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SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 7, 2002 4:30 P.M.

3:00--4:00 Reception for newly elected and re-elected Council Members - City Hall, Second Floor

4:30 Oath of Office for Council Members Cownie, Hensley and Vlassis - Council Chambers

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

02-001 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

I. Approving reappointment of the following:

02-002 (A) City Manager. **Moved by Vlassis to adopt. Motion Carried 7-0. Council Member Hensley votes "NO" on the two weeks of vacation.**

02-003 (1) Amending ICMA-RC Money Purchase Retirement Plan. ([Council Communication No. 02-020](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-004 (B) City Attorney. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-005 (C) City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-006 (D) Chief Deputy City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-007 (E) Deputy City Attorneys and Assistant City Attorneys. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-008 (F) Approving recommendation of Mayor Daniels for appointment of Mayor Pro Tem for the year 2002. **Moved by Coleman to adopt. Motion Carried 7-0.**

02-009 (G) Approving recommendation of the City Council Employee Evaluation Committee regarding compensation for the Human Rights Director. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-010 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley 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.**

02-011 3. APPROVING CONSENT AGENDA - items 3 through 76: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-012 4. Communication from Legal Department regarding January 07, 2002 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

02-013 5. Ervin Wagner dba Archery Field & Sports, 2542 East University; Renewal - Expires 01-22-02 (With Sunday Sales) - Application submitted 12-21-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-014 6. Sadanan Panvaree dba Ban Thai, 1254 East 14th Street; Renewal - Expires 01-08-02 - Application submitted 12-14-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-015 7. Sparta, Inc., James Frangos, President dba Coney Island #2, 3700 Southwest 9th Street; Renewal - Expires 01-20-02 - Application submitted 12-21-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-016 8. Gustavo Luna dba El Rancho Alegre Restaurant, 3308 Indianola Road; New Application (With Sunday Sales) - Application submitted 10-10-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

02-017 9. Casey's Marketing Company, Robert J. Hand, President dba Casey's General Store #2322, 4331 Park Avenue; Renewal - Expires 01-24-02 (With Sunday Sales) - Application submitted 12-05-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-018 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #29, 4900 Urbandale; Renewal - Expires 01-29-02 (With Sunday Sales) - Application submitted 12-05-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-019 11. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #32, 2911 Douglas; Renewal - Expires 01-24-02 (With Sunday Sales) - Application submitted 11-26-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-020 12. Danlee Corp, Lee Adams, Owner dba Jiffy #924, 3718 Southwest 9th Street; Renewal - Expires 01-25-02 (With Sunday Sales) - Application submitted 12-05-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-021 13. Kum & Go LC, William Krause, President dba Kum & Go #552, 4944 Douglas; Renewal - Expires 01-26-02 (With Sunday Sales) - Application submitted 12-14-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-022 14. La Cruz Inc., Laura Cruz, President dba La Cruz, 4007 Southeast 13th Street; Renewal - Expires 01-07-02 (With Sunday Sales) - Application submitted 12-20-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

02-023 15. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway Stores, Inc. #900, 100 Euclid #31; Renewal - Expires 01-21-02 - Application submitted 12-12-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

02-024 16. American Drug Stores Inc., Kevin H. Tripp, President dba Osco Drug #5033, 4415 Douglas; Renewal - Expires 01-18-02 (With Sunday Sales) - Application submitted 12-05-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-025 17. Hy-Vee, Inc., Ronald D. Pearson, President dba Regal Liquors #1, 3424 M. L. King Pkwy; Renewal - Expires 01-23-02 (With Sunday Sales) - Application submitted 12-07-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

02-026 18. Mr. V's, Inc., Joseph R. Vivone, President dba Mr. V's, 206 Indianola Road; Renewal - Expires 01-21-02 - Application submitted 12-10-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-027 19. DT, L.L.C., Duane Twiss, Partner dba Skylar's, 4301 Fleur Drive; Renewal - Expires 01-09-02 (With Sunday Sales) - Application submitted 12-17-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

02-028 20. Des Moines Air National Guard Service Club, Inc., Bruce Munoy, President dba

