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April 22, 2002

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SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 22, 2002 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Arbor Day
- (b) Fair Housing Month
- (c) Rebuilding Together Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Recognition of Medal of Honor Recipients
- (b) Recognition of students with perfect SAT Scores--

Patrick Swieskowsky - Roosevelt

Emily Trump - Hoover

Brandon Day - Urbandale

- (c) Recognition of Mike Giampietro

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

02-963 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

****Council considered Item 77 next****

02-964 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-965 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-966 4. The following Beer/Liquor Applications. **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

WITHDRAWN (1) ~~Romance Cafe, 1454 2nd Ave., B Beer~~

(2) Sands Volleyball Club, 6214 Grand Ave., C Liquor

(3) Kum & Go #194, 4001 SW 9th St, C Beer

(4) Kum & Go #130, 2930 Hickman Rd, C Beer

RENEWAL APPLICATIONS

(5) Barattas Restaurant, 2320 S Union, C Liquor

(6) Texas Cattle Company, 4020 Merle Hay Road, C Liquor

(7) H & A Mini Mart, 5901 Fleur Dr., C Beer

(8) Gerris, 232 E 30th St., C Liquor

(9) Noahs Ark Restaurant, 2400 Ingersoll, C Liquor

(10) Kruegers Amoco #2, 630 SW 9th St., C Beer

(11) Johns Place, 2401 E Walnut St., C Liquor

(12) All In The Family, 4413 Fleur Dr., C Liquor

(13) Papas Planet, 206 3rd St., C Liquor

- (14) Duds N Suds, 2552 Hubbell, B Beer
- (15) Last Stop Beverage Shop, 2839 University, C Beer
- (16) Last Stop Beverage Shop, 2839 University, E Liquor
- (17) Last Stop Beverage Shop, 2839 University, B Wine
- (18) Vic & Andys, 5114 SW 9th Street, C Liquor
- (19) Hy Vee Food Store #2, 2540 E Euclid Ave, E Liquor
- (20) La Tapatia, 1440 Des Moines St, C Beer
- (21) Bourbon Street, 500 Army Post Road, C Liquor
- (22) Genes Place, 2117 E. University, C Liquor
- (23) Younkens Tea Room, 701 Walnut Ave, C Liquor
- (24) Younkens Tea Room, 701 Walnut Ave, B Wine
- (25) New Oriental Food Store, 515 E Grand Ave, C Beer
- (26) Mandarin Restaurant, 3520 Beaver Ave, C Liquor
- (27) Des Moines Yacht Club, 2617 Ingersoll, C Liquor
- (28) B & B Que, 2712 Beaver Ave, C Liquor

02-967 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

02-968 6. Approving Supplemental Agreement No. 1 for Professional Services, in conjunction with the SW 9th Street Bridge over Raccoon River and the Union Pacific Railroad Rehabilitation. [\(Council Communication No. 02-218\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-969 7. Approving Conceptual Design Report on Closes Creek Watershed Storm Water Drainage Improvements. [\(Council Communication No. 02-223\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

8. Execution of Iowa Department of Transportation agreements for the following:

02-970 (A) Preconstruction Agreement for Maple Street Storm and Sanitary Sewer. ([Council Communication No. 02-215](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-971 (B) Predesign Agreement for I-235/Cross Street Traffic Signals. ([Council Communication No. 02-214](#)). **Moved by Hensley to adopt and direct City Manager to work with the Iowa DOT regarding project funding. Motion Carried 7-0.**

9. Receipt of communication from the Iowa Department of Transportation notifying the City of proposed Hot mix asphalt widening and resurfacing project on:

02-972 (A) Iowa Hwy 28, from University north to Hickman, on December 13, 2002. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-973 (B) U.S. Hwy 6, from the junction with combined I-35/80 extending easterly to the junction with Merle Hay Road, on December 13 2002. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-974 10. Accepting completed construction and approving final payment for 1201 Walnut Street (Former 3-E Building) Demolition, L.A. Company n/k/a Wicker Demolition, \$26,606.89 is now due and remaining balance of \$23,350 due at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-975 11. Resolution Ordering Construction of Traffic Signals on E. 16th Street At E. Grand Avenue and on Park Avenue at SW 24th Street and in 2800 Block, Receiving of Bids, (5-7-02), and Setting Date of Hearing, (5-20-02). (Construction Estimate - \$36,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-976 (A) Authorization for acquisition of necessary right-of-way. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-977 12. Communication from Eco-Tech Construction, L.L.C. requesting permission to sublet on public improvement project Indianola Avenue Connector. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-978 13. Approving partial payments on 11 public improvement projects. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-979 14. Approving Private Construction Contract for construction of Street Improvements for East Army Post Road median modifications between Septagon Construction Co., (Shane Madison, president, Grimes, IA), Contractor and Dave Jurgenson, Des Moines, IA), Owner - \$15,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-980 15. Approving Private Construction Contract for PCC Paving improvements in The Meadowlands Plat 2, E. Indianola Avenue and Bloomfield Road, Eco-Tech Construction,

