D) Parks Building Reroofing - 2000, Receiving of Bids, (4-25-00), and Setting Date of Hearing, (5-1-00), (Construction Estimate - \$26,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1042 (E) 2000 ACC Pavement Milling and Resurfacing, Receiving of Bids, (5-2-00), and Setting Date of Hearing, (5-15-00), (Construction Estimate - \$657,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1043 31. Approving Amendment No. 1 of Federal Aviation Administration Grant No. 17 for funding of Taxiway P extension and Terminal Apron Reconstruction, Phase 1 Project. ([Council Communication No. 00-162](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

00-1044 (A) 2940 State Avenue and 2935 Mahaska Avenue Demolition, D. F. Trucking, \$285 is now due and \$737.50 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1045 (B) Demolition Contract No. 166, B.H.N.A.C., Metro Wrecking & Excavating, Inc., \$4,607.50 is now due and \$8,618 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1046 (C) SW 7th Street Viaduct Demolition (Part of M.L. King, Jr., Parkway Project - E/W), Jensen Road Company, \$33,987.83 is now due and \$10,930.49 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1047 32. (D) Easter Lake Minor Structures, Phase I, Jensen Construction Company, \$76,117.32 is now due and \$4,006.18 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1048 (E) E. University Avenue Widening at E. 9th Street, Eco-Tech Contractors, Inc., \$1,199.57 is now due and \$32,292.26 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1049 33. Approving partial payments on seven (7) public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1050 34. Approving appointment of Joseph J. Bell, Jeff Rowat, and L.E. Calvert, as the Valuation Committee for the SE 22nd Street and E Park Avenue Sidewalks. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1051 35. Private Construction Contract between Mihalovich Plumbing & Heating Co., (John F. Mihalovich, President-Contractor) and The Pro-Line Co., Inc., (Jim Vander Beek, Owner) for Sanitary Sewer Improvements for the needed for Loco Joe's at 6550 Bloomfield Road - \$29,800. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1052 36. Private Construction Contract between The Underground Company (Duane J. Burkhardt, President-Contractor) and Tulip Hill Design LLC (Don Brown, Owner) for Sanitary Sewer Improvements for the sanitary sewer from SW 30th Street to the east approximately 1100 LF to serve the Finches Townhomes at 2801 SW 30th Street - \$104,510. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1053 37. Private Construction Contract between Correll Contractor, Inc., (Steve Correll, President-Contractor) and Drake University (Victoria Paeseur, V.P. Business & Finance-Owner) for Storm Sewer Improvements for the storm sewer intake on the north curb line of Forest Avenue, west of 29th Street, to serve the new Drake University Parking Lot at 2901 Forest Avenue - \$2,700. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1054 38. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, and paving or curb replacement program, waivers signed by two property owners, (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

00-1055 39. Authorizing Assessment Clerk to correct 1999 Sidewalk Replacement Program Schedule 2000-34 in which \$954.02 was charged in error to 3807 39th Street and should be levied against 3823 Douglas Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1056 (A) Assessments for costs of Sidewalk/Drive Approach Replacements (Public Works), Schedule No. 2000-37 and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

00-1057 40. Approving amendment of just compensation amounts and authorizing acquisition by gift, negotiation, or condemnation of properties at 1216 Locust, 1124 Walnut, 1100 Walnut, 205 12th Street, 1113 Mulberry and NW corner of 11th and Mulberry in conjunction with Allied Gateway Campus Project in Metro Center Urban Renewal Area. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

00-1058 41. Establishing Fair Market Value of property in conjunction with SW 11th Street and Market Street Shuttle Parking Lot, from Norfolk Southern Railway Company, north of Market Street between SW 11th and SW 16th Streets - \$1,294,000. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

00-1059 (A) Professional Services Agreement with Geotechnical Services, Inc., for Phase II Environmental testing for the proposed 11th to 16th Street and Market Shuttle Parking Area. ([Council Communication No. 00-161](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

42. Structure and Miscellaneous Removal Contracts for the following, ([Council Communication No. 00-153](#)):

00-1060 (A) 6422 SW 30th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1061 (B) 6565 SW 28th Court. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1062 (C) 6570 SW 28th Court. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1063 (D) 6623 SW 28th Court. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1064 (E) 6595 SW 30th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**\*\*Council Member Flagg left the meeting at 8:15 P.M.\*\***

