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SEE ROLL CALLS February 18, 2002	02-394 thru 02-452 02-453 thru 02-495 02-496 thru 02-500 02-501 thru 02-524
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SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

February 18, 2002 4:30 P.M.

Closed Session-3:30 - 3:50

02-394 Roll Call **Present: Daniels, Brooks, Coleman, Cownie, Hensley, and Vlassis. Absent: McPherson**

02-395 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-396 (b) Closed Session to discuss matters of pending litigation.

02-397 (c) Terminate this closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: McPherson.**

02-398 (d) Approving settlement of claim against City to Sandi (Violet) Dankof arising out of an inspection of her housing premises. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: McPherson.**

02-399 (e) Motion to adjourn at 3:50 P.M., and reconvene at 4:00 P.M. for the Municipal Housing Agency Governing Board Meeting. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

SPECIAL PRESENTATIONS - 4:15 P.M.:

Langston Hughes - U.S. Stamp

PROCLAMATIONS - 4:15 P.M.:

(A) Variety Club Gold Heart Day

(B) Brotherhood/Sisterhood Week

(C) "Try Transit Week"

INVOCATION: Reverend Tim Diebel, First Christian Church

02-404 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-405 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

***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.**

02-406 3. APPROVING CONSENT AGENDA - items 3 through 65: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

02-407 4. Approving the following Beer/Liquor Applications. **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

1. Looney Toons	210 Indianola
2. Flashbacks Lounge	5521 SE 14th Street
3. Teji's Corner Store	800 19th Street

RENEWAL APPLICATIONS

4. Chat Noir Cafe	644 18th Street
5. AK O'Connors	4050 Urbandale
6. American Pie	6202 Douglas Avenue
7. Central City Liquor	1460 2nd Avenue
8. Dahls Foods	3425 Ingersoll Ave.
9. Dahls Foods	1819 Beaver Avenue
10. Dahls Foods	1320 E Euclid Avenue

11. Dahls Foods	6200 SE 14th Street
12. Dahls Foods	3710 Hubbell Avenue
13. Dahls Foods	4343 Merle Hay Rd.
14. Dahls Foods	4121 Fleur Drive
15. Duds N Suds	2629 Beaver Avenue
16. Git-N-Go Store #28	3274 E University
17. Hy Vee #1	3330 ML King Jr.Pkwy
18. Ingersoll Liquor	3500 Ingersoll
19. Kum & Go #440	821 E Euclid Ave.

Authorizing

02-408 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-409 6. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

02-410 7. Approving plans for construction of a new electrical substation at 2420 E. County Line Rd. by Mid-American Energy Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-411 8. Approving and authorizing the execution of Iowa Department of Transportation Agreement No. 1-02-STPU-003 for Fleur Drive Widening from Army Post Rd. to County Line Rd. ([Council Communication No. 02-090](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-412 9. Approving professional services agreement with Shuck-Britson, Inc., (Robert A. Britson, President) for engineering and design services on the SW 8th and 9th Street Viaducts over Martin Luther King Jr. Parkway Repairs, \$45,517. ([Council Communication No. 02-091](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-413 10. Approving Supplemental Agreement No. 1 with Brian Clark and Associates (Brian Clark, President, DSM) to Professional Services Contract for additional surveying, stream profiling, analyzing crossing alternatives and preparing documents and drawings to permit design of Walnut Creek Trail Phases I-B and II - \$11,600. ([Council Communication No. 02-097](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-414 11. Approving Contract and Bond and Permission to sublet for Crime Prevention Building Remodel with Munro Construction Co., (Patrick T. Munro, President), (4844 Urbandale) in the amount of \$33,449.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-415 12. Accepting completed construction and approving final payment for Easton Boulevard Bridge Repainting, Linder Painting, Inc., with as-built cost of \$108,575, \$9,485.75 due now and \$5,428.75 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-416 13. Accepting completed construction and approving final payment for Gray's Lake Pedestrian Bridge Construction, Jensen Construction Company, with as-built cost of \$2,307,353, \$2,830 due now and \$104,776 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-417 14. Approving partial payments on nine (9) public improvement projects. (See roll call for list.) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