(Contractor) and Oaks Development, (Owner). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

16. Resolutions levying assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) as follows:

02-981 (A) Schedule No. 2002-03 **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-982 (B) Schedule No. 2002-26 **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-983 (C) Schedule No. 2002-51 **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-984 (D) Schedule No. 2002-75 **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-985 17. Resolution accepting work and ordering preparation of Plat and Schedule of Assessments for Milton Avenue Paving - E. 21st Street to 320' east. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-986 (A) Resolution adopting and levying Final Schedule of Assessments, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-987 18. Deletion of NAC-Emergency Order Special Assessment at 1100 Walker Street, an administrative hearing was held and \$249.04 charges were waived. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-988 19. Authorize payment of Condemnation Award for acquisition of 2002 Woodland Avenue for Martin Luther King, Jr. Parkway Project, North/South Segment, \$330,000 and additional costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-989 20. Approve and accept Warranty Deed and Quit Claim Deed at vicinity of East 25th Street and Guthrie Avenue for the Easton Boulevard Detention Basin Project n/k/a Leetown Creekway Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-990 21. Approve and accept Form of Access Rights Deed and Temporary Easement for 2010 Ingersoll Avenue for the Martin Luther King, Jr. Parkway Project, North/South Segment, \$14,000 and any additional costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-991 22. Approve and accept Access Rights Deed and Temporary Easement for 1926 Ingersoll for the Martin Luther King, Jr. Parkway Project, North/South Segment, \$7,501. and closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-992 23. Approve and accept Form of Quit Claim Deeds for 2004 Leyner Street and 932 19th Place for the Martin Luther King, Jr. Parkway Project, North/South Segment, \$1,200. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-993 24. Approve and accept Right-of-Way documents for a portion of the property located at 3325 East Douglas Avenue for the Gay Lea Wilson Recreational Trail. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-994 25. Approve and accept Right-Of-Way documents for 1922 Ingersoll Avenue for Martin Luther King, Jr. Parkway Project North/South Segment, \$2,400. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-995 26. Approve and accept Tenant Consents at 2641 Cleveland Avenue and 2718 Chicago Avenue for the Easton Boulevard Detention Basin Project n/k/a Leetown Creekway Project, \$100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-996 27. Approve and accept Permanent Easement from Iowa-Illinois District Advisory Board, Bible Missionary Church, Inc. at Southeast 16th & Leach Streets for Grandshire Area Sanitary Sewer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-997 28. Approve and accept Permanent Easement from The Airport Group I, LLC for sanitary sewer in conjunction with Lot 2, Airport Commerce Park Plat 1, \$1.00 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-998 29. Approve and accept Permanent Easement from RAS Properties for the SE 28th & Railroad Sanitary Extension Project, \$1.00 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-999 30. Approve and accept Right-Of-Way documents at 1431 E. 25th Street, 2752 Chicago Avenue, and 1406 E. 27th Court for the Easton Boulevard Detention Basin Project n/k/a Leetown Creekway Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-1000 31. Recommendation of Council Member Archie Brooks to reappoint Harold Belken to Seat 7 on the Zoning Board of Adjustment for a five-year term commencing April 1, 2002 to expire April 1, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1001 32. Recommendation of Council Member Archie Brooks to appoint Rose Marie Smith to Seat 7 on the Housing Appeals Board for a three year term commencing March 16, 2001 to expire March 16, 2004. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1002 32-I Recommendation of Council Member Archie Brooks to reappoint Surasee Rodari to Seat 7 on the Human Rights Commission for three-year term commencing April 1, 2002 to expire April 1, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1003 33. Recommendation of Council Member Mike McPherson to reappoint Suzette Jensen to Seat 9 on the Park and Recreation Board for a four-year term commencing June 30, 2002 to June 30, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSURES

02-1004 34. Approving recommendation of Street Use Team (SUT) to close the following streets: **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Mike Burkett, representing Hawkeye Elks Lodge, requesting permission to close Walker Street from E 14th Street to Johnson Court on Saturday, May 4, 2002 (raindate of Saturday, May 11, 2002) from 8:00 AM to 6:00 PM for Fire & Safety Protection Day.