00-1065 43. Authorizing the City Property Administrator to execute agreements to maintain rental vacancies with the owners of properties to be acquired for the Allied Gateway Campus Relocation Project. ([Council Communication No. 00-143](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1066 (A) Communication from Dennis Lockridge and Frank Strong, Jr., regarding relocation of businesses for the proposed Alter Project. **Moved by Hensley to receive, file and refer to the City Manager to begin dialog, working with Downtown Partnership, to develop an alternative Artist's Community in the downtown area. Council Member Hensley**

**volunteered to be a part of the discussions regarding this issue. Motion Carried 4-1-1. Nays: Brooks. Absent: Flagg. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

00-1067 44. Approving Lease Agreement with Union Pacific Railway for maintenance of Railroad Right-of-Way, for recreational trail purposes, in the vicinity of SE 4th, SE 5th and Shaw Streets, \$175 every five years. ([Council Communication No. 00-154](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1068 45. Establishing Fair Market Value and accepting Purchase Offer of a flood-damaged property under the 1998 FEMA Flood Buy-Out Program, from Larry Haltom, 3915 Four Mile Drive - \$22,875. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1069 46. Form of Quit Claim Deed and Deed of Easement in conjunction with the Storm Sewer Outfall/Pump Station Project from Norfolk Southern Railway Company, various vacant locations - \$228,450. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1070 47. Cash Farm Lease with Ken Murrow for approximately 166 acres located in the Southeast Agribusiness Urban Renewal Area at SE 43rd St. and Vandalia Road, for a period not to exceed three years. ([Council Communication No. 00-142](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1071 48. Form of Real Estate Purchase and Sale Agreement in conjunction with Martin Luther King, Jr. Parkway, from Burlington Northern & Santa Fe Railway Company, railroad right-of-way along Elm Street between SW 2nd and SW 9th Streets - \$771,800. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

00-1072 49. Correction of Quit-Claim Deed for previously vacated alley located adjacent to 1181 9th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1073 50. Certification of Title for 55 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.**

00-1074 51. Certification of Title for 33 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**

00-1075 52. Communication from Pat Blunck submitting her resignation from the Greater Des Moines Sister City Commission effective April 28, 2000. **Moved by Vlassis to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

00-1076 53. Oral communication from the Des Moines Traffic and Transportation Office informing the Mayor and City Council Members of the resignation of Reita Dumas from the Des

Moines Traffic Safety Committee and requesting seat to be declared vacant. **Moved by Vlassis to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

**WITHDRAWN**00-1077 54. Resignation of Suzanne Engman from Civil Service Commission effective immediately.

00-1078 55. Appointment recommendation of At Large Council Member George E. Flagg for the Des Moines Human Rights Commission for Cynthia Ann Nahas Wandell for a three-year term to expire April 7, 2003. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1079 55-I Resolution to declare seat of James Lynch, Architectural Advisory Committee, as vacant. **Moved by Vlassis to receive, file and declare seat vacant. Motion Carried 7-0.**

### **STREET CLOSINGS/STREET USE**

00-1080 56. Approving exception regarding length of time request from Jon Scholl, representing Nacho Mamma's, 216 Court Avenue, request to close the north/south alley between 2nd and 3rd Street, south of Court Avenue on Friday, May 5, 2000 from 5:30 P.M. (for set up; event begins at 8:00 P.M.) until 12:30 A.M. for a Cinco De Mayo Hispanic Festival. **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.**

00-1081 57. Approving exception regarding length of time request from James T. Bond, representing The Roman Catholic Diocese, 601 Grand Avenue, request to close High Street from 7th Avenue to 6th Avenue on Sunday, April 30, 2000 from 7:00 A.M. until 8:00 P.M. for a Festival and Mass to celebrate the new Millennium. **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**

00-1082 58. On approval of Supplemental Agreement No. 7 to add the building and land at 3301 SW McKinley Avenue to the Iowa Air National Guard (IANG) Airport Lease, (4-24-00). [Council Communication No. 00-157](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1083 59. On vacation of a portion of Jefferson Avenue and Vermont Streets, in the Central Place Urban Renewal Area, to grant a license to Acme Printing Company to erect a fence, to stop illegal dumping in the area, (4-24-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1084 60. On request from Des Moines University, (Stephen Dangle Vice-President), to rezone property at 3200 grand Avenue, from "R1-80"(One Family Residential) to "R-4" (Multiple Family Residential), (5-1-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**