02-418 15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of January 2002 for certification to Polk County. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-419 16. Authorize Engineering Department to remove assessment Certificate No. BHNAC 00-200115-077580 entered against 928 SE 14th Street; an Administrative Hearing was held and an offer of compromise was agreed upon and payment has been received by the City. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-420 17. Authorizing the Engineering Department to delete NAC - Emergency Order Assessment Schedule No. 2002-50 assessed to 1991 SW 1st Street, an administrative hearing was held and the charges were waived. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-421 18. Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater Utility and or Sewer Rental Schedule Nos. 1999-25 and 2000-32. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-422 19. Authorizing Engineering Department to correct delinquent Solid Waste/Stormwater Utility and or Sewer Rental Credits Schedule for January 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-423 20. Establishing Fair Market Value (\$15,200) and authorizing acquisition of property at 2617 Easton Boulevard for Easton Detention Basin Project by gift, negotiation, or condemnation. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-424 21. Authorizing issuance of Corrective Deeds and Purchase Agreements to Community

Housing Development Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-425 22. Resolution accepting Declaration of Covenants on property along SW 7th Street between Elm Street and the Raccoon River. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-426 23. Approve and Accept Offer to Purchase real estate and acceptance and warranty deed from Hue V. Dinh for 1919 Crocker Street for the Martin Luther King Jr. Parkway Project-North/South Segment. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-427 24. Approve and Accept Revised Offer to Purchase real estate and acceptance and deed from the Hannah Grossman Trust for 1907 Olive Avenue for the Martin Luther King Jr. Parkway Project - North/South Segment. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-428 25. Approve and Accept Right-Of-Way documents for I-235 Sanitary Sewer Relocation Group 1 - (2024 E. 21st Street). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-429 26. Approving Acceptance of Assignment of Frisbie Park Offer to purchase Real Estate for residential construction and Issuance of Replacement Deeds. ([Council Communication No. 02-099](#)). **Moved by Hensley to defer action for a report on whether the neighbors were given the option to obtain the lots and if they qualified. Motion Carried 7-0.**

27. Approving Tax Abatement Applications for additional value added by improvements made during 2001: (Applications on file in City Clerk's Office).

02-430 (A) Sixth set - (415 Applications). ([Council Communication No. 02-092](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-431 (B) Seventh set - (50 Late File Applications). ([Council Communication No. 02-089](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

28. Denying Tax Abatement Applications for the following:

02-432 (A) Property at 344 East Army Post Road. ([Council Communication No. 02-095](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-433 (B) Property at 7701 Bloomfield Road. ([Council Communication No. 02-094](#)). **Moved by Brooks to defer action for thirty days (March 18), refer to Southside Revitalization Association to determine if this area could be added to the tax abatement area by modifying the boundary lines. Council requested a detailed map of area now, indicating what areas are excluded and the land use. Motion Carried 6-1. Absent: McPherson.**

29. Approving Tax Abatement Applications for the following:

WITHDRAWN 02-434 (A) 1400 E. County Line Road.

02-435 (B) 6030 S.E. 16th Court. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-436 30. Approving Release of PUD Restoration Bond in amount of \$96,884 (Bond No. IAC 28266) from Merchants Bonding Company for Airport Commerce Park South. ([Council Communication No. 02-093](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-437 31. Approving Procedural Rules for the Urban Development Board and Skywalk Committee. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