(2) Joann Mackey, representing Department of Human Rights-Division of Latino Affairs, requesting permission to close Court Ave and Walnut Street Bridges from the east line of 2nd Ave to E 1st St; 1st St from Court Ave to Walnut St; W Riverside Dr from 1st St to Court Ave on Friday, May 24, 2002 at 8:30 AM to Sunday, May 26, 2002 at 12:00 Noon; E 1st St from Court Ave to Walnut St on Thursday, May 23, 2002 from 8:30 AM to Sunday, May 26, 2002 at 12:00 Noon for the Latino Heritage Festival.

(3) Corrected request from Downtown Community Alliance to close 1st St from Court Ave to Vine St on Monday, April 29, 2002 from 9:00 AM to 1:00 PM for press conference/groundbreaking of Vine Street Lofts.

02-1005 34-I Approving request from Sam Bernabe, representing Iowa Cubs Baseball Club, requesting permission to close SW 1st, from the river bridge to Riverside Drive, on 4-26, 5-10, 5-24, 6-7, 6-21, 6-26, 6-28, 7-3, 7-12, 7-27, 8-2, and 8-30, for approximately 15 minutes after each game, for a fireworks display. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

35. On issuance of the following General Obligation Bonds, (5-6-02), ([Council Communication No. 02-208](#)):

02-1006 (A) Not to exceed \$26,100,000 -- to be used for various public improvement infrastructure projects, radio system improvements and vehicles for Fire and Police Departments, cemetery and parks improvements. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1007 (B) Not to exceed \$11,990,000 -- to be used for planning and implementing urban renewal project activities. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1008 (C) Not to exceed \$1,000,000 -- to be used for remodeling and improvements at various City buildings. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1009 (D) Not to exceed \$895,000 -- improvements at the Zoo, Botanical Center, pools and

various City Buildings. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1010 (E) Not to exceed \$690,000 -- to be used for municipal building improvements. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1011 (F) Not to exceed \$970,000 -- to fund acquisition and installation of City-wide information and communications systems. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1012 36. On Zoning text amendments creating District Standards for a new "Capitol Dominance Overlay District", (5-6-02). **Moved by Brooks to adopt. City Manager to provide a report on the impact of this amendment for the next agenda. Motion Carried 7-0.**

02-1013 37. On Zoning text amendments, to expressly prohibit expansion or structural alternation of non-conforming uses in the "U-1" (Floodplain) and "FW" (Floodway) Districts, (5-6-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1014 38. On Zoning text amendment to require single-family dwellings in the "R-2" (One and Two-Family Residential district), and in the "R-3" and R-4" (Multiple Family Residential districts), to conform to the design standards currently applicable in the "R-1" Districts, (5-6-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1015 39. On request from Crown Cleaners, Inc, to rezone property at 2130 E. Park Avenue from "C-1" (Neighborhood Retail Commercial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), subject to conditions, (5-6-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1016 40. On vacation and conveyance of a portion of the North/South alley right-of-way and a portion of E. 5th Street right-of-way in the vicinity of 431 E. Locust Street, to Blood Center of Central Iowa, \$8,850, (5-6-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-1017 41. Approving payment of \$20,000 to Sam Wymer for a special case settlement of worker's compensation claim for injuries arising out of course of employment, subject to approval of special case settlement by the Iowa Workers' Compensation Commissioner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1018 42. Approving payment of \$3,887.89 to Spiegel & McDiarmid Law Firm for assistance to City in conjunction with The Brownfields Showcase Community. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1019 43. Approving payment of \$26,365.22 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for bond counsel services. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1020 44. Approving payment of \$387.50 to Ahlers Law Firm for environmental law counsel services in conjunction with the acquisition of the Irwin Chemical Building at 401 S.E. 6th

Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-1021 45. Submitting out-of-state travel requests for Gregg Westemeyer and Amelia Hamilton-Morris. [\(Council Communication No. 02-209\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1022 46. Submitting various traffic regulation changes as follows, [\(Council Communication No. 02-217\)](#). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--West Side of North Union Street North and South of East Madison Avenue.

(2) Corner Clearance--North Side of Enden Lane West of Winegardner Road.

(3) Corner Clearance--South Side of Grandview Avenue East of East 25th Street.

(4) Corner Clearance--East Side of SW 26th Street South of Stanton Avenue.