00-1085 61. On Zoning Ordinance text amendment, Section 2A-3, regarding definition of "accessory building", (5-22-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1086 62. On proposed 13th Amendment to the Capitol East Urban Renewal Plan, to add additional acquisitions parcels, on E Walnut, E 16th and Dean Avenue and to revise Property Disposition Block Map (5-15-00). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

**WITHDRAWN**00-1087 63. On conveyance of vacated dead-end right-of-way south of 1503 E. 26th Street, to Gene D. Randolph, \$25, (4-24-00).

00-1088 64. On conveyance of vacated alley right-of-way at 707 SE 9th Street, to Bobby L. and Iris C. Poe, \$50, (4-24-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1089 65. On vacation and conveyance of the North/South alley between 28th and 29th streets, north of Clark Street, to abutting property owners, (4-24-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1090 66. On request from TKG Southeast Plaza, Two, L.L.C, (E. Stanley Kroenke, Agent), to rezone property at 5211 SE 14th Street from "R1-80" (One Family Residential) and "PUD" (Planned Unit Development), to PUD--to be named Des Moines Commons PUD, (5-1-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1091 67. On Airport Loan Agreement with Meredith Corporation and issuance of not to exceed \$1,000,000 Aviation System Revenue Capital Loan Notes, (5-1-00). ([Council Communication No. 00-160](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

**WITHDRAWN**00-1092 68. Approving Settlement Agreement with William C. Woodruff and Audrey Marie Woodruff to waive all rights to residential relocation assistance and moving expenses and accept \$203,000 under which they will be entitled to possession through August 31, 2000.

00-1093 69. Approving payment of \$2,083.50 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case Mary Elaine (Kirsch) Sinclair, Administrator of Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1094 70. Approving payment of \$1,088.59 to Mane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. regarding environmental issues, in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1095 71. Approving payment of \$768.55 to Hopkins & Huebner, P.C. for representation of Charles Negrete, Jack Kamerick, Kurtis Bender and Bobby Stanley in case of John William Dungan v. Officer Negrete. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

00-1096 72. Submitting traffic regulation changes as follows, ([Council Communication No. 00-151](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Two-sided parking restriction--Martin Luther King Jr. Parkway from Euclid to Lynner Drive.

(2) Two-sided parking restriction--E. 30th Street north of Ovid Avenue.

00-1097 73. Submitting out-of-state travel requests for Mike Fogle, Bill Miller, Paul Sprague, Eric Nevins, Preston Daniels, Thomas Vlassis and Patrick Rose. ([Council Communication No. 00-144](#)) **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

## APPROVING

00-1098 74. Quarterly Financial Reports for three months ended September 30, 1999 and for six months ended December 31, 1999. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-1099 75. Quarterly Treasurer's Report for nine months ended March 31, 2000. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-1100 76. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for Primary Election to be held Tuesday, June 6, 2000. **Moved by Vlassis to approve. Motion Carried 7-0.**

00-1101 77. License and areaway permit to Signature Communications, Inc., (Frank Hayer, President, Adel, IA) to maintain twenty-five (25) benches in the public right-of-way and display approved advertising on the benches. **Moved by Coleman to adopt. City Manager to provide information on whether we limit the number of permits allowed, indicate last time we increased fees for these permits, and how benches are maintained. Motion Carried 6-1. Absent: Flagg.**

00-1102 78. Recommendation for Des Moines Airport Board for proposed regulation changes in conjunction with rates and charges for use of the Airport, Airport facilities and Airport Services. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1103 79. Agreement with metropolitan cities to set terms and conditions to establish a Regional Keep Iowa Beautiful Board (an affiliate of Keep America Beautiful). ([Council Communication No. 00-149](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1104 80. Weatherization Contract with Iowa Department of Human Rights/Division of Community Action Agencies for the provision of weatherization to low income persons during the period from April 1, 2000 through March 31, 2001, total contract budget of \$178,322, Contract No. DOE-00-07J. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1105 81. Contract with the Iowa Department of Human Rights/ Division of Community Action Agencies for the provision of weatherization and energy related assistance to low income persons from April 1, 2000 to April 30, 2001, contract budget of \$199,143, Contract No. HEAP-01-07J-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1106 82. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly. **Moved by Vlassis to receive and file the report. Motion Carried 7-0.**