ANG Service Club, 3100 McKinley; Renewal - Expires 01-25-02 - Application submitted 12-26-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

02-029 21. John E. McCaughey dba Johnny Mac's Bar & Grill, 2279 Hubbell; Renewal - Expires 01-08-02 (With Sunday Sales) - Application submitted 12-07-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-030 22. Ray R. Simbro, Jr., dba Oldtimers Tap, 2201 Easton Blvd; Renewal - Expires 01-25-02 - Application submitted 12-12-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-031 23. Plaza Lanes, Inc., Barbara J. Anderson, President dba Plaza Lanes, 2701 Douglas; Renewal - Expires 01-28-02 (With Sunday Sales) - Application submitted 12-14-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-032 23-I Tony's Touch of Class, Ltd., 1016 University, New Application with Sunday Sales. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

02-033 24. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy-Vee Food Store #4, 4707 Fleur Drive; Renewal - Expires 01-24-02 (With Sunday Sales) - Application submitted 12-05-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

02-034 25. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-035 26. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

27. Resolution Ordering Construction of the following:

02-036 (A) Court Avenue Bridge over Des Moines River Railing Repairs, Receiving of Bids, (01-29-02), and Setting Date of Hearing, (02-4-02). (Construction Estimate - \$180,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-037 (B) Crime Prevention Building Remodel, Receiving of Bids, (01-29-02), and Setting Date of Hearing, (02-4-02). (Construction Estimate - \$30,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-038 (C) WRF Biosolids Storage Facility Landscape, Receiving of Bids, (01-29-02), and

Setting Date of Hearing, (02-4-02). (Construction Estimate - \$88,930). **Moved by Hensley to adopt. Motion Carried 7-0.**

28. Accepting completed construction and approving final payment of the following:

02-039 (A) Southeast Airport Trunk Sewer Phase 2, McAninch Corporation, with As-Built Cost of \$720,653.65, \$39,354.09 due now and \$36,032.68 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-040 (B) Fire Station No. 4 Reroofing, Wood Roofing Company, with As-Built Cost of \$101,130, \$5,056.50 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-041 (C) 2814 Chicago Avenue House Renovation, Koester Construction Company Inc., with As-Built Cost of \$17,474.00, \$975.65 due now and \$873.70 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-042 (D) Parks Playground Improvements, Johnson Concrete & Petroleum, with As-Built Cost of \$95,433.68, \$2,822.39 due now and \$4,771.68 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-043 (E) Gray's Lake Signs, ASI Sign Systems, with As-Built Cost of \$27,633.80, \$674.36 due now and \$1,381.69 at the end of thirty days. **Moved by Vlassis to adopt. City Manager to report on possibility of placing signs at sites of public improvements, stating the improvement was paid for by the Citizens of Des Moines. Motion Carried 7-0.**

02-044 (F) Center Street Dam Safety Improvements, Johnson Concrete & Petroleum, with As-Built Cost of \$34,514.45, \$2,310.36 due now and \$1,725.72 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-045 28. (G) Tuttle Street Paving-SW 5th Street to SW 9th Street, M. Peterson Construction Co., with As-Built Cost of \$898,116.30, \$26,943.48 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-046 29. Approving Change Order No. 6 with KRI Company, Warren Rognes, President, for project modifications in conjunction with Northeast Four Mile Trunk Sanitary Sewer project, not to exceed \$17,347.50. ([Council Communication No. 02-011](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-047 30. Approving Change Order No. 7 with McAninch Corporation, Dwayne McAninch, President for additional work in conjunction with the Grandshire Area Sanitary Sewer, not to exceed \$21,600. ([Council Communication No. 02-005](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-048 31. Approving of Supplemental Agreement No. 1 with Snyder & Associates, Inc. (Stephen P. Rowe, President) for design services for the Easton Boulevard Detention Basin, not

to exceed \$14,000. ([Council Communication No. 02-010](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-049 32. Authorizing the City Manager to proceed with Sidewalk Program/Request to Repair Driveway Petitions, waivers signed by five property owners; and Curb Replacement Program/Request to Repair Driveway Petitions, waivers signed by three property owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-050 33. Approving partial payments on seventeen (17) public improvement projects. (Call City Clerk's Office for List.) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

02-051 34. Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for November 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-052 35. Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for December 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-053 36. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of December 2001 for certification to Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

WITHDRAWN02-054 37. Approve and Accept Right-Of-Way Documents from Jerry D.Lohner, 3500 - 36th Street for 2001 Intermediate Paving Project - 36th Street South of Douglas Avenue.

02-055 38. Approve Conveyance of Electric Transmission Line Easement to MidAmerican Energy Company pursuant to a Utility Relocation Agreement for the East/West Segment of the Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-056 39. Approve and Accept Right-of-Way Documents for Storm Sewer Facilities at 1501 East Fleming Avenue Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-057 40. Approving final Subdivision Plat entitled BROWNSTONE ESTATES in vicinity east of NE 46th Street and south of NE 46th Avenue. ([Council Communication No. 02-025](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-058 41. Approving final Subdivision Plat entitled WOODS ON THE RIVER PLAT 5, in vicinity east of Grand River Drive. ([Council Communication No. 02-014](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-059 42. Approving final Subdivision Plat entitled STONEY POINTE in vicinity east of SE 14th Street and south of East Diehl Avenue. ([Council Communication No. 02-015](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-060 43. Approving acquisition of right-of-way and easements in conjunction with 8th Street Intake Removal south of Euclid Avenue by purchase, gift or condemnation. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-061 44. Communication from Frank Cownie advising of his resignation from the Plan and Zoning Commission effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-062 (A) Approving recommendation of Council Member Christine Hensley for appointment of Kaye Lozier to Plan and Zoning Commission to fill unexpired term of Frank Cownie (seat #12) to expire July 1, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-063 45. Communication from Chuck Bloyer advising of his resignation effective December 19, 2001 from the Zoning Board of Adjustment, (seat #5). **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

WITHDRAWN02-064 46. Regarding the Northwest Community Center on Franklin Avenue.

02-065 47. Regarding request from Nancy Suby-Bohn, for vacation and conveyance of the north/south alley between 3rd and 4th, from Corning to New York, subject to reservation of easements. **Moved by Hensley to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

02-066 48. Regarding request to change the name of Clifton Avenue between SW 7th and SW 9th, to Indianola Road. **Moved by Brooks to adopt and to refer to the Legal Department for preparation of the necessary legislation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-067 49. On vacation and conveyance of Shaw Street, west of S.E. 5th, to Mark Bockenstedt, \$14,016 (1-28-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-068 50. On City Council-initiated request to rezone property at 3125 Cottage Grove (Lutheran Social Services), from "R-3" (Multiple Family Residential) to either an "R1-60" (One Family Low Density Resident), or to a Limited "R-3" (Multiple Family Residential), (1-28-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-069 51. On proposed First Amendment to the Urban Renewal Plan for the ACCENT

Neighborhood Urban Renewal Area, to expand the area to the south along E. 30th Street, west of the Iowa State Fairgrounds, from University to Dean, (2-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-070 52. On voluntary annexation petition from Lyle Watts for property located at 6416 SE 36th Street, (1-28-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-071 53. Approving payment of \$188.75 to Spiegel & McDiarmid for consultation services regarding City's Airport PILOT charge. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-072 54. Approving payment of \$805.59 to Spiegel & McDiarmid for services in conjunction with Brownfields Showcase Community and related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-073 55. Approving payment of \$1,712.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee for professional services for environmental matters in connection with the City's acquisition of the DICO property at 200 S.W. 16th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-074 56. Approving payment of \$310.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee for representation on environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-075 57. Approving payment of \$707.65 to Phillips, Goldman & Spence, P.A. for services in conjunction with Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-076 58. Submitting out-of-state travel requests for Ilima Young, Donna Boetel-Baker, Tim Luloff, Dale Bunting, Bob Kraft, James Grant, Erik Lundy, Kathy Kahoun, Michael Ludwig, and Debora Hobbs. ([Council Communication No. 02-007](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-077 59. Submitting various traffic regulation changes as follows: ([Council Communication No. 02-016](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Additional Handicapped Parking Spaces--10th and High Streets.