(5) Corner Clearance--West Side of East 8th Street South of East University Avenue.

(6) One-Sided Parking Restriction--West Side of SE 18th Court North of East Creston Avenue.

APPROVING

02-1023 47. Request from Downtown Community Alliance on behalf of the Meredith Corporation for permission to hang 16 banners in downtown Des Moines around the Meredith Building to celebrate the company's 100th anniversary. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 7-0.**

02-1024 48. Approving use of various City Facilities as poll sites for Precincts 31, 36, 60, 64, 82, and 83 for the Primary Election to be held Tuesday, June 4, 2002. **Moved by Vlassis to approve. Motion Carried 7-0.**

02-1025 49. Authorizing the Mayor to send a letter on behalf of the City Council, expressing concern over the funding reduction for the Merle Hay Road widening project, and requesting information regarding and anticipated reduction for projects in Des Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

50. Receipt of communication from the Airport Board notifying the Council of the following proposed regulation changes, effective July 1, 2002:

02-1026 (A) Amending rates and charges for usage of the Airport. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1027 (B) Regarding storage of fuel and oil in the T-hangars at the Airport. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1028 51. Reallocation of Community Development Block Grant (CDBG) funding for Food Enterprises, \$45,900. ([Council Communication No. 02-206](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1029 52. Reallocation of \$45,300 of 1998 HOME funding from Neighborhood Housing Services (NHS), Inc. to the Community Housing Development Corporation (CHDC), Inc. ([Council Communication No. 02-207](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1030 53. Agreement with Sherman Hill Neighborhood Association to salvage paving bricks from abandoned sidewalks in area of 19th and 20th Streets, north of Leyner and south of School Streets, as a result of M. L. King construction, to be used within the neighborhood area. ([Council Communication No. 02-219](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Vlassis.**

02-1031 54. City to redeem tax certificates on the property at 711 - 16th Street in the Sherman Hill Neighborhood, for redevelopment, \$28,054.25. ([Council Communication No. 02-211](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1032 55. New electrical substation to be constructed in vicinity of 3105 Martin Luther King Jr. Parkway by MidAmerican Energy. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1033 56. Telephone system maintenance agreement (E911) with Qwest Communications for one year beginning November 4, 2001 and expiring November 3, 2002 - \$18,519.61. ([Council Communication No. 02-225](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

57. Concessionaire Agreement with Joe Buxton dba Metro Concession Services, 247 56th Street for the following, ([Council Communication No. 02-221](#)):

02-1034 (A) Gray's Lake Park food and beverage and boat rental concession. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1035 (B) Ashworth Swimming Pool food and beverage concession. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1036 58. Execution of Memorandum of Agreement with U.S. Government for reimbursement to Airport for direct costs associated with posting a Des Moines Police Officer at Passenger Security Screening Checkpoint beginning May 10, 2002 until replaced by Federal Law Enforcement Officers. ([Council Communication No. 02-212](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1037 59. Documents related to Economic Development Loan in the amount of \$80,000 to Beckley Properties and Beckley Imports for construction of a new automotive service facility at 901 Eighth Street. ([Council Communication No. 02-213](#)). **Moved by Vlassis to approve.**

Motion Carried 7-0.

02-1038 60. Business Internet Banking Agreement with Bankers Trust. **Moved by Vlassis to adopt. Motion Carried 7-0.**

61. Bids for the following:

02-1039 (A) Ankeny Tractor's Inc., (Gary Brown, President, Ankeny) for one (1) four wheel drive tractor to be used by the Parks Department, \$28,716. (Nine bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1040 (B) Polydyne, Inc., (James Carlson, Vice President, Riceboro, GA and Stockhausen, Joe Pichotta, President, Greensboro, NC), Contract G00-104 for an extension of annual contract for one additional twelve month period for liquid and dry polymer to be used by the Public Works Department, Wastewater Reclamation Facility, \$230,000. ([Council Communication No. 02-204](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1041 (C) Keystone Laboratories, (Jeff King, President, Newton, IA) for an annual contract with two additional one year renewal options for environmental laboratory testing services to be used by the Public Works Department, Wastewater Reclamation Facility, \$39,967.20. (Seven bids mailed, two received). ([Council Communication No. 02-202](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1042 (D) Accurate Transmissions, (Mike Bartz, Vice President, Mundelein, IL) and Interstate Detroit Diesel, Jeff Caswell, President, Altoona, IA) for an annual contract with two additional one year renewal options for primary and secondary suppliers to furnish remanufactured transmissions for medium and heavy duty trucks to be used by the Equipment Maintenance Center, \$30,000. (Five bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1043 (E) Bid awarded to USFilter Stranco Products, (Jeff Rhodes, Vice President, Bradley, IL) for a chemical induction unit to be used by the Public Works Department, Wastewater Reclamation Facility, \$22,424. Bid from Electric Pump did not meet specifications, therefore non-compliant. (Five bids mailed, three received). ([Council Communication No. 02-203](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1044 62. Appointment of Michael Kelley as Assistant City Attorney effective April 23, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1045 63. Civil Service Promotional Lists for District Fire Chief and Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-1046 64. Submission of Quarterly Treasurer's Report as of March 31, 2002. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-1047 65. Authorizing Finance Director to draw checks on check registers of April 26 and