00-1107 83. Grant application to Prairie Meadows Racetrack and Casino for Operation Summer Time Grant to support Evelyn K. Davis Park Summer Playground and Youth-in-Parks Programs. ([Council Communication No. 00-155](#)). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Coleman declares a conflict of interest, and abstains from voting.**

84. Bids for the following:

00-1108 (A) Baker Group, (4224 Hubbell Avenue, B. J. Baker III, President) for purchase of three (3) replacement make-up air units for Southwest Basin Pump Station to be used by the Engineering Department (Wastewater Reclamation Facility), \$34,163. (Eight bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1109 (B) Quality Painting, (1221 Army Post Road, Tom Dawson, President) for annual contract for tuck pointing services with two new renewal options to be used by the Park and Recreation Department, \$20,000. (Six bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1110 (C) Danko Emergency Equipment, (Snyder, NE., Daniel Kreikemeier, President) and Ed M. Feld Equipment Co., Inc., (Carroll, IA., Bill Feld, President) for fire hose, self-contained breathing apparatus and miscellaneous supplies to be used by the Fire Department, \$93,159.61. (Eight bids mailed-seven received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1111 (D) All Makes Office Equipment, (510 Murphy Street, Larry Kavich, President) for additional office furniture to be used by the Police Department, Municipal Code Section 2-86(a)(7) for non-competitive purchase to fit with existing equipment \$15,763.93. **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1112 (E) Des Moines Asphalt and Paving Co., (903 SE 22nd Street, Robert Horner, President) and Grimes Asphalt and Paving Corporation, (Grimes, IA, J. M. Yonker, President) for primary and secondary suppliers for annual contract for asphalt concrete mixtures to be used by the Public Works Department, \$1,175,750. (Three bids mailed-two received). ([Council Communication No. 00-146](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-1113 85. Civil Service Entrance Lists for Intermediate Clerk, Identification Technician, WRF Facilities Support Manager, Police Officer, WRF Solids Manager, WRF Treatment Manager, and WRF Regulatory Compliance Manager. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-1114 86. Authorizing Finance Director to draw checks on registers of April 14, 2000 and April 21, 2000, and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 10, 2000 and April 17, 2000; and to draw checks for biweekly payroll due employees on April 21, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **ORDINANCES - FINAL CONSIDERATION**

00-1115 87. 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 Hensley that this ordinance do now pass, [#13,810](#). Motion Carried 5-1-1. Nays: Brooks. Absent: Flagg.**

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

**\*Council considered Items 101, 88 and 97 thru end of agenda next\***

### **ORDINANCES - FIRST CONSIDERATION**

00-1116 88. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

(1) Corner Clearance Parking Restriction - West Side of Mar Ella Trail South of Franklin Avenue.

(2) Corner Clearance Parking Restriction - West Side of East 17th Court South of Kinsey Avenue and North Side of Kinsey Avenue East of East 17th Court.

00-1117 (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, [#13,813](#). Motion Carried 6-1. Absent: Flagg.**

### **COMMUNICATIONS/REPORTS**

00-1118 89. Request from Tenants Take Action (TTA) to speak regarding Radio City Mobile Home Park. **Moved by McPherson to receive, file and grant the request to speak; receive and file petitions submitted. The City and Park tenants will continue working together to resolve issues of mutual interest and concern. Motion Carried 6-1. Absent: Flagg.**

## **HEARINGS (Opened at 7:12 P.M.) (Items 90 thru 96)**

00-1119 90. On City Plan and Zoning Commission recommendation to approve request from Historic District Commission to designate Chautauqua Park as a Local Historic District. **Moved by Vlassis to receive, file and ask the Neighborhood to work together to reach a consensus regarding Local Historic District Designation and return to Council with a recommendation by the first meeting in August. Legal to address petition requirements, appropriate form of petition and timely filing. Motion Carried 7-0.**

**WITHDRAWN**00-1120 (A) First Consideration of ordinance above.

00-1121 (B) Communications received. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