02-438 32. Regarding request from the Blood Center of Central Iowa, for vacation and conveyance of a 37' segment of the north/south alley between E. 4th and E. 5th, to allow encroachment of the existing building at 431 E. Locust, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-439 33. On contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, \$2,000,000, SNAG L.L.C. for construction of a grocery store at 7th and University, (3-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-440 34. On proposed amendment to the Annual Budget for current fiscal year ending June 30, 2002, (3-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-441 (A) On Proposed Annual Budget for Fiscal year ending June 30, 2003, (3-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-442 35. On the 2001 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-18-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-443 36. On request from Community Housing Development Corporation, to rezone property at 1403 Forest Avenue from "R1-60" (One Family Low Density Residential) and "C-1" (Neighborhood Retail Commercial), to "R-3" (Multiple Family Residential), (3-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

37. On sale and conveyance of property to Des Moines Habitat for Humanity, for Single Family Infill Housing, (3-4-02):

02-444 (A) 202 E. Fulton, \$5,805. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-445 (B) 204 E. Fulton, \$4,590. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-446 38. On conveyance of City-owned property at 1811 SW 2nd, to Lynn A. Weiss, \$2,200, (3-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-447 39. On request from Terry Vriese and Kyle Whalen, to rezone property at 1311 and 1315 63rd Street, north of University from "R1-60" (One Family Low Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), Plan and Zoning Commission recommends DENIAL, (3-18-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-448 40. On sale of the north/south alley between 3rd and 4th Street from Corning to New York, to Michael R. Bohn and Nancy Suby-Bohn, \$125, (3-4-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-449 (A) First consideration of ordinance vacating right-of-way above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-450 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,054](#). Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-451 41. Approving payment of an additional \$3,915.58 to Robert Van Cleave for payment of workers' compensation claim for injuries suffered during course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

42. NUMBER NOT USED.

02-452 43. Approving payment of \$1,734.89 to Gaudineer & Comito, L.L.P. for representation of Lonny Namanny in case of Charmaine Hunter and Charles Franks Jr. v. Lonny Namanny. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-453 44. Approving payment of \$787.32 to Spiegel & McDiarmid for assistance in conjunction with the Brownfields Showcase Community and related projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-454 45. Approving payment of \$40.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-455 46. Approving payment of \$525.48 to Ahlers Law Firm for resolution of various issues associated with acquisition of environmental contaminated properties for Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-456 47. Submitting out-of-state travel requests for Mike Mosman, Daniel Galien, Angela Dierenfeld, Thomas Turner, Brian Bennett, Rocky Craig, Bob Sarasio, Preston Daniels, Christine Hensley, Chris Coleman and Frank Cownie. ([Council Communication No. 02-083](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-457 48. Submitting a traffic regulation change to allow nighttime and weekend parking on Des Moines Street between East 9th Street and East 12th Street. ([Council Communication No. 02-086](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

02-458 49. Approving construction of a temporary traffic circle at intersection of 42nd Street and Foster Drive as part of phase one of traffic calming measures developed in conjunction with Salisbury-Oaks Neighborhood Association. ([Council Communication No. 02-085](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

02-459 50. Submitting Quarterly Financial Report for six months ended December 31, 2001. (Copy on file in City Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-460 51. Competitive Progress report for the 2nd Quarter of Fiscal Year 2001-2002 for the Change Management Program at the Des Moines Metropolitan WRA Wastewater Reclamation Facility. ([Council Communication No. 02-088](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-461 52. Receipt of communication from Library Director submitting Architect and Construction Manager contracts for the new Central Library. ([Council Communication No. 02-080](#)) **Moved by Hensley to receive and file. Motion Carried 6-1. Pass: Brooks.**

02-462 53. Grant Agreements with HUD for funding of the 2002 HUD Consolidated Plan for the period of January 1, 2002 to December 31, 2002. ([Council Communication No. 02-096](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-463 (A) Communication from Chair of Neighborhood Revitalization Board, regarding Program Year 2002 funding allocations. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-464 54. First Renewal of Insurance Agent/Broker Services Contract with Jester Insurance Services, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-465 55. Budget for continuation of Downtown Self-Supported Municipal Improvement District (SSMID) for fiscal year 2002/2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-466 56. Categorical Assistance Progress Report for the period of July 1, 2001 to December

31, 2001 to be submitted to the U.S. Department of Justice/Executive Office for Weed & Seed. [\(Council Communication No. 02-079\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-467 57. Weatherization Contract No. MEC-02-07J for weatherization assistance for low-income persons from January 1, 2002 to December 31, 2002 in the amount of \$102,100. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-468 58. Employment of Pingle and Templer, P.C. to perform services for collection of Economic Development Loans. [\(Council Communication No. 02-100\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-469 59. One-year lease agreement with Sara Salantic for Greenwood Park residence, 4812 Grand Avenue, at \$725 a month. [\(Council Communication No. 02-082\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

60. Bids for the Following:

02-470 (A) From Compaq Computer Corporation, (Houston, TX) from the Western States Contract Alliance (WSCA) price agreement #90-00151 for Compaq Computer Equipment to be used by the Wastewater Reclamation Facility, \$25,620. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-471 (B) From Ziegler Inc., (William Hoeft, President) for tractor with backhoe to be used by the Public Works Department, \$91,815. (17 bids mailed, 4 received.) [\(Council Communication No. 02-084\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-472 60. (C) From Waste Management of Iowa, (Curtis Hill, President) for an annual contract renewable for two additional years for trash removal services for the SCRUB program to be used by the Public Works Department. (See roll call for price list.) (9 bids mailed, 1 received.) [\(Council Communication No. 02-087\)](#). **Moved by Coleman to reject the bid. Motion Carried 5-2. Nays: Daniels and Vlassis.**

02-473 (D) From Charles Gabus Ford, (Charles Gabus, President) for two 8800 GVWR trucks to be used by the Public Works Department, \$59,968.62. (10 bids mailed, 6 received.) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN02-474 (E) From Freightliner of Des Moines, (Carl Schwab, President, Altoona, IA) for two automated side loading refuse trucks to be used by the Public Works Department, \$265,564. (7 bids mailed, 4 received.) [\(Council Communication No. 02-098\)](#)

02-475 61. Civil Service Entrance Lists for Electronic Flow Meter Technician, CAD Graphic Technician, Public Safety Systems Manager, Housing Services Administrative Secretary, Fleet Services Serviceperson and Promotional Lists for Traffic Device Maintenance Worker and Police Sergeant. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-476 62. Authorizing Finance Director to draw checks on check registers of February 22 and

March 1, 2002; bills of the Des Moines Municipal Housing Agency for the weeks of February 18 and February 25, 2002; and to draw checks for biweekly payroll due employees on February 22, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-477 63. 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 Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-478 64. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes for 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. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-479 (A) Final consideration of ordinance above. **Moved by Brooks that this ordinance do now pass. Ordinance No. [#14,057](#). Motion Carried 7-0.**

02-480 65. Amending Ordinance No. 13,386 to designate the expanded ACCENT Neighborhood Urban Renewal Area as a Tax Increment Financing District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

****Council considered Item 78 next****

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

ORDINANCES - FIRST CONSIDERATION

02-481 66. Repealing Ordinance No. 13,904, (to correct error in legal description), and approving new ordinance vacating right-of-way in the vicinity of 519 Waterbury Circle. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-482 (A) Final consideration of ordinance above, (waiver requested by Julie K. Harvey), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,055](#). Motion Carried 7-0.**

02-483 (B) Approving corrected quit claim deed. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-484 67. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as

follows. **Moved by McPherson that this ordinance be considered and given first vote for passage. 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.

COMMUNICATIONS/REPORTS

02-485 68. From Arturo Gonzales and Milagro Mendez, Citizens for Community Betterment, requesting to speak regarding Philip Althomson's properties at 1020 9th Street, 1311 21st Street and 2413 24th Street. **Moved by Hensley to grant the request to speak; refer to City Manager and Legal for review and recommendation. Motion Carried 7-0.**

02-486 69. From South Side Revitalization Partnership in support of a request for a sidewalk along SE 14th, between Thornton and McKinley. **Moved by Brooks to receive, file and refer to City Manager and City Engineer. Motion Carried 7-0.**

****Council considered Items 77 through Extra 4 next****

INFORMAL HEARINGS (Opened at 5:29 P.M.) (Item 70)

02-487 70. To receive citizen input and comments regarding the Capital Improvement Program (CIP) and Operating Budgets. **Moved by Hensley to receive, file and refer to the City Manager. Motion Carried 5-2. Absent: Coleman and Brooks.**

HEARINGS (Opened at 6:04 P.M.) (Items 71 thru 76)

02-488 71. Appeal from Henry Lee, 3011 3rd Street, regarding appeal of taxicab driver's license continued from February 4, 2002 City Council Meeting. **Moved by Vlassis to deny the license. Motion Carried 7-0.**

02-489 72. On assessment of \$300 penalties to 22 Cigarette Permitees for violation of Iowa Cigarette Laws, sale to minors. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-490 73. On 30 day suspension of Cigarette Permit for Jiffy Convenience Store located at 3718 SW 9th Street for two violations of Iowa Cigarette Laws, sale to minors. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-491 74. On request from Sherman Hill Association to purchase City-owned property in the vicinity of 673 and 677-20th Street, (T. Fred Henry Park), for infill housing, \$9,700 and \$9,750. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: McPherson. Pass: Cownie.**

02-492 75. On vacation and conveyance of various street segments and alleys in the vicinity of the Iowa State Fairgrounds, to State of Iowa, \$2,700. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-493 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-494 (B) Final consideration of ordinance above, (waiver requested by State of Iowa), 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, [#14,056](#). Motion Carried 7-0.**

02-495 76. On sale and conveyance of an underground gas line easement in the 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. **Moved by Vlassis to continue the hearing to March 4, 2002, at 5:30 PM to allow neighborhood input. Motion Carried 7-0.**

* * END HEARINGS at 6:09 P.M. * *

****Council considered Board of Health next, and then adjourned****

APPROVING

77. Authorizing issuance of the following bonds:

02-496 (A) \$3,170,000 General Obligation Refunding Bonds, Taxable Series 2002A. **Moved by Hensley to adopt. Motion Carried 6-1 Absent: Vlassis.**

02-497 (1) Authorizing Redemption of outstanding bonds, Series 1993A. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-498 (B) \$3,290,000 General Obligation Hotel and Motel Tax Refunding Bonds, Taxable Series 2002B. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-499 (1) Authorizing Redemption of outstanding bonds, Series 1992B. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-500 77. (C) \$15,420,000 Sewer Revenue Bonds, Series 2002C. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-501 (D) \$11,265,000 Sewer Revenue Refunding Bonds, Series 2002D. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-502 (1) Authorizing Redemption of outstanding bonds, Series 1992D. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-503 (2) Authorizing Redemption of 1990 SRF Loan. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-504 78. Communication from the City Manager outlining the preliminary terms of an agreement with ING-Equitale of Iowa whereby the City would provide certain incentives in exchange for ING adding 350 employees within the City of Des Moines and investing approximately \$10.5 million in their existing building at 909 Locust Street. **Moved by Hensley to receive, file and adopt the recommendation of the City Manager, and to direct and authorize the City Manager to negotiate with ING - Equitable of Iowa upon a final agreement consistent with the Preliminary terms identified. Motion Carried 7-0.**

02-505 (A) Submission of a Community Economic Betterment Account (CEBA) Application to the State of Iowa for ING-Equitale of Iowa in the amount of \$500,000. **Moved by Hensley to approve. Motion Carried 7-0.**

02-506 (B) ING-Equitale of Iowa/Reliastar Life Insurance Company Application for Enterprise Zone Benefits regarding a project in the Des Moines Gateway Enterprise Zone. [\(Council Communication No. 02-081\)](#). **Moved by Hensley to approve. Motion Carried 7-0.**

02-507 79. City Council endorsement of an application submitted by East Village Association for "Main Street Iowa" program funding. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-508 80. Legislative Update for the 79th Iowa General Assembly. **Moved by Hensley to receive, and file the report. Motion Carried 6-1. Absent: Vlassis.**

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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.

02-509 1. Approving City Manager's recommendation to defer consideration of proposed changes to the ordinance regarding licensing and placement of bus benches and other encroachments on City property, until the March 18, 2002 Council meeting, and placing a moratorium on new license issue until that time. SPONSOR: Hensley. **Moved by Vlassis to receive and file, to direct the Legal Department to prepare the necessary legislation to**

implement the City Manager's recommendation; and to direct that no new licenses for bus benches be granted until after March 18, 2002, to permit the City Council an opportunity to consider adopting an ordinance implementing the City Manager's recommendations prior to the issuance of further bus bench permits. Questions regarding type of advertising allowed and portion of fees to neighborhoods for beautification referred to City Manager for review and recommendation. Motion Carried 7-0.

02-510 2. Resolution approving First Amendment to Urban Renewal Development Agreement with Preservation Properties I, L.L.C., for 501 E. Locust Street, ([Council Communication No. 02-101](#)). SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-511 3. Setting Date of Hearing on proposed authorization of Supplement No. 6 to the Governmental Lease-Purchase Master Agreement to fund acquisition of three (3) automated side-loading refuse trucks; not to exceed \$425,000, (3-4-02), ([Council Communication No. 02-102](#)). SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-512 4. Recommendation of Council Member Archie Brooks to appoint Jeffrey Morgan to the Historic District Commission, (vacant new seat #10) for a three year term commencing October 18, 1999 to expire October 18, 2002. SPONSOR: Brooks **Moved by Brooks to adopt. Motion Carried 7-0.**

****Council considered Hearing Items 70 through 76 next****

A G E N D A

BOARD OF HEALTH February 18, 2002

02-513 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-1.**

AUTHORIZING

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

02-514 (A) 1433 5th Avenue (vacant) Titleholder: Jack Kauzlarich. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-515 (B) 918 E. 12th Street (vacant) Titleholder: Richard and Lois Oertwig, and Contract Buyers: Mamie and Cleo Underwood. **Moved by Vlassis to adopt. Motion Carried 7-1.**

2. Engineering Department to cause the demolition of the public nuisances at the following locations:

02-516 (A) 1502 11th Street, Titleholder, Steven L. Boese. **Moved by Vlassis to adopt. Motion**

Carried 7-1.

02-517 (B) 1154 14th Place, Titleholder, Pearlie L. Chandler. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-518 (C) 1414 19th Street, Titleholders, William P. Celestine and Lavada A. Celestine. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-519 (D) 903 E. 23rd Court, Titleholders, Dale Johnson and Patricia Johnson. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-520 3. Release of judgment lien against 1344 7th Street, Titleholder, Community Baptist Church a/k/a Community Missionary Baptist Church. **Moved by Vlassis to adopt. Motion Carried 7-1.**

APPROVING

02-521 4. Release of demolition cost reserve held under claim number 14P80327 regarding property known as 432 Hartford owned by Richard and Delores Medina. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-522 5. Release of demolition cost reserve held under claim number 92-498237 regarding property known as 2504 SE 5th Street owned by Glenn Hamilton, Jr. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-523 6. Release of demolition cost reserve held under claim number 14P15622 regarding property known as 1811 24th Street owned by Frank Alexander at the time of the fire. **Moved by Vlassis to adopt. Motion Carried 7-1.**

02-524 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:10 P.M. Motion Carried 7-1.**