May 3, 2002; bills of the Des Moines Municipal Housing Agency for the weeks of April 22 and April 29, 2002; and to draw checks for biweekly payroll due employees on May 3, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-1048 66. Amending Chapter 26 of the Municipal Code regarding Building and Building Revisions, to adopt the updated 2000 International Building Code and 2000 International Residential Code. **Moved by Vlassis that this ordinance do now pass, #14,074. Motion Carried 7-0.**

02-1049 67. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Vlassis that this ordinance do now pass, #14,075. Motion Carried 7-0.**

(1) Provide Specifically Designated Parking Spaces for the United States Attorney's Office--East Side of East 1st Street, South of Walnut Street.

(2) Parking Restrictions in New Construction Area--11th/12th Street Connection of the Martin Luther King Jr. Parkway Project.

(3) Corner Clearance Extension--North Side of University Avenue, West of 28th Street.

(4) Parking Restriction--West Side of 49th Place, Along the Curve South of Urbandale Avenue.

02-1050 68. Adding Section 26-113(e) to the Municipal Code regarding waiver of permit fees by the City Council, for projects in the Metro Center Urban Renewal Project Area, (State Vision Iowa Program Funded Projects). **Moved by Vlassis that this ordinance do now pass, #14,076. Motion Carried 6-1. Nays: Brooks.**

02-1051 69. Amending Chapter 34 of the Municipal Code regarding Niche Tower Space Package fee in City cemeteries. **Moved by Vlassis that this ordinance do now pass, #14,077. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-1052 70. On Zoning Ordinance amendments to revise the "R-3" and "R-4" District Standards, to provide for site plan review by the Plan and Zoning Commission for new multi-family residential development and for conversion of existing development that increases unit density. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Item 84 next****

ORDINANCES - FIRST CONSIDERATION

WITHDRAWN02-1053 71. Amending Chapter 102 of the Municipal Code regarding maintenance and definitions of maintenance of sidewalks.

02-1054 72. Amending Chapter 74 of the Municipal Code regarding vendor fees in city parks and recreation facilities. ([Council Communication No. 02-224](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Brooks.**

WITHDRAWN02-1055 (A) Final consideration of ordinance above, (waiver requested by Parks and Recreation Department), requires 6 votes.

****Council considered Hearing Items 79 thru 83 next****

02-1056 73. Amending Chapter 114 of the Municipal Code to establish a Commercial Loading Zone on the west side of 27th Street south of Forest Avenue. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1057 74. Amending Chapter 114 of the Municipal Code, to allow waiver of parking permit fees in the Court Avenue Entertainment District for events on weekdays, from 6:00 PM to 8:00 AM, and anytime during weekends or established holidays. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

02-1058 75. From Sekou Chokwe Mtayari, 1618 Martin Luther King Parkway, to speak regarding 6-month stay on the demolition of 1408 Hutton. **Moved by McPherson to receive, file and grant the request to speak; and stay the demolition for sixty (60) days, with a report from staff at that time. Staff to report on the non-profit involved. Motion Carried 7-0.**

02-1059 76. From Korey and Farica Buchanan, 930 School Street, #82, to speak regarding rehabilitation of a home at 1154-14th Place. **Moved by Vlassis to receive, file and grant the request to speak and refer to the City Manager to work with them to locate an alternate site. Motion Carried 7-0.**

02-1060 77. From Jermaine McGregor, 1634 E. Capitol, to speak regarding his service contract with the City. **Moved by Hensley to receive, file and grant the request to speak. Council requested a summary of discussions and opinions rendered regarding Mr. McGregor's contract with the City. Motion Carried 7-0.**

02-1061 78. From Cal Sale, 1410 19th Street, to speak regarding the number of animals allowed

at a residence. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

HEARINGS (Opened at 5:35 P.M.) (Items 79 thru 83)

02-1062 79. Appeal of Taxicab License Application of Louis Van Horn. **Moved by Coleman to deny license. Motion Carried 7-0.**

02-1063 80. On Second Amendment to the Lease Agreement with United Parcel Service, to lease two parcels of Option Land at the Airport, to extend deadline for completion of a Distribution Facility, to 12-31-05. ([Council Communication No. 02-222](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1064 81. On vacation and conveyance of the North/South alley right-of-way west of the Masonic Temple building at 1011 Locust Street, to B.H. Temple, Inc., \$1.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1065 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1066 (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, [#14,078](#). Motion Carried 7-0.**

02-1067 82. On vacation and conveyance of a parcel south of 420 E. Army Post Road, to Splish Splash Auto Bath, Inc., \$1.00 **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1068 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1069 83. On request from RAS Properties, Inc., to revise zoning conditions on property at 2901 Maury Street, currently zoned Limited "M-2" (Heavy Industrial). **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-1070 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1071 (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, [#14,079](#). Motion Carried 7-0.**

* * END HEARINGS at 5:38 P.M. * *

****Council considered Items 73 thru 78 next****

APPROVING

84. Items to amend the City Code regarding the street name change of Valley Drive to George Flagg Parkway, ([Council Communication No. 02-226](#)):

02-1072 (A) (1) First consideration of ordinance amending the traffic code to reflect the street name change. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Cownie.**

02-1073 (2) Final consideration of ordinance above, (requires 6 votes for passage). **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, [#14,080](#). Motion Carried 6-1. Pass: Cownie**

(B) ALTERNATE RESOLUTIONS:

WITHDRAWN02-1074 (1) First consideration of ordinance to Repeal Ordinance No. 14,032, approved 12-17-01, regarding renaming.

WITHDRAWN 02-1075 (2) Final consideration of ordinance above, (requires 6 votes for passage)

WITHDRAWN 02-1076 (3) Resolution for "honorary designation".

02-1077 (C) Petitions submitting regarding street name change. **Moved by Brooks to receive and file. Motion Carried 7-0.**

02-1078 85. Authorizing issuance of Request For Proposals (RFP) for an automated routing system to be used by Public Works Department to achieve efficiency and effectiveness in routing of personnel and equipment. ([Council Communication No. 02-210](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1079 86. Agreement with MidAmerican Energy for use of utility poles for banners in parks and outdoor facilities operated by Des Moines Park and Recreation Department. ([Council Communication No. 02-220](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1080 87. Authorization to proceed with preliminary acquisition activities to determine development potential for approximately 11 properties located in the Eastern Gateway and to prepare necessary amendments to the Urban Renewal Plan. ([Council Communication No. 02-216](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1081 88. Adoption of revised public funds Investment Policy certified by the Municipal Treasurers' Association, (on file in City Clerk's Office). ([Council Communication No. 02-205](#))

Moved by Hensley 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.

02-1082 1. Request from Sherman Hill Association, regarding deferral of payment of funds for the T Fred Henry Park lots, for approximately 90 days. SPONSOR: Hensley. **Moved by Hensley to receive, file and approve the request. Motion Carried 7-0.**

****Council Member Coleman left the meeting at 5:55 P.M.****

A G E N D A

BOARD OF HEALTH

April 22, 2002

02-1083 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

AUTHORIZING

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

02-1084 (A) 1705 Capitol Avenue (vacant) Titleholder: SRS, Inc., Attn: David M. Erickson, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman**

02-1085 (B) 329 E. Wall Avenue (vacant) Titleholders: Randolph M. and Tanya R. Marshall; Legal Interest Holders: First Nationwide Mortgage Corporation, Attn: C T Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman**

2. Authorization for demolition of the following structures:

02-1086 (A) 2137 Capitol, Titleholders: Bonnie Wilson, Leanna Wilson and Deanna Wilson. **Moved by Brooks to stay the demolition for 120 days to allow completion of the renovation. Motion Carried 6-1. Absent: Coleman**

02-1087 (B) 1540 De Wolf, Titleholder: Terrence Butts. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman**

02-1088 (C) 1731 Lyon, Titleholder: Carol Johnson, Contract Buyer: Linda Rattray. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman**

02-1089 (D) 1217 Shaw, Titleholder: Andrea Quijano. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman**

02-1090 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:00 P.M. Motion Carried 6-1. Absent: Coleman.**

DES MOINES-CITY OF SKYWALKS