00-1122 91. On Plan and Zoning Commission recommendation to approve request from Historic District Commission to designate 709 E. Locust Street as a Local Landmark. **Moved by Brooks to adopt. Motion Carried 7-0.**

00-1123 92. On Plan and Zoning Commission recommendation to DENY request from the Historic District Commission to designate 428-430 E. Locust Street as Local Landmarks. **Moved by Brooks to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

00-1124 93. On proposed vacation of a portion of the Army Post Road right-of-way east of SW 42nd Street, for inclusion in the Airport grounds. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

00-1125 (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: Vlassis.**

00-1126 (B) 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, [#13,811](#). Motion Carried 6-1. Absent: Vlassis.**

00-1127 94. On proposed vacation of a portion of the Mulberry Street right-of-way between 13th and 16th Streets. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

00-1128 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

00-1129 (B) 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, [#13,812](#). Motion Carried 6-1. Nays: Flagg.**

00-1130 95. 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 "C-2" General Retail and Highway Oriented Commercial District and "PBP" Planned Business Park District to a "M-3" Limited Industrial District. **Moved by Hensley to adopt. Motion Carried 7-0.**

00-1131 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-1132 96. On Hearing Officer's decision regarding vehicle impound appeal of Kenneth Anokye, 1202 28th Street. **Moved by Coleman that the order of the hearing officer be reversed and a certificate of no probable cause be issued to Mr. Anoyke. Motion Carried 5-2. Nays: Flagg and Vlassis.**

\* \* END HEARINGS at 8:05 P.M. \* \*

**\*\*Council considered the Consent Agenda next\*\***

## **APPROVING**

00-1133 97. Sale of Arlington/Hallet Apartments, 1301 and 1305 Locust Street by Des Moines Development Corporation to Metropolitan Properties to be renovated in conjunction with the Western Gateway Project. ([Council Communication No. 00-165](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Nays: McPherson, Brooks and Vlassis.**

00-1134 (A) Communications and petitions received regarding sale of the Arlington/Hallet apartments. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

00-1135 98. First Consideration of ordinance Amending Chapter 27 of the Municipal Code regarding parking meter fees, and fees for various parking garages. ([Council Communication No. 00-140](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: McPherson and Vlassis. Absent: Flagg.**

00-1136 99. Request for Proposals (RFP) to operate the Municipal Parking Facilities. ([Council Communication No. 00-152](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1137 100. Purchase of video broadcasting equipment to enable City to initiate 24-hour operation of cable channel and provide basic local programs regarding City services. ([Council Communication No. 00-147](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1138 101. Payment of ten thousand dollars (\$10,000) to Central Iowa Employment and Training Consortium (CIETC) to aid in establishing Iowa Training Institute, contingent upon CIETC obtaining sufficient contributions from other municipal and county agencies. ([Council Communication No. 00-141](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1139 102. Request For Proposals (RFP) for consultant services for Phase II environmental assessment and related work, pursue U.S. Environmental Protection Agency (EPA) Showcase Community designation; all as initiatives for redeveloping Riverpoint West. ([Council Communication No. 00-150](#)). **Moved by Hensley to approve. Motion Carried 5-1-1. Nays: Brooks. Absent: Flagg.**

103. NUMBER NOT USED.

00-1140 104. Loan Agreement and related documents for low-interest loan and forgivable loan to Preservation Properties I, L.L.C. for Capitol Loft Apartment Project in Metro Center Urban Renewal Development Area (501 East Locust).([Council Communication No. 00-145](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1141 (A) Communication from Urban Renewal Board, regarding TIF Investment in 501 E. Locust. **Moved by Brooks to approve. Motion Carried 6-1. Absent: Flagg.**

00-1142 105. Approving Loan Agreement and related documents for interest-free loan to HMG Parking Co., for renovation of Locust Street Mall, in the Metro Center Urban Renewal Area. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

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## A G E N D A

### BOARD OF HEALTH

April 17, 2000

00-1143 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

### AUTHORIZING

00-1144 1. Release of Demolition Cost reserve escrowed for removal of the structure at 247 E. 16th owned by Primo Acquisitions I, L.L.C. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

00-1145 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 9:01 P.M. Motion Carried 6-1. Absent: Flagg.**

*DES MOINES-CITY OF SKYWALKS*