(2) Parking Restriction--North Side of Aurora Avenue from West of 48th Street to 50th Street.

APPROVING

02-078 60. Tax abatement applications for additional value added by improvements made during 2001. (107 applications on file in City Clerk's Office). ([Council Communication No. 02-001](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

61. NUMBER NOT USED

02-079 62. CSBG Contract with the Iowa Department of Human Rights/Division of Community Action Agencies for community services to low income persons from October 1, 2001 to September 30, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-080 63. Amendment One to State Emergency Shelter Grant (ESG) Contract No. 01-ES-006. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-081 64. Des Moines Botanical Center Facility Use Agreement Amendment, with Friends of the Des Moines Botanical Center to continue provision of food, beverage, catering and alcoholic services to customers of the Des Moines Botanical Center until August of 2002. ([Council Communication No. 02-017](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-082 65. First Amendment to Agreement for Professional Services with History Pays! for Expanded Historical Survey of Eastern Gateway. ([Council Communication No. 02-008](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

66. Items regarding Teachout Properties, L.L.C.:

02-083 (A) Approval of Subordination agreement to allow for \$30,000 additional bank financing of final renovations to the Hohberger Building, 504 E. Locust. **Moved by Coleman to approve. Motion Carried 7-0.**

02-084 (B) Preliminary approval of Neighborhood Commercial Revitalization loan in the amount of \$15,000 for renovations to 407 E. 5th Street. ([Council Communication No. 02-019](#)). **Moved by Coleman to approve. Motion Carried 7-0.**

02-085 67. Intergovernmental 28E Agreement with the State of Iowa for maintenance and repair of primary roads within the City of Des Moines. ([Council Communication No. 02-004](#)). **Moved by Coleman to adopt. City Manager to report on average annual cost for this service and the formula used to calculate the rate. Motion Carried 7-0.**

02-086 68. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2002. **Moved by Brooks to receive, file and authorize the City Clerk to transmit the budget to the Polk County Auditor. City Manager to report on billing services being provided by the Water Works. Motion Carried 6-1. Pass: Vlassis.**

02-087 69. Competitive Progress Report for the 1st Quarter of FY 2001-2002 for the Des Moines Metropolitan WRA Wastewater Reclamation Facility. ([Council Communication No. 02-013](#)).

Moved by Hensley to adopt. Motion Carried 7-0.

02-088 70. Contract with Toter, Inc., to purchase 8,064 two-wheeled 96-gallon carts at \$40.68 each, and 648 two-wheeled 64-gallon carts at \$36.56 each, for a total cost of \$351,734.40, for the automated solid waste collection program. ([Council Communication No. 02-003](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-089 71. Bid from Toyne, Inc., (Breda, IA) for three pumper trucks to be used by the Fire Department, \$894,612. (nine bids mailed - four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-090 72. Civil Service Entrance Lists for Administrative Aide, and Sales and Marketing Coordinator, and Promotional List for Survey Supervisor. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-091 73. Authorizing Finance Director to draw checks on the registers of January 4, January 11, January 18 and January 25, 2002; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 31, 2001 and January 7, 2002; and to draw checks for biweekly payroll due on January 11 and January 25, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-092 74. On vacation of a portion of E. Court Avenue and E. 6th Street right-of-way at 601 E. Court. **Moved by Hensley that this ordinance do now pass, [#14,037](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-093 75. Regarding registration of right-of-way users, establishment of annual right-of-way management fee in lieu of registration, and amendment of permit fee provisions. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-094 76. Amending Chapter 38 of the Municipal Code regarding City ambulance service fees. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

02-095 77. Amending Chapter 114 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 7-0.**

(1) Corner Clearance--West Side of 52nd Street, North of Robertson Drive.

(2) Corner Clearance--East Side of 41st Street, North of Aurora Avenue.

(3) Corner Clearance--North Side of Easton Boulevard, East of East 22nd Street.

(4) Parking Restriction Modification--South Side of Center Street from 24th Street to 28th Street.

02-096 (A) Final consideration of ordinance above, (waiver requested by Council Member Vlassis), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance 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, [#14,038](#). Motion Carried 7-0.**

02-097 78. Amending Chapter 114 of the Municipal Code regarding maximum load limit for the SW 9th Street bridge over the Raccoon River and the SW 9th Street Viaduct over Martin Luther King Jr. Parkway. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-098 (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, [#14,039](#). Motion Carried 7-0.**

02-099 79. City Plan and Zoning Commission recommendation regarding amendment to Procedure Rules of the Des Moines City Plan Commission, establishing offices of Chair, Vice-Chair and Second Vice-Chair. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-100 (A) First consideration of ordinance above. **Moved by Cownie that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-101 (B) Final consideration of ordinance above, (waiver requested by Plan and Zoning Commission), requires 6 votes. **Moved by Cownie 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, [#14,040](#). Motion Carried 7-0.**

02-102 80. Amending Chapters 82 and 102 of the Municipal Code, regarding renaming of the Urban Renewal Board as the Urban Development Board, and establishing a Skywalk Committee within the Board. **Moved by Coleman that this ordinance be considered and given first vote for passage, and establishing the Skywalk Committee with five (5) members. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

02-103 81. Notification from Iowa Department of Transportation regarding proposed projects on I-235 - new bridge construction on westbound exit ramp to E. University Avenue, over U.P.

Railroad, on westbound I-235 mainline over E. 21st Street; and on westbound I-235 mainline over Easton Boulevard; and possible temporary closure of E. 21st Street at Easton Boulevard during portions of project. **Moved by Hensley to receive and file; and refer to City Manager to communicate with the I-235 Steering Committee regarding the need for specifics regarding the proposed closures. Motion Carried 7-0.**

02-104 82. From Contemporary Furniture, 501 East Locust, requesting a loading zone in front of their business. **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for a recommendation by January 28, 2002. Motion Carried 7-0.**

02-105 83. From Stacie Mitchell, 1430 7th Street, requesting release of demolition reserve being held on 1211 21st Street by State Farm Insurance, (continued from 12-17-01). **Moved by Hensley to continue to January 28, 2002. Motion Carried 6-1. Absent: Coleman.**

HEARINGS (Opened at 5:33 P.M.) (Items 84 thru 93)

02-106 84. On City Council-initiated rezoning of properties within the Drake Neighborhood area, bounded by University, MacVicar Freeway, Martin Luther King Jr. Parkway and 42nd Street, from "R-3" (Multiple Family Residential) to "R1-60" (One Family Low Density Residential) subject to exceptions. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-107 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-108 (B) Communication from William Lillis, representing Drake University, requesting that Drake's parcels be separated from the proposed rezoning, and that the hearing be continued until January 28, 2002. **Moved by Hensley to receive, file and refer to staff to consider request. Drake University and Lutheran Social Services to work with the Drake Neighborhood Association regarding changes. Motion Carried 7-0.**

02-109 85. On Plan and Zoning Commission-initiated request to rezone property at 4401 NE 46th Avenue, from "A-1" (Agricultural District) to "R1-80" (One Family Residential District). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-110 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

02-111 (B) Final consideration of ordinance above, (waiver requested by Shirley Brown), 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, [#14,041](#). Motion Carried 6-1. Absent: Vlassis.**

02-112 86. On conveyance of City-owned property in vicinity of 539 SE 27th Street, to Elaine and Earl L. Thompson, Jr., \$2,300. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-113 87. On conveyance of City-owned alley adjoining 645 SE 26th Court, to Omas W. Alawandi, \$50. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-114 88. On conveyance of City-owned alley adjoining 718 SE 27th, to Emillio and Consuelo Villarreal, \$50. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-115 89. On conveyance of City-owned alley North of Maury and East of SE 26th Court, to Michael and Laura Gibson, \$50. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-116 90. On vacation and conveyance of two 33' strips of right-of-way adjoining 3800 Laurel Hill Road, to Francis and Maureen Nalevanko, \$780. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-117 (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: Vlassis.**

02-118 (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, [#14,042](#). Motion Carried 6-1. Absent: Vlassis.**

02-119 91. On Release of Easement and Replacement Easement, for property in the vicinity of E. 4th, E. 5th, E. Locust and E. Walnut. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-120 92. On proposed purchase of property located at 1006 Grand Avenue and a portion of property located at 610 Dickman Road-Door of Faith Inc., (continued from 12-17-01). **Moved by Hensley to approve. Motion Carried 6-1. Pass: Vlassis.**

02-121 (A) Authorizing execution of Purchase Agreement for properties, \$1,200,000. **Moved by Hensley to approve. City Manager to prepare a report regarding up-keep and any covenants on this property; and also report on what affect the closing of the Door of Faith shelter downtown will have on the population at the Bethel Mission on 6th Avenue. Motion Carried 6-1. Pass: Vlassis.**

93. On issuance and Preliminary Official Statement, for the following bonds:

02-122 (A) \$12,000,000 Sewer Revenue Refunding Bonds. ([Council Communication No. 02-022](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-123 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-124 (2) Directing Advertisement for sale of \$11,500,000 Sewer Revenue Refunding Bonds, Series 2002D, (Bond Sale will be January 28, 2002). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-125 (B) \$22,000,000 Sewer Revenue Bonds. ([Council Communication No. 02-021](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-126 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-127 (2) Directing Advertisement for sale of Sewer Revenue Bonds, Series 2002C, (Bond Sale will be January 28, 2002). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

* * END HEARINGS at 5:59 P.M. * *

APPROVING

02-128 94. Short-Term Extension of contract with Pepsi-Cola General Bottlers, through March 19, 2002. ([Council Communication No. 02-018](#)). **Moved by Vlassis to approve. City Manager to report on reasons for Pepsi not exercising the 3-year extension and overall financial impact of the agreement. Motion Carried 6-1. Absent: McPherson.**

02-129 95. Preliminary approval of Neighborhood Commercial Revitalization Forgivable Loan for \$50,000 to QuikTrip Corporation to assist improvements at E. 15th Street and E. Grand Avenue location. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

02-130 (A) Setting Date of Hearing on vacation and conveyance of portion of East/West alley between E. 15th and E. 16th Streets, (1-28-02). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

02-131 96. Iowa Department of Transportation (IDOT) Agreement for Highland Park Streetscape Improvements at the intersection of Euclid Avenue (US6) and 6th Avenue. ([Council Communication No. 02-006](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

97. Directing advertisement for sale of the following bonds, (bond sale will be January 28, 2002):

02-132 (A) \$3,320,000 General Obligation Hotel and Motel Tax Refunding Bonds, Taxable Series 2002B. ([Council Communication No. 02-023](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-133 (B) \$3,185,000 General Obligation Refunding Bonds, Series 2002A. ([Council Communication No. 02-024](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-134 98. Resolution to support an application to the Iowa Finance Authority submitted by Prime Agency L.L.C. for construction of a 40-unit Congregate Housing Facility for Older Persons at 4110 E. 42nd Street. ([Council Communication No. 02-009](#)). **Moved by McPherson to DENY support. Motion Carried 4-3. Nays: Coleman, Cownie and Hensley.**

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EXTRA ITEMS

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

02-135 1. Approving Contract with Cramer and Associates, Inc., for emergency repair of the SW 9th Street Bridge over Raccoon River, \$17,160. SPONSOR: Hensley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-136 2. Recommendation regarding the Court Avenue Area. SPONSOR: Mayor Daniels. **Moved by Hensley to receive, file and adopt the recommendations in the attached letter from Mayor Daniels, and return to Council within 60 days. Motion Carried 6-1. Nays: Brooks.**

A G E N D A

BOARD OF HEALTH January 7, 2002

02-137 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:

02-138 (A) 1409 5th Avenue (vacant) Heirs of Ollie Dameron: Clarence and Virginia Dameron, Margaret T. Davis-Talton, H. Henry Dameron, Charles W. Dameron, Lydia E. Dixon and Kathy Dameron. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-139 (B) 816 E. 28th Court (vacant) Titleholder: The Wolford Corporation, Attn: Rod Wolford, Registered Agent; Contract Buyer: Mark Foresman; Legal Interest Holders: First National Acceptance Company, Attn: Prentice Hall Corporation System Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-140 2. Release of a judgment lien placed against 1509 9th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-141 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:50 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS