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June 3, 2002	02-1344 thru 02-1370 02-1371 thru 02-1400 02-1401 thru 02-1431 02-1432 thru 02-1457 02-1458 thru 02-1488
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SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

June 3, 2002 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

(A) Homeownership Month

(B) Music Under the Stars Days

SPECIAL PRESENTATIONS - 4:15 P.M.:

Recognition of Roosevelt High School as State Tennis Champions

INVOCATION: Pastor John Chadwick, Grace Lutheran Church

02-1344 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-1345 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1346 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-1347 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(1) Jalapeno Pete's Cantina, 3000 E. Grand, C Beer/Wine.

(2) Royal Flush Restaurant, 4440 Hubbell Ave., C Liquor.

RENEWAL APPLICATIONS

(3) QuikTrip #516, 1000 E. University Ave., C Beer.

(4) QuikTrip #516, 1000 E. University Ave., B Wine.

~~(5) Hull Ave Tavern, 834 E. Hull Ave., C Liquor.~~

(6) Court Ave Brewing Co., 309 Court Ave., C Liquor.

(7) Original Coney Island, 501 Locust, B Beer.

(8) Okoboji Grill, 200 Army Post Rd., C Liquor.

(9) Drugtown Wine and Spirits, 4100 University, C Beer.

(10) Drugtown Wine and Spirits, 4100 University, B Wine.

(11) Drugtown Wine and Spirits, 4100 University, C Liquor.

(12) Tobacco Outlet Plus #51, 3144 SE 14th St., C Beer.

(13) Git N Go Store #11, 3940 E 29th ST., C Beer.

(14) Hickman Pub, 2335 Hickman RD., C Liquor.

(15) West Grand 66 Service, 6222 Grand Ave., C Beer.

(16) Mercy Hosp. Medical Center, 1111 6th Ave., C Liquor.

(17) CJS II, 316 E. 30th St., C Liquor.

(18) Des Moines Comm. Playhouse, 831 42nd St., C Liquor.

(19) University Library Cafe, 3506 University, C Beer/Wine.

(20) Four Point by Sheraton, 1810 Army Post Rd., B Liquor.

(21) Estradas Restaurant, 3029 Merle Hay Road, C Beer/Wine.

(22) Civic Center of Des Moines, 221 Walnut St., C Liquor.

(23) Beegs Lounge, 3418 E. 14th St., C Liquor.

- (24) Best Western Starlite Village, 929 3rd St., B Liquor.
- (25) Pizza Hut #4353, 1435 Army Post Rd., B Beer.
- (26) Hy Vee Food Store #5, 1107 E. Army Post Rd., C Beer.
- (27) Hy Vee Food Store #5, 1107 E. Army Post Rd., B Wine.
- (28) Savery Hotel & Spa, 401 Locust, B Wine

SPECIAL EVENTS APPLICATIONS

- (28) Embassy Suites Hotel, 25 E Court Ave., Booth C, Five day B Beer application for Arts Festival on June 28, 29 and 30, 2002. Subject to approval of Building, Electrical and Fire Inspections.
- (29) Embassy Suites Hotel, 25 E Court Ave., Booth D, Five day B Beer application for Arts Festival on June 28, 29 and 30, 2002. Subject to approval of Building, Electrical and Fire Inspections.
- (30) Embassy Suites Hotel, 25 E Walnut St., Booth B, Five day B Beer application for Arts Festival on June 28, 29 and 30, 2002. Subject to approval of Building, Electrical and Fire Inspections.
- (31) Embassy Suites Hotel, 25 E Walnut St., Booth A, Five day B Beer application for Arts Festival on June 28, 29 and 30, 2002. Subject to approval of Building, Electrical and Fire Inspections.
- (32) Hotel Fort Des Moines, 25 E. Walnut St., Five day C Liquor application for Arts Festival on June 28, 29 and 30 2002.

02-1348 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1349 6. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Resolution ordering construction of the following:

02-1350 (A) 2002 PCC Pavement Resurfacing Program, Receiving of Bids, (6-25-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$434,200). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1351 (B) 8th Street Intake Removal - South of Euclid Avenue, Receiving of Bids, (6-25-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$323,852). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1352 (C) Former Diller Battery Site Clean Up, Receiving of Bids, (6-25-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$581,550). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Vlassis.**

02-1353 (D) Fort Des Moines Cabin Restoration, Receiving of Bids, (6-25-02), and Setting Date of Hearing, (7-8-02). (Construction Estimate - \$70,000). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

8. Approving execution of Iowa Department of Transportation Preconstruction Agreement for the following I-235 related projects:

WITHDRAWN02-1354 (A) Second Avenue and Third Street Bridge Reconstruction. ([Council Communication No. 02-304](#))

02-1355 (B) Day Street Extension Project. ([Council Communication No. 02-303](#)). **Moved by Hensley to adopt. Traffic and Transportation to address the issue of temporary "no parking" signs on Day Street. Motion Carried 5-1-1. Nays: Brooks. Pass: Vlassis.**

02-1356 9. Approving partial payments on seven (7) public improvement projects. (Call City Clerk's Office for list.) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1357 10. Communication from Cedar Valley Corporation requesting permission to sublet certain items on the Douglas Avenue Widening at Beaver Avenue project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1358 11. Authorizing City Manager to process Sidewalk Program/Request to Repair Sidewalk Petition and Waiver Forms, signed by two property owners; Sidewalk Program/Request to Repair Driveway Petition and Waiver Forms, signed by four property owners and Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver Form signed by one property owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1359 12. Easton Boulevard Detention Basin Master Plan; authorization for additional property acquisition; and approval of Supplemental Agreement No. 2 with Snyder and Associates, Inc. for design and property acquisition services not to exceed \$56,446. ([Council Communication No. 02-301](#)). **Moved by McPherson to adopt. City Manager and staff are to address various activities and issues regarding the skateboard park at E. 26th and Easton. Motion Carried 6-1. Absent: Coleman.**

SPECIAL ASSESSMENTS

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

02-1360 (A) Schedule No. 2002-04. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1361 (B) Schedule No. 2002-52. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1362 14. Approving deletion of NAC-Emergency Order Assessment on Schedule No. 2002-03 in the amount of \$392.61 against property at 1716 Franklin Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-1363 15. Authorizing payment of Condemnation Award for the acquisition of 1221 Locust Street for the Gateway Project, \$571,763.62. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1364 16. Approve and accept Warranty Deed for Debbie Place at York Street and Jerlynn Avenue Project from Cardinal Development, L.L.C., \$1.00 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1365 17. Approve and accept Permanent Easement Document for Animal Emergency Clinic, P.C. at 6110 Creston Avenue, \$1.00 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1366 18. Approve and accept Easement Documents for Monroe School Bus Lane Public Pedestrianway Right-of-Way Project. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

02-1367 19. Approve and accept Right-of-way documents for property located at 3611 Arthur Avenue for the Gay Lea Wilson Recreational Trail Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1368 20. Release of Covenants in exchange for dedication of additional Right-of-way and sidewalk easement; Railroad at SW 63rd. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1369 21. Approving final plat for Meadowlands Plat 2, located west of East Indianola Avenue in the vicinity of 7400 East Indianola Avenue. ([Council Communication No. 02-283](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1370 22. Authorizing City Manager to acquire the necessary right-of-way for the Masonic Temple Sidewalk Reconstruction. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-1371 23. Removal of Jordan Park Neighborhood Association from list of Recognized Neighborhood Associations. ([Council Communication No. 02-292](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1372 24. Recommendation of Mayor Preston Daniels to reappoint Christine Hensley and J. Marc Ward to the Civic Center of Greater Des Moines Board of Trustees for a one year terms commencing June 30, 2002 to expire June 30, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1373 25. Recommendation of Council Member Chris Coleman to reappoint Marilyn Fisher to Seat #3 on the Citizen Odor Board for a three year term commencing April 1, 2001 to expire April 1, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1374 26. Recommendation of Council Member Chris Coleman to reappoint Robert Fisher to Seat #10 on the Citizen Odor Board for a three year term commencing April 1, 2001 to expire April 1, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1375 27. Recommendation of Council Member Christine Hensley to appoint Wella Mae Allen to the Neighborhood Revitalization Board (Seat #4) for a three year term commencing June 30, 2000 to expire June 30, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1376 28. Recommendation of Council Member Tom Vlassis to reappoint Patrick O'Brien to Seat #12 on the Access Advisory Board for a four year term commencing June 15, 2002 to expire June 15, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1377 29. Reappointment of five members of the Public Arts Commission. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSURES

02-1378 30. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

- (1) Jim Kelley, representing 46th Street Neighborhood, requesting permission to close 46th Street from Carpenter to Forest Avenue on Saturday, August 3, 2002 (raindate of Sunday, August 4, 2002) from 4:00 to 10:00 PM for Eleventh Annual Neighborhood Block Party.
- (2) Rod Ryan, representing Crestmoor Neighborhood, requesting permission to close 48th Street from Bel Aire to Crestmoor Drive and Crestmoor Drive from 48th Street to 50th Street on Thursday, July 4, 2002 from 10:00 to 11:00 AM for children's parade.
- (3) Stella Neill, representing Anawim Housing, requesting permission to close Indiana Avenue at 8th Street and 7th Street at Indiana Avenue from 12:00 PM on Thursday, June 13 to 12:00 PM on Friday, June 14, 2002 for open house dedication of Riverbend duplexes/homes.
- (4) Linda Lane, representing 36th Street Neighborhood, requesting permission to close 36th Street from Pleasant to Woodland Avenue on Sunday, June 23, 2002 (raindate of Sunday, July 14, 2002) from 4:00 to 8:30 PM for neighborhood block party.
- (5) Beverly West, representing 33rd Street Neighborhood, requesting permission to close 33rd

Street from Hickman Road to Sheridan on Thursday, July 4, 2002 from 9:45 AM to 12:00 PM for neighborhood children's parade.

(6) Patricia Westin, representing Northwest Drive Neighborhood, requesting permission to close Northwest Drive from 44th Street to the 4200 block of Northwest Drive on Saturday, June 22, 2002 (raindate of Sunday, June 23, 2002) from 4:00 to 10:00 PM for neighborhood block party.

02-1379 30. (A) Mo Dana, representing Des Moines Arts Festival, requesting permission to close various streets in the downtown area. (Contact City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

02-1380 31. Regarding request from Alan Zuckert, 1501 Ingersoll, for vacation and conveyance of a segment of the east/west alley between High Street and Ingersoll Avenue, from 15th Street to a point 208' to the west, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Staff will make a recommendation in the future about conveyance, purchase price and anticipated uses for this property. Motion Carried 6-1. Pass: Vlassis.**

****Council considered Hearing Items 78 thru 90 next****

02-1381 32. Regarding amendment to their Procedural Rules, to permit the Commission greater flexibility in scheduling its meeting times. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-1382 33. On Zoning Ordinance amendment to revise the Entertainment Sign Overlay regulations to increase allowances for building signs that project over the public rights-of-way, (6-17-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1383 34. On amendment to the Zoning Ordinance, to clarify language regarding the vision clearance requirements for private driveways, (6-17-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1384 35. On request from John Yeager, d/b/a RonJohn, Inc., to rezone property at 1511 High Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial), to allow for reuse of the existing building and site by the A-Dong Restaurant and another future commercial lease tenant with pedestrian scale parking requirements, (6-17-02). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1385 36. On vacation and conveyance of portions of the east/west alley between 27th and 28th Streets, south of Cottage Grove, to SRS, Inc., \$25; Michael T. and June McClish, \$25; and to Aaron Bowen, \$75, (6-17-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1386 37. On proposed Agreement for Amendment of Annexation Moratorium Agreement, Voluntary Severance of Territory, and Joint Application for Voluntary Annexation of Territory, with Norwalk, for two properties in the vicinity of Relocated Highway 5, Hwy 28, and 80th Avenue, (6-17-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-1387 38. Approving payment of \$9,925 to State Farm Insurance Companies as subrogee for George and Doris Ring for settlement of a property damage subrogation claim as the result of a sewer backup. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1388 39. Approving payment of \$6,862.69 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1389 40. Approving payments of \$523.82 to Myers & Jenkins and \$137.57 to Phillips, Goldman & Spence, P.A. for representation of City in the Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1390 41. Approving payment of \$2,863.77 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee Law Firm for legal services in conjunction with the acquisition of environmental contaminated properties for the Martin Luther King Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: McPherson and Brooks.**

02-1391 42. Approving payment of \$200,000 to Jackie A. White for a special case settlement of her claim for workers' compensation spousal payments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-1392 43. Submitting various traffic regulations as follows, ([Council Communication No. 02-300](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Revise Municipal Code for Four-Hour Meters Already In Place--South Side of Pleasant Street, East of 10th Street.

(2) Reversal of Parking Restrictions in conjunction with the Conversion of Park Street to a Two-Way Street.

(3) Corner Clearance--East Side of 48th Street, North of Hickman Road.

02-1393 44. Submitting out-of-state travel request for Trudy Mayo and Joanne Pollock ([Council Communication No. 02-285](#)) **Moved by Coleman to adopt and to authorize Council Member Tom Vlassis to attend the Annual Chamber of Commerce Delegation trip in lieu of Eric Anderson in June 2002. Motion Carried 7-0.**

APPROVING

02-1394 45. Receipt of communication from Hammer Medical Supply Inc. to lease, with option to purchase, the property located at 119-123 Jefferson Street in the Central Place Urban Renewal Area, for referral to City Manager and Urban Development Board. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1395 46. Amendment No. 1 to Loan Agreement with EMCO Enterprises, Inc. to increase Economic Development Grant from \$33,750 to \$49,130 to cover Irrevocable Letter Of Credit costs. ([Council Communication No. 02-276](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-1396 47. Receipt of Competitive Progress Report for 3rd Quarter of FY 2001-2002 for the Change Management Program at Des Moines Metropolitan WRA Wastewater Reclamation Facility. ([Council Communication No. 02-284](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1397 48. Second addendum to Boundary Roads Maintenance Agreement with Warren County, amending the list of roads, due to the recent voluntary annexation of property in northern Warren County. ([Council Communication No. 02-281](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1398 49. One year contract extension with Ampco System Parking for management of the Municipal Parking Facilities for Fiscal Year 2002-2003. ([Council Communication No. 02-299](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1399 50. Farm Lease Agreement with Mike Christenson for city-owned property located in the vicinity of 22nd Street and Hartford Avenue for a period not to exceed three years. ([Council Communication No. 02-290](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1400 51. Approving payment of \$13,524.30 to the Des Moines Municipal Musicians' Association, for cost of nine Music Under the Stars concert performances, including five performances by the Des Moines Municipal Band during the 2002 season. ([Council Communication No. 02-294](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1401 52. Extension to Agreement for Professional Services with Foresite RDG for project management services for the Gateway Project from May 31, 2002 to July 31, 2002 at an additional cost of \$12,084. ([Council Communication No. 02-278](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1402 53. Continuum of Care Program application to HUD for supplemental funding for local homeless programs to address service gaps. ([Council Communication No. 02-287](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1403 54. Drake University and Iowa State University Certifications of Consistency with the

City's EZ/EC Strategic Plan and 2002 HUD Consolidated Plan. ([Council Communication No. 02-288](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1404 55. Authorizing the Public Works Department to issue a Request For Qualifications to identify possible alternatives for billing services on stormwater, sanitary sewer and solid waste utilities. ([Council Communication No. 02-296](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

56. Bids for the following:

02-1405 (A) Independent Salt Company, (M. D. Keener, President, Kanopolis, KS) for annual contract with two (2) additional one year renewal options to furnish rock salt to be used by the Public Works Department, \$200,000. (Four bids mailed-one received). ([Council Communication No. 02-286](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

02-1406 (B) Great American Outdoor, (C.D. Van Houweling, President, East Army Post Road) for one 72" triplex reel mower and one 59" triplex riding liquid cooled mower, \$27,700. Tri-State West, (Hugh Stafford, President, Grimes, IA) for a 59" triplex riding air cooled mower, \$14,590 to be used by the Parks Department at Waveland Golf Course. (Six bids mailed-three received). ([Council Communication No. 02-280](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1407 (C) Primary award to Louies Floor Covering, (J. R. Croat, President, Ingersoll Avenue) for annual contract with two (2) additional one year renewal options to furnish carpet and installation services, and secondary award to Dupont Flooring, (Dan Stalzer, President, West Des Moines) to be used by the Parks Department, \$30,000. (Eight bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

56. Bids for the following:

02-1408 (D) Pigott Inc. (John Stenberg, President, Ingersoll Avenue) for Herman Miller open landscape furniture to fit and be compatible with existing Herman Miller furniture, Municipal Code section 2-725(a)(7) to be used by the Engineering Department, \$28,051.04. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1409 (E) ASAP Software Express, (Buffalo Grove, IL) for Microsoft software products from State of Iowa Contract No. CT2545 to be used by the Information Technology Department. Municipal Code section 2-275(c), \$46,932.20 **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1410 (F) Compaq Computer Corporation, (Houston, TX) from Western States Contact Alliance (WSCA) price agreement #90-00151 to be used by the Information Technology Department. Municipal Code section 2-725(f), \$84,832. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1411 57. Civil Service entrance lists for Police Officer and Zoo Attendant. **Moved by**

Hensley to receive and file. Motion Carried 7-0.

02-1412 58. Authorizing Finance Director to draw checks on check registers of June 7 and June 14, 2002; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 3 and June 10, 2002; and to draw checks for biweekly payroll due employees on June 14, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-1413 59. 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. **Moved by Hensley that this ordinance do now pass, [#14,090](#). Motion Carried 7-0.**

02-1414 60. Amending Chapter 94 of the Municipal Code relating to the amortization period for public improvements to sidewalks from ten years to five years. **Moved by Hensley that this ordinance do now pass, [#14,091](#). Motion Carried 7-0.**

02-1415 61. Amending Chapter 102 of the Municipal Code regarding responsibility for maintenance and definitions of maintenance of sidewalks, and extends sidewalk replacement time from 30 to 90 days. **Moved by McPherson that this ordinance do now pass, [#14,092](#). Motion Carried 7-0.**

02-1416 62. Amending Chapter 46 of the Municipal Code regarding addition of new Article XI - False Fire Alarms, relating to fire prevention and protection code, and title change to adopt "International" Fire Code. **Moved by Hensley that this ordinance do now pass, [#14,093](#). Motion Carried 7-0.**

02-1417 63. Amending Chapter 2 of the Municipal Code relating to the powers and duties of the City Manager regarding execution of certain real estate documents, (**amended to add section (f)**). **Moved by Hensley that this ordinance do now pass, [#14,094](#). Motion Carried 7-0.**

02-1418 64. Amending Chapter 102 of the Municipal Code relating to the fees and allowed location and design for bus benches. **Moved by Hensley that this ordinance do now pass, [#14,095](#). Motion Carried 7-0.**

02-1419 65. On Zoning text amendments, to expressly prohibit expansion or structural alteration of non-conforming uses in the "U-1" (Floodplain) and "FW" (Floodway) Districts. **Moved by Hensley that this ordinance do now pass, [#14,096](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

66. On items regarding creation of a Capitol Dominance Overlay District:

02-1420 (A) Zoning Text Amendment creating the district. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1421 (1) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,097](#). Motion Carried 7-0.**

02-1422 (B) Proposed rezoning of the East Downtown Area. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1423 (1) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,098](#). Motion Carried 7-0.**

02-1424 67. On vacation of any remaining public alleys between 1st and 2nd, north of Vine. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1425 (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,099](#). Motion Carried 7-0.**

02-1426 68. Amending Chapter 10 of the Municipal Code regarding prohibited acts and condition for approval of a liquor license, (minor code clarification). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1427 (A) Final consideration of ordinance above, (waiver requested by Police Department), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,100](#). Motion Carried 7-0.**

02-1428 69. Amending Chapter 70 of the Municipal Code regarding transportation for purpose of prostitution. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1429 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,101](#). Motion Carried 7-0.**

02-1430 70. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Stop Sign Reversals Due to Permanent Street Closures.

(2) Two-Sided Parking Restriction--Railroad Avenue between SW 62nd Street and SW 63rd Street.

(3) Extension of Hours for Reserved Parking Spaces--East 5th and East Grand Municipal Lot.

(4) Corner Clearance--North Side of Emma Avenue, East of SW 2nd Street.

(5) Corner Clearance--South Side of College Avenue, East of 28th Street.

02-1431 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,102](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

02-1432 71. Repealing Ordinance No. 13,989, to vacate a portion of Center Street between 3rd and 5th Avenue, (contained error in legal description). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

02-1433 (A) Final consideration of ordinance above, (wavier requested by Polk County), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,103](#). Motion Carried 6-1. Nays: Brooks.**

02-1434 72. Amending Chapter 2 of the Municipal Code to remove term limits for the Des Moines International Airport Board members. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1435 (A) Final consideration of ordinance above, (waiver requested by Council Member Hensley), 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, [#14,104](#). Motion Carried 7-0.**

02-1436 73. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes

near the Masonic Temple. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1437 (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, [#14,105](#). Motion Carried 7-0.**

02-1438 74. Adding Section 2-725 to the Municipal Code regarding contracts exempt from bidding. ([Council Communication No. 02-306](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1439 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,106](#). Motion Carried 7-0.**

02-1440 75. Amending Chapters 14 and 102 of the Municipal Code to allow events held in City parks to be exempt from Street Use Permits. ([Council Communication No. 02-305](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Brooks.**

02-1441 (A) Final consideration of ordinance above, (waiver requested by Parks Department and City Clerk), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,107](#). Motion Carried 6-1. Pass: Brooks.**

COMMUNICATIONS/REPORTS

02-1442 76. From Bradley T. Hamilton, 422 E. Locust, to speak regarding East Gateway Streetscape project and the East 4th to East 5th block study. **Moved by Brooks to receive, file and refer to City Manager for a report on the time frame for the work on this project. Motion Carried 7-0.**

02-1443 77. Request from Holly Ross, 4507 Wakonda Parkway, to place "Burma Shave" style signs promoting the Greater South Side Neighborhood Association's 4th of July event at Gray's Lake. **Moved by Hensley to grant approval of the sign placement as presented. Motion Carried 7-0.**

****Council considered Items 92 thru end of agenda next****

HEARINGS (Opened at 5:39 P.M.) (Items 78 thru 90)

02-1444 78. On 30-Day suspensions of Cigarette Permits for Krueger Amoco, 630 SW 9th Street, Quik Trip, 3941 SE 14th Street and Casey's, 4560 E. 14th Street for selling cigarettes to minors. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1445 79. On Connection Fee Ordinance for Southeast Airport Area Trunk Sewer System Benefited District. [Council Communication No. 02-302](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1446 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Staff to provide information on setting the interest rate tied to prime, or prime plus two percent, by the second reading. Motion Carried 7-0.**

02-1447 80. On 12th Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, to encourage quality commercial redevelopment along Iowa Highway 65/69 from County Line Road to its intersection with SE 14th, and along E. Indianola Avenue from Army Post Road to Highway 69, and expand the area to encompass recently annexed parcels in the vicinity of 6416 SE 36th and 6800 Chaffee Road. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1448 (A) Recommendation from City Plan Commission finding the 12th Amendment in conformance with the 2020 Community Character Plan. **Moved by Brooks to receive and file. Motion Carried 7-0.**

02-1449 81. On rezoning of property in the vicinity of 907 SW 62nd Street and 5701 Winona Avenue, from "U-1" (Floodplain) to "R1-60" (One Family, Low Density Residential) for area protected by levee, and to "FW" (Floodway) for area not protected by levee, subject to conditions. **Moved by Hensley to adopt and approve rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**

02-1450 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1451 (B) Recommendation from City Plan Commission finding the rezoning in conformance with the 2020 Community Character Plan. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-1452 82. On request to rezone property at 1571 E. McKinley, from "R1-80" (One Family Residential) and Ltd "C-2" (General Retail and Highway Oriented Commercial) to amended Ltd "C-2", to allow development of a hospice, assisted living and elderly independent living community, subject to conditions. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**

02-1453 (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.

02-1454 (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, [#14,108](#). Motion Carried 6-1. Absent: Vlassis.**

02-1455 83. On Council-initiated request to rezone property in the 500 block of North Valley Drive, from "FW" (Floodway) to "U-1" (Floodplain). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**

02-1456 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

02-1457 84. On proposal to convey easements for underground electrical lines, to MidAmerican Energy, vicinity of Vermont and Indiana, \$8,079.75. ([Council Communication No. 02-297](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1458 85. On sale to Dorothy E. DeBonis, of a portion of vacated Bryant Street, west of SW First Street, \$75. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1459 86. On conveyance of property in the vicinity of 2814 Chicago, ([Council Communication No. 02-291](#)). **Moved by McPherson to continue to the July 8, 2002 Council Meeting at 5:30 P.M. Motion Carried 7-0.**

02-1460 87. On Merle Hay Road Widening at University Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Concrete Technologies, Inc., (Brad Baumler, President, Urbandale), \$57,687.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1461 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1462 88. On 42nd Street and University Avenue Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KWS Inc., (Juli Rowell, President, Cedar Falls), \$110,483. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1463 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1464 89. On 2002 ACC Pavement Milling and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt and Paving Co, (Jim Gauger, President, DM),

\$992,900. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1465 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1466 90. On East Grand Avenue Parking Lot - (425 E. Grand): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President, Grimes), \$85,978.35. **Moved by Brooks to adopt. City Manager to work with the Engineering Department to provide additional landscaping and/or planters to enhance this lot. Motion Carried 7-0.**

02-1467 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:07 P.M. * *

Council considered Items 93 and Ex 4 next, then remainder of consent agenda

APPROVING

02-1468 91. Recommendation regarding public market in the Court Avenue area. ([Council Communication No. 02-279](#)). **Moved by Hensley to adopt. City Manager's recommendations enumerated 2 through 5 only. Motion Carried 7-0.**

02-1469 (A) City Council discussion regard a proposed public market in the Court Avenue area, and the City Manager's recommendation number one (1), as further outlined in Council Communication No. 02-279. **Moved by Hensley to adopt recommendation (1) that the City Manager is directed to coordinate with the Downtown Community Alliance to enable the Alliance to assume the lead role in development of the market. Motion Carried 4-3. Nays: Cownie, McPherson and Brooks.**

92. Directing sale of the following General Obligation Bonds. ([Council Communication No. 02-293](#)) ([Council Communication No. 02-307](#)):

02-1470 (A) \$30,920,000, Series 2002E. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1471 (B) \$8,515,000, Series 2002F (Urban Renewal). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks**

02-1472 (C) \$2,205,000, Taxable Series 2002G. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1473 93. Resolution directing staff to work with Ingersoll Area Association and appropriate

neighborhood associations to develop a plan for the Ingersoll Avenue Corridor. ([Council Communication No. 02-282](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

02-1474 94. Proposed Downtown Streetlight Standards for feature-type lighting and improved landscaping for Western Gateway Park and upgraded roadway lighting for larger downtown district. ([Council Communication No. 02-295](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1475 95. Pledge to reduce City employee commuter traffic during peak drive times by ten percent, and work with the Transportation Management Association (TMA) and employees in developing strategies. ([Council Communication No. 02-277](#)) **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.

02-1476 1. Setting Date of Hearing on lease agreement with Des Moines Independent Schools for construction and maintenance of parking lot at Prospect Park, (6-17-02). SPONSOR: Coleman. ([Council Communication No. 02-298](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

02-1477 2. Approving 5-day Class "B" Beer License for Patrick Oswald, dba Coffeehouse Productions, for event in Water Works Park on July 6, 2002. SPONSOR: Mayor Daniels **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1478 3. Communication from McKinley School/Columbus Park Neighbors requesting watershed study of the area from Hartford to the River and SE 14th to the River, to refer to City Manager for a recommendation during the Capital Improvement Program presentation in January 2003. SPONSOR: Brooks **Moved by Brooks to receive, file and refer to City Manager for a recommendation during the Capital Improvement Program presentation in January 2003. Motion Carried 6-1. Absent: McPherson.**

02-1479 4. Request from Tom Akers, 129 Marlou Parkway, requesting vacation of land between Army Post Road, Gem Street, SW 5th and SW 6th. SPONSOR: Brooks **Moved by Brooks to receive, file and refer to City Manager for a recommendation. Motion Carried 7-0.**

02-1480 5. Request from Mayor Daniels, to discuss enforcement of and/or changes to the Public Nuisance Ordinance. **Moved by Vlassis to receive, file and refer to City Manager and Legal for review and recommendation. Motion Carried 7-0.**

02-1481 6. Request from Mayor Daniels, to discuss various issues regarding Nollen Plaza. **Moved by Vlassis to receive, file and refer the utilization and charges issues raised to the City Manager for review and recommendation. Motion Carried 7-0.**

02-1482 7. Resolution granting extension of time, (until July 3, 2002), for filing of the Final Subdivision Plat entitled Grandshire Estates. SPONSOR: Brooks **Moved by Brooks to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH June 3, 2002

02-1483 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

02-1484 1. Court authority to abate the public nuisance at 1908 Arlington (vacant) Titleholder: Tevetole LC, Attn: Terry Bergeson, Registered Agent, and Legal Interest Holders: State Bank & Trust Co., Attn: Steve McGill, Vice President, and Bank of America, NA, f/k/a Nations Bank, f/k/a Boatmens Bank Iowa, NA, Attn: C T Corporation, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1485 2. Release of demolition cost reserve held under claim number 14P86509 regarding property known as 4008 E. 32nd Street, owned by Robert and Shirley Good. **Moved by Vlassis to adopt. Motion Carried 7-0.**

3. The Engineering Department to remove the following structures:

02-1486 (A) 3308 6th Avenue; Titleholder, Margaret Pope (continued from 5-6-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1487 (B) 4017 55th Street; Titleholder, Habitat for Humanity, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1488 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:30 P.M. Motion Carried 7-0.**

Des Moines - City of Skywalks