

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 4, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Juneteenth
- (b) PLDM Summer Reading Program

INVOCATION: Rev. Claude Jones, Douglas Avenue Presbyterian Church

01-1614 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-1615 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1616 3. APPROVING CONSENT AGENDA - items 3 through 76: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-1617 4. Communication from Legal Department regarding June 4, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-1618 5. Kyle W. Maxwell dba Beggars Banquet, 2306 University; Renewal- Expires 6-23-01 - Application submitted 5-15-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1619 6. Original Coney Island Corporation, Mitchell Long, President dba Original Coney Island, 501 Locust Ste 210; Renewal-Expires 6-16-01 - Application submitted 5-18-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

01-1620 7. Kwik Shop Inc., Henry R. Waguespack, President dba Kwik Shop #539, 1372 East 14th Street; Renewal - Expires 6-4-01 (With Sunday Sales) - Application submitted 5-23-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1621 8. Kwik Trip, Inc., Donald Zeitlow, President dba Tobacco Outlet Plus, 3144 Southeast

14th Street; Renewal - Expires 6-21-01 (With Sunday Sales) - Application submitted 4-24-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1622 9. Phillips Petroleum Company, James J. Mulva, President dba West Grand 66 Service, 6222 Grand Avenue; Renewal - Expires 6-9-01 (With Sunday Sales) - Application submitted 5-17-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1623 9-I Class "B" Liquor License to Oakmoor Management Company, dba The Suites at 800 Locust. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-1624 10. Quik Trip Corporation, Chester E. Cadieux, President dba Quik Trip #554, 141 Southwest 63rd Street; Renewal - Expires 7-8-01 (With Sunday Sales) - Application submitted 5-15-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-1625 11. Albertson's Inc., Peter L. Lynch, President dba Albertson's, 100 Army Post Road; Renewal - Expires 6-20-01 (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1626 12. Albertson's Inc., Peter L. Lynch, President dba Albertson's, 3400 East 33rd Street; Renewal - Expires 6-20-01 (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine Licenses

01-1627 13. Concession Corporation of America, Inc., Tom Altman, Owner dba Fiesta Restaurant, 3000 East Grand - Fairgrounds; Renewal - Expired 5-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 5-17-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

01-1628 14. Shaner Hotel Group Limited Partnership, Frederick J. Shaner, President dba Savery Hotel and Spa, 401 Locust Street; Renewal - Expired 5-31-01 (With Sunday Sales) - Application submitted 4-26-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-1629 15. AMF Bowling Centers Inc., Stephen E. Hare, President dba AMF Classic Lanes, 3200 Delaware Avenue; Renewal - Expires 6-18-01 (With Sunday Sales) - Application submitted 4-26-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1630 16. Mike Mercurio dba Beegs Lounge, 3418 East 14th Street; Renewal - Expires 6-13-

01 - Application submitted 5-15-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1631 17. Marilyn J. Johns dba C J's II, 316 East 30th Street; Renewal - Expires 6-17-01 (With Sunday Sales) - Application submitted 5-8-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1632 18. P.M.J. Inc., James E. Daughenbaugh, President dba Carl's Place, 1620 Woodland; Renewal - Expires 6-5-01 (With Sunday Sales) - Application submitted 4-24-01. Deferred from May 21, 2001 Council Meeting. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1633 19. I-80 Spaghetti Works Corp., Brent Lambi, Shareholder dba Charles' BBQ Shack/Spaghetti Works, 308 and 310 Court Avenue; Renewal - Expired 5-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-20-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1634 20. Okoboji Grill of South Des Moines, Inc., William Leroy Gessmann, President dba Okoboji Grill of South Des Moines, 200 West Army Post Road; Renewal - Expires 6-19-01 (With Sunday Sales and Outdoor Service) - Application submitted 5-17-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1635 21. Mercy Hospital Medical Center, David H. Vellinga, President dba Mercy Hospital Medical Center, 1111 6th Avenue; Renewal - Expires 5-31-01 - Application submitted 4-27-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Special Event Licenses

01-1636 22. Hy Vee Inc., Ronald D. Pearson, President, 2500 Fleur Drive; New 5 day application for Class "C" Liquor License for event on June 8, 9, and 10, 2001 (80th Anniversary Celebration at AIB) - Application submitted 5-29-01. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1637 23. River Catering Company, Inc. dba Embassy Suites Hotel, 100 East 1st Street; New 5 day applications for Class "B" Beer Licenses for Arts Festival on June 29, 30 and July 1, 2001 at the following locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

- (1) Booth A at East 1st & Walnut Street.
- (2) Booth B at 1st Street & Walnut Street.
- (3) Booth C at East 1st Street & Court Avenue.
- (4) Booth D at 1st Street & Court Avenue.

Outdoor Services

01-1638 24. John E. McCaughey dba Johnny Mac's Bar & Grill, 2279 Hubbell Avenue; request for temporary outdoor service on June 15 and 16, 2001 for a Barbecue. Subject to submission of acceptable zoning inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

Transfers

01-1639 25. Benoit Distributing Co. Inc., Jack Benoit, President dba Master Jack's, 3000 East Grand - Fairgrounds; requesting temporary transfer of Class "B" Beer License to Iowa State Fair Campgrounds on June 7 thru June 9, 2001 for World Pork Expo BBQ Cook-Off - Application submitted 5-30-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

01-1640 26. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

27. Resolution Ordering Construction of the following:

01-1641 (A) Sidewalk Replacement Program - 2001, Receiving of Bids, (6-26-01), and Setting Date of Hearing, (7-9-01), (Construction Estimate \$219,800). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1642 (B) Lower Beaver Road Widening-Madison Avenue to Shawnee Place, Receiving of Bids, (6-26-01), and Setting Date of Hearing, (7-9-01), (Construction Estimate \$122,940). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1643 27. (C) 11th/12th Streets Connector-ML King Jr. Parkway to Cherry Street, Receiving of Bids, (6-26-01), and Setting Date of Hearing, (7-9-01), (Construction Estimate \$1,490,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1644 (D) East/West Traffic Signal Interconnect Conduit - 2001, Receiving of Bids, (6-12-01), and Setting Date of Hearing, (6-18-01), (Construction Estimate \$148,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1645 28. Approving Private Construction Contract for Sanitary Sewer Improvements to serve new development, Frisbee Park Townhomes, located at 59th and North Valley Drive between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Frisbee Park L.C. (John C. Kline, President, WDSM), Owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1646 29. Authorizing City Engineer to proceed with Sidewalk Program/Request to Repair Driveway Petition, waivers signed by two property owners and Paving or Curb Replacement Program/Request to Repair Driveway Petition, waivers signed by three property owners. **Moved**

by Hensley to adopt. Motion Carried 7-0.

01-1647 30. Communication from M. Peterson Construction Co., requesting permission to sublet certain items on ML King Jr. Parkway Paving-SW Second Street to SW Seventh. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1648 31. Approving partial payments on fourteen (14) public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

32. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules:

01-1649 (A) Schedule No. 2001-52 in the amount of \$80 for property at 3607 Williams - assessment paid in full. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1650 (B) Schedule No. 2001-28 in the amount of \$125 for property at 1135 23rd Street - assessment paid in full. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-1651 33. Establish Fair Market Value and authorizing acquisition of various properties for the North/South Segment of ML King Jr. Parkway Project by gift, negotiation or condemnation - \$130,200 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1652 34. Accept Four Quit Claim Deeds for storm sewer flowage and flood plain recreational use in the Dean's Lake area from Polk County Tax Sale. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1653 35. Permanent Easement for Sanitary Sewer Right-of-Way and Temporary Easement for Construction from Sharon E. Swacker, 4140 E. 38th Street in conjunction with Northeast Four Mile Sanitary Sewer Project - \$3,075 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1654 36. Authorizing issuance of Certificate of Partial Completion to Airport Commerce Park, L.C. for the Airport Commerce Park South Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1655 (A) Authorizing issuance of Certificate of Partial Completion to Airport Commerce Park, L.C. for the Airport Commerce Park West Project. ([Council Communication No. 01-299](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1656 37. Approve and authorize short-term lease agreement, for 25 Dunham Avenue, with Bud Mulcahy Jeep Inc. to be used for vehicle storage for \$1 and other valuable consideration. ([Council Communication No. 01-293](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1657 38. Approving execution of License Agreement with Iowa Interstate Railroad, Ltd. for underground crossings for Southwest Outfall Sanitary Relief Sewer, for ML King Outlet Storm Sewer and MTA Pond Outlet Sewer. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1658 39. Approving temporary easement with MidAmerican Energy Company for underground electrical facilities in conjunction with parking lot construction by Federal Home Loan Bank. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1659 (A) Approving conveyance of Underground Electric Line Easement to MidAmerican Energy Company for 9th and Mulberry, for the Martin Luther King Jr. Pkwy Project, \$20,255. **Moved by Hensley to adopt. Motion Carried 7-0.**

40. NUMBER NOT USED.

01-1660 41. Approving subdivision plat entitled Brook Run Village Plat 4--vicinity south of E. Douglas Avenue and NE 51st Street. ([Council Communication No. 01-305](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-1661 42. Recommendation of Mayor Preston Daniels to appoint Mary R. Harlan to seat 1 on the Public Housing Board for a three-year term commencing June 30, 1999 to expire June 20, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1662 43. Recommendation of Council Member Archie Brooks to reappoint Jodi Beavers to seat 7 on the Public Housing Board for a three-year term commencing June 30, 2001 to expire June 30, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1663 44. Recommendation of Council Member Tom Vlassis to reappoint Ed Hansell to seat 4 on the Airport Board for a four-year term commencing June 30, 2001 to expire June 30, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1664 45. Recommendation of the City Council to appoint Mark L. Smith to the Central Iowa Employment and Training Consortium (CIETC) for a term to serve at the pleasure of the Council. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-1665 (A) Communication from Council Member Chris Coleman, submitting his resignation as an Alternate to the CIETC Board, and suggesting Council appoint Tom Gillespie as the new Alternate. **Moved by Coleman to accept the resignation and appoint Tom Gillespie to serve as the Alternate to the CIETC Board. Motion Carried 7-0.**

STREET USE/STREET CLOSURES

01-1666 46. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Janel Whitlatch, 1702 SE 2nd Street, requesting permission to close SE 2nd Street from Granger to Dunham on Saturday, June 16, 2001 from 1:00 P.M. to 7:00 P.M. for a neighborhood block party.

(2) Rod Ryan, 4808 Crestmoor Drive, requesting permission to close 48th Street from Bel-Aire Road to Crestmoor Drive and Crestmoor Drive from 48th Street to 50th Street on Wednesday, July 4, 2001 from 10:00 A.M. to 12:00 Noon for a neighborhood block party.

(3) Donald Skinner, 2718 60th Street, requesting permission to close 60th Street from Sheridan Avenue to New York Avenue on Saturday, June 16, 2001 (Raindate of June 22, 2001) from 5:00 P.M. to 11:00 P.M. for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

01-1667 47. Regarding approval of the Des Moines International Airport Master Plan Refinement and Land Use Plan as an element of the Des Moines 2020 Community Character Land Use Plan, with revision that clear zones shown as Public/Semi-Public are to be changed and shown as Runway Protection Zone/Development Control Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-1668 48. On request from Marshall Goodman, to rezone property at 2901 Hickman Road from "R1-60" (One Family, Low Density Residential) to "R-2" (One and Two Family Residential) to allow development of two duplex structures with condition that garages be built within five years, (6-18-01). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

01-1669 49. On proposed Zoning Ordinance text amendment to add a new "S-O" (Study Overlay) District, to restrict new development in areas where special environmental concerns need further study or remedial action, (6-18-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1670 (A) On City Council-initiated request to rezone property in vicinity of the Four Mile Creek floodplain, between Hull and Easton, west of E. 38th Street, from "R1-60" (One Family, Low Density Residential and "C-1" (Neighborhood Retail Commercial) to the "S-O" (Study Overlay) district classification, (6-18-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1671 50. On request from Margaret A. Kotz, to rezone property at 1200 E. Bell Avenue from "R1-60" (One Family, Low Density Residential) to "C-1" (Neighborhood Retail Commercial), subject to conditions, (6-18-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1672 51. On Supplement to Governmental Lease-purchase Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$331,955 to purchase a self-propelled runway broom-blower for the Airport, (6-18-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1673 51-I On conveyance of property in the vicinity of 6th and Vine Streets, to MidAmerican Energy Company, for use as a site for new electrical substation, \$508,000, (6-18-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-1674 52. Approving form, and authorizing signing and enforcement of the document to settle cases of Smithson, et al. v. City of Des Moines, et. al., and D.T. Corner, Inc., d/b/a "PaPa's Planet" v. Iowa Department of Commerce, Alcoholic Beverage Division et. al. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1675 53. Approving payment of \$1901.25 to Linda Keller on a claim for property damage and loss of value as a result of an auto accident on April 5, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1676 54. Approving payment of \$3778.88 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in Mary Elaine (Kirsch) Sinclair as Administrator of the estate of Adam Lawrence Clark v. City of Des Moines, Michael McBride and Timothy Peak. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-1677 55. Submitting out-of-state travel request for John Tekippe. ([Council Communication No. 01-280](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1678 56. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-311](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Installation of Loading Zone and Removal of Four Parking Meters-Suites at 800 Locust.
- (2) Parking Restriction Changes-Wright Elementary School, 5001 SW 14th Street.
- (3) One-Sided Parking Restrictions-Woods on the River Plats I, II, III and IV.
- (4) Corner Clearance-North Side of Northwest Drive West of 41st Street.

APPROVING

57. NUMBER NOT USED.

01-1679 58. Request to Polk County for assignment of Tax Certificate for 1443 10th Street to be assigned to a nonprofit housing agency for rehabilitation and sale to a low-moderate income family. ([Council Communication No. 01-301](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1680 59. Environmental Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2001 Capital Fund Program. **Moved by Hensley to approve. Motion Carried 7-0.**

01-1681 60. Support for an application to the Iowa Housing Finance Authority for low-income housing tax credits for the rehabilitation of 46 units at 921 Pleasant, known as Hawthorne Hill. ([Council Communication No. 01-312](#)). **Moved by Coleman to deny support. Motion Carried 4-3. Nays: Flagg, Brooks and Vlassis.**

01-1682 61. AIDS Project of Central Iowa's Certifications of Consistency with City's EZ/EC Strategic Plan and 2001 HUD Consolidated Plan for HUD Housing Opportunities for persons with AIDS (HOPWA) funding to provide housing assistance and support services to persons with HIV/AIDS and their families. ([Council Communication No. 01-313](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1683 62. Submission of grant application for twenty-five Section 8 Housing Vouchers for Disabled Persons to U.S. Department of Housing and Urban Development and to implement the grant if it is awarded. ([Council Communication No. 01-304](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1684 63. Memorandum of Understanding between the City of Des Moines and Pepsi Cola General Bottlers, Inc. amending the termination date of single beverage provider contract for parks facilities from December 31, 2002 to December 31, 2001 as per original intention. ([Council Communication No. 01-297](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

64. Support of Application to Iowa Housing Finance Authority requesting Low Income Housing Tax Credits from the following:

01-1685 (A) Dream Catcher, Inc. for new construction of 50 units of special needs (handicapped) and family housing at Indianola and Bloomfield Road. ([Council Communication No. 01-281](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1686 (B) Sherman Associates and Lander Group operating as Vine Street Lofts, LLC for new construction of 44 units of family housing as part of 110 unit housing development at 1st and Vine Streets. ([Council Communication No. 01-282](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-1687 (C) James C. Conlin for new construction of 43 units of family housing at 3610 E. Douglas Avenue. ([Council Communication No. 01-283](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-1688 (D) Anawim Housing for rehabilitation and new construction of 15 units of scattered site family housing. ([Council Communication No. 01-284](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1689 65. An IRC Section 401(a) Money Purchase Plan Trust Agreement with ICMA-RC, for SPM employees. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1690 (A) Execution of Loan Guidelines for 401(a) Money Purchase Pension Plan. ([Council Communication No. 01-287](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1691 66. Acceptance of \$4,000 grant from Department of Cultural Affairs for Music Under the Stars. ([Council Communication No. 01-306](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1692 67. Grant Agreement with Polk County, in conjunction with the Highland Park Streetscape Project; \$100,000 per year for three years. ([Council Communication No. 01-308](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1693 68. Professional Services Agreement with DMG Maximus, Inc. (Thomas B. Carawan, Vice President, Roseville, MN) for preparation of Annual Indirect Cost Allocation Plan, \$19,000 for four years. ([Council Communication No. 01-288](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1694 69. Agreement with Community Housing Development Corporation (CHDC), to allow salvage of non-structural materials from 3 E. Columbus. ([Council Communication No. 01-303](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1695 70. Contract with Hall & Associates for special legal counsel for environmental consulting services to review a draft National Pollution Discharge Elimination System (NPDES) Permit from Iowa Department of Natural Resources for the Wastewater Reclamation Authority Treatment Plant. ([Council Communication No. 01-290](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1696 71. Purchase of additional cold mix asphalt material to be used on city streets (as a result of post-winter devastation) from Des Moines Asphalt and Paving Company in the amount of \$55,308.75. ([Council Communication No. 01-302](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

72. Bids for the following:

01-1697 (A) Charles Gabus Ford (Charles Gabus, President) for 3/4 ton Pick-Up Truck with attachments to be used by Parks Department, \$26,977.40. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1698 (B) Hockenbergl Equipment Company (Pam Routh, Owner) for furniture for the Discovery Center at Blank Park Zoo to be used by the Parks Department, \$36,024. (Eleven bids mailed-four received) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1699 73. Authorizing Acting Finance Director to draw checks on register of June 8 and June 15, 2001, and for the bills of the Des Moines Municipal Housing Agency for the weeks of June 4

and June 11, 2001; and to draw checks for bi-weekly payroll due on June 1 and June 15, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-1700 74. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Hensley that this ordinance do now pass, [#13,951](#). Motion Carried 7-0.**

- (1) Reversal of Two-Way Stop--East 15th Street and Richmond Avenue.
- (2) Placement of Two-Way Stops--Chesterfield Neighborhood.
- (3) Speed Limit Reduction--Park Avenue between Fleur Drive and Valley Drive, from 35 to 30 mph.
- (4) Removal of Taxicab Stand and Installation of New Parking Metered Spaces--East Side of 8th, North of Walnut Street.

ORDINANCES - SECOND CONSIDERATION

01-1701 75. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) One-Sided Parking Restrictions--Easter Lake Park Subdivision.
- (2) One-Sided Parking Restrictions--Brook Run Village Subdivision.
- (3) Corner Clearance--North Side of Garfield Avenue, West of East 30th Street.

01-1702 76. On vacation of a segment of SW 6th Street between a point 32.76 feet north of Market Street to Elm Street, for proposed M.L. King Jr. Parkway Project. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-1703 (A) Final consideration of ordinance above, (waiver requested by City Engineer), 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, [#13,952](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-1704 77. Amending Chapter 62 of the Municipal Code to add sexual orientation as a

protected class to the Human Rights Ