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SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 4, 2002 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

Proclamation from the Ukrainian Government

SPECIAL PRESENTATIONS - 4:15 P.M.:

Introducing -- WWW.DMGOV.ORG

INVOCATION: Pastor Jessica Wimmer, Christ United Methodist Church

02-313 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-314 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Brooks to adopt. Motion Carried 7-0.**

02-315 3. APPROVING CONSENT AGENDA - items 3 through 48: **Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-316 4. Communication from Legal Department regarding February 04, 2002 License and Permit Agenda. **Moved by Brooks to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

02-317 5. Eugene Hiskey dba Rainbow Cleaning Machine, 4347 Merle Hay Road; Renewal - Expires 02-15-02 (With Sunday Sales) - Application submitted 01-15-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-318 6. Hong Da Enterprises, Inc., Hong Rui Haung, Owner dba Shangri-La Buffet, 4349 A Merle Hay Road; Renewal - Expires 02-21-02 (With Sunday Sales) - Application submitted 01-

16-02. Moved by Brooks to adopt. Motion Carried 7-0.

Class "C" Beer Licenses

02-319 7. Frederick Weber dba Candy Kitchen, 2024 Forest Avenue; Renewal - Expires 02-21-02 (With Sunday Sales) - Application submitted 12-27-01. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-320 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #27, 1240 Keo Way; Renewal - Expires 02-19-02 (With Sunday Sales) - Application submitted 12-21-01. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-321 9. Jasjit Singh Nat dba Nat Food Mart, 1443 2nd Avenue; Renewal - Expires 02-13-02 (With Sunday Sales) - Application submitted 01-09-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-322 10. Kwik Trip Inc., Donald P. Zeitlow, President dba Tobacco Outlet Plus #503, 400 Euclid Avenue; Renewal - Expires 02-22-02 (With Sunday Sales) - Application submitted 01-03-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

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

02-323 11. American Drug Stores Inc., Kevin H. Tripp, President dba Osco Drug #5006, 3501 Ingersoll; Renewal - Expires 02-16-02 (With Sunday Sales) - Application submitted 01-04-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

02-324 12. Bolero, Inc., Smajic Mehemed, Owner dba Bolero Coffee Shop, 5801 Hickman Road; New Application (With Sunday Sales) - Application submitted 12-11-01. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

02-325 13. Cooney Beverage Company, Inc., Brian J. Cooney, Owner dba Cooney's, 3719 Beaver Avenue; Renewal - Expires 02-12-02 (With Sunday Sales) - Application submitted 01-10-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-326 14. Guanaguato Incorporated, Juan Ayala, Shareholder dba El Aguila Real Authentic Mexican Restaurant, 3600 Beaver Avenue; Renewal - Expires 02-19-02 (With Sunday Sales) - Application submitted 01-11-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-327 15. Faces Ltd., Craig L. Conklin, President dba Faces, 416 East Walnut; Renewal - Expires 02-19-02 (With Sunday Sales and Outdoor Service) - Application submitted 01-24-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-328 16. Judy J. Adams dba Firehouse Lounge, 1930 Southeast 6th Street; Renewal - Expires 02-19-02 (With Sunday Sales) - Application submitted 01-11-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-329 17. Southport Center Sports Bar, LLC, Brian Halterman, Owner dba Southport Sports Bar, 1101 Army Post Road; Renewal - Expires 02-12-02 (With Sunday Sales) - Application submitted 01-11-02. **Moved by Brooks to adopt. Motion Carried 7-0.**

Authorizing

02-330 18. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-331 19. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: McPherson.**

02-332 20. City Clerk to issue Coin-Operated Amusement Machine License to Robert G. Porter dba Eastgate Cinema III, 1550 East Euclid. Expired 12-31-01. Application submitted 01-02-02. Deferred from 01-28-02 Council Meeting. **Moved by Brooks to adopt. Motion Carried 5-2. Nays: Coleman and McPherson.**

WITHDRAWN02-333 21. City Clerk to issue Coin-Operated Amusement Machine License to James F. Barnett, Jr., dba American General Store & Arcade, 318 East 23rd Street; New Application submitted 01-14-02.

PUBLIC IMPROVEMENTS

02-334 22. Approval of Iowa Department of Transportation Agreement for United Certification Program for Disadvantaged Business Enterprises. ([Council Communication No. 02-074](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

02-335 23. Approving professional services agreement with Automatic Systems and Control, Inc., (Dave Engle, President, Marion, IA) for design and installation of an Energy Data Analysis System at the WRA Wastewater Reclamation Facility, in an amount not to exceed \$104,175. ([Council Communication No. 02-075](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

24. Resolution Ordering Construction of the following:

02-336 (A) Skywalk Bridge 8C-9C, Wells Fargo Building to Hubbell Building, Receiving of Bids, (02-26-02), and Setting Date of Hearing, (03-04-02). (Construction Estimate - \$490,000). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-337 (B) WRF Digester Gas Piping Improvements, Receiving of Bids, (02-26-02), and Setting Date of Hearing, (03-04-02). (Construction Estimate - \$142,000). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-338 25. Accepting completed construction and approving final payment on Milton Avenue Paving E. 21st Street to 320' East, M. Peterson construction Co., with as-built cost of \$60,842.55, \$3,891.20 due now and \$3,114.63 at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-339 26. Authorizing City Engineer to proceed with Sidewalk Program/ Request to Repair Sidewalk Petition and Waiver forms signed by three property owners; Sidewalk Program/Request to Repair Driveway Petitions and Waiver forms signed by five property owners; Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver forms signed by one property owner. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-340 27. Approving partial payments on two (2) public improvement projects. (Call City Clerks Office for List.) **Moved by Brooks to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

02-341 28. Approve waiving interest on Assessment No. 01-36067-00, Schedule No. 1998-01, 1323 Birch Lane, property sold before final special assessment levied and seller placed money in escrow account for payment; Midland Escrow Services to pay assessment in full by March 4, 2002. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

29. Approving final Subdivision Plats for the following:

02-342 (A) Brook Run Village Plat 5. ([Council Communication No. 02-069](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-343 (B) Brook Run Village Plat 6. ([Council Communication No. 02-070](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-344 (C) Brook Run Village Plat 7. ([Council Communication No. 02-071](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-345 30. Approving extension of time, (until February 28, 2002), for filing of Final Subdivision Plat entitled Brownstone Estates, vicinity of NE 46th. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-346 31. Approving Tax Abatement Applications for additional value added by improvements made during 2001, 5th Submittal, (200) (Applications on file in City Clerk's Office). ([Council Communication No. 02-072](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-347 32. Approve and accept permanent easement at 4944 Douglas Avenue for Traffic Signal Street Lighting Systems for Douglas Avenue and 50th Street Traffic Signal Upgrade, \$100. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-348 33. Approve and accept temporary easement for the construction at 2739 and 2745 Cleveland Avenue for the Easton Boulevard Detention Basin Project, \$1,030. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-349 34. Approve and accept permanent easement for right-of-way for sewers and for a utility corridor for Water Supply Piping and Telecommunications Equipment for I-235 Sanitary Sewer Relocation Group Two Project, \$1,344. **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN 34-I Authorization to accept the assignment of "Frisbie Park Offer to purchase Real Estate for Residential Construction" and issuance of replacement deeds.

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-350 35. Approving Receipt of 2001 Attendance Reports for City Boards and Commissions. **Moved by Coleman to receive, file and acknowledge those with perfect attendance, and that some are not meeting the threshold for attendance. City Clerk to report back on Municipal Code section regarding Meeting Attendance Requirements (Sec. 2-1050) with respect to absences noted; notify the affected Boards Chairs for a response and recommendation as to whether members should continue to serve, or be removed; and to standardize the reporting form, utilizing excused or unexcused absences in addition to other criteria. Motion Carried 7-0.**

02-351 36. Recommendation of Mayor Preston Daniels to reappoint Carl McPherson to Seat 1 on the Traffic Safety Committee for a three year term commencing December 31, 2001 to expire December 31, 2004. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-352 36-I Recommendation of Council Member Mike McPherson to reappoint Daniel E. Kealy to Seat 5 on the Traffic Safety Committee for a three year term commencing December 31, 2000 to expire December 31, 2003. **Moved by Brooks to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-353 37. On vacation and conveyance of various street segments and alleys in the vicinity of the Iowa State Fairgrounds, to State of Iowa, \$2,700, (2-18-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-354 38. On sale and conveyance of former railroad right-of-way in the vicinity of 5500 block of Lower Beaver to the 4300 block of M.L. King, to MidAmerican Energy, for use as a 20-foot permanent underground gas easement, (2-18-02). **Moved by Brooks to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-355 39. Approving payment of \$178.11 to Hall & Associates for services in conjunction with issuance of National Pollution Discharge Elimination System (NPDES) Permit from the Iowa Department of Natural Resources (IDNR). **Moved by Brooks to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-356 40. Submitting various traffic regulation changes as follows, ([Council Communication No. 02-067](#)). **Moved by Brooks to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--North Side of East Holcomb Avenue, West of Saylor Road.

(2) Corner Clearance--East Side of Polk Boulevard, South of Boulevard Place.

02-357 41. Submitting out-of-state travel requests for David Knutzen, Brenda Ingle, Sandra Morris, Steven Gunson and Kandice Reindl. ([Council Communication No. 02-063](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

APPROVING

02-358 42. Economic Development Forgivable Loan and Agreements with Polk County for Life Care Services, L.L.C., Alliance Technologies L.L.C. and LCS Real Estate, Inc. the real estate management company for Life Care Services, L.L.C. ([Council Communication No. 02-065](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-359 43. Submission of State Revolving Loan Fund (SRF) Application to the Iowa Department of Natural Resources for Clark Street Sanitary Pumping Station Replacement. ([Council Communication No. 02-073](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-360 44. Termination of Redevelopment Agreement with Centertainment Development, Inc. for the Court Avenue Entertainment Center Project. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-361 45. Authorizing Finance Director to draw checks on registers of February 15, 2002; bills of the Des Moines Municipal Housing Agency for the weeks of February 4, 2002 and February 11, 2002 and biweekly payroll due employees of the City on February 8, 2002. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-362 46. On proposed downzoning of portions of the DRAKE NEIGHBORHOOD from "R-3" to "R1-60" (Single Family, Low Density Residential). **Moved by Brooks that this ordinance do now pass, #14,050. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-363 47. On proposed rezoning of property owned by LUTHERAN SOCIAL SERVICES OF IOWA, in vicinity of 3125 Cottage Grove Avenue, from "R-3" (Multiple Family Residential) to Ltd. "R-3". **Moved by Hensley that this ordinance be considered and given second vote for**

passage. Motion Carried 7-0.

02-364 (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, [#14,051](#). Motion Carried 7-0.**

02-365 48. On proposed rezoning of property owned by DRAKE UNIVERSITY, in the vicinity of 1117-33rd Street, from "R-3" (Multiple Family Residential) to Ltd. "R-3". **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-366 (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, [#14,052](#). Motion Carried 7-0.**

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

****Legislative update was presented by Council Member Hensley****

ORDINANCES - FIRST CONSIDERATION

02-367 49. Renaming a portion of Indianola Avenue between SW 7th and SE 1st Street, to Indianola Road; and renaming a portion of Clifton Avenue between SW 7th and SW 9th to Indianola Road. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-368 50. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

(1) Modifications to Municipal Code--Indianola Road (from Renaming Indianola Avenue between SW 7th and SE 1st Streets to Indianola Road and Renaming Clifton Avenue between SW 7th and SW 9th Streets to Indianola Road).

(2) Corner Clearance--West Side of Idaho Street, North of Garfield Avenue.

(3) Corner Clearance--North Side of Seneca Avenue, East of 15th Street.

(4) Corner Clearance--South Side of Arthur Avenue, East and West of Amherst Street.

(5) Petition to Reverse a One-Sided Parking Restriction--SE 3rd Street between Rose and Watrous Avenues.

02-369 (A) Final consideration of ordinance above, regarding items (2) through (5), (Item (1) will have second consideration at the next meeting). **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, #14,053.** Motion Carried 6-0.
Council Member McPherson declares a conflict of interest, and abstains from voting.

COMMUNICATIONS/REPORTS

02-370 51. From Bryon Bennink, 2830 2nd Avenue, requesting to speak regarding assessment of a clean-up charge on his property, continued from 1-28-02. **Moved by Brooks to receive and file.** Motion Carried 7-0.

WITHDRAWN02-371 52. From Robert Messinger, 1024 Geil Avenue, requesting permission to speak regarding Door of Faith Mission moving to SW 9th Street.

02-372 53. From Johnetta Levell, 1526 22nd Street, requesting permission to speak regarding drug activity and housing conditions in her neighborhood. **Moved by Vlassis to receive, file and grant the request to speak and to refer to the City Manager.** Motion Carried 7-0.

****Council considered Item 61 and Extra Items 1, 2, and 3 next****

HEARINGS (Opened at 5:24 P.M.) (Items 54 thru 60)

02-373 54. On appeal from Henry Lee, 3011 3rd Street, regarding recommended denial of a taxicab driver's license. **Moved by Vlassis to continue to February 18, 2002. If Mr. Lee provides evidence of a job offer, Council will consider a six-month probationary license.** Motion Carried 7-0.

55. On local landmark designation for 5 buildings and approving resolutions to deny nominations for the following ([Council Communication No. 02-077](#)).

02-374 (A) Investment Building (AIB), 1004 Grand. **Moved by Coleman to adopt and deny the Landmark nomination.** Motion Carried 4-3. Nays: Cownie, Brooks and Vlassis.

02-375 (B) Mutual Telephone Company of Des Moines Building, 1006 Grand (Door of Faith). **Moved by Coleman to adopt and deny the Landmark nomination.** Motion Carried 6-1.
Nays: Vlassis.

02-376 (C) Masonic Temple, 1011 Locust Street. **Moved by Brooks to continue hearing to 3-18-02. City Manager and Legal to review and recommend a method to make preservation a "one-stop shop" to streamline the process and clarify definitions to allow historic preservation to be incorporated into restoration of these types of buildings. No additional permits for the Library and Masonic Temple are to be issued until after this date.** Motion Carried 7-0.

02-377 (D) Western Truck and Auto Company Building (The Dive Shop), 1213 Locust. **Moved by Coleman to adopt and deny the Landmark nomination. Motion Carried 6-1. Nays: Vlassis.**

02-378 (E) Public Library of Des Moines, 100 Locust Street. **Moved by Brooks to continue hearing to 3-18-02. City Manager and Legal to review and recommend a method to make preservation a "one-stop shop" to streamline the process and clarify definitions to allow historic preservation to be incorporated into restoration of these types of buildings. No additional permits for the Library and Masonic Temple are to be issued until after this date. Motion Carried 7-0.**

02-379 56. Communication from Community Development Director regarding conditions within the area proposed to be added to the ACCENT Neighborhood Urban Renewal Project, and justification for amending the Urban Renewal Plan. **Moved by Brooks to receive and file. Motion Carried 6-1. Absent: Vlassis.**

02-380 (A) Communication from the City Plan and Zoning Commission, regarding conformance of the proposed First Amendment to the ACCENT Neighborhood Urban Renewal Plan with the Des Moines 2020 Community Character Land Use Plan. **Moved by Brooks to receive and file. Motion Carried 6-1. Absent: Vlassis.**

02-381 (B) Resolution of Necessity finding area to be a blighted area appropriate for rehabilitation or redevelopment. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-382 (C) Close Hearing and approve First Amendment to the ACCENT Neighborhood Urban Renewal Plan and direct City Manager to rename 7th Ward Ditch and its related projects as the Leetown Creekway, Leetown Creek Basin. ([Council Communication No. 02-066](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-383 (D) First consideration of ordinance amending Ordinance 13,386 to designate the expanded ACCENT Neighborhood Urban Renewal Area as a Tax Increment Financing District. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

02-384 57. On application from Lawrence H. Crist, to purchase city-owned property in the vicinity of vacated 12th Place between Crocker and School, \$158,574.24. ([Council Communication No. 02-068](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-385 58. On Crime Prevention Building Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Munro Construction Co. (Patrick T. Munro, President DSM), \$33,449.00. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-386 59. On Court Avenue Bridge over Des Moines River Railing Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-387 60. On WRF Biosolids Storage Facility Landscape: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Timber Pine, Inc. (Lisa D. Mitchell, President , Earlham), \$66,737.00. [\(Council Communication No. 02-076\)](#) **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Hensley.**

02-388 (A) Approving contract and bond, subject to approval by the Legal Department. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Hensley.**

* * END HEARINGS at 6:02 P.M. * *

APPROVING

02-389 61. Cooperative Agreement between Iowa Civil Rights Commission and Des Moines Human Rights Commission for investigation and resolution of discrimination complaints within the city limits of Des Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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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.

02-390 1. Request of Council Member Chris Coleman, to propose a joint meeting with Des Moines Water Works Board of Trustees. SPONSOR: Coleman. **Moved by Coleman to discuss and direct the City Clerk's Office to identify a time for a meeting with the Water Board in March and ask Council and staff to submit discussion items to Mr. Coleman or the City Clerk. In addition, City Clerk's Office to schedule annual meetings with the City Plan Commission, Human Rights Commission and School Board for this next year. Motion Carried 7-0.**

02-391 2. Legislative Update Report. SPONSOR: Hensley. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-392 3. Authorizing City Manager to redeem vacation. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-393 MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:04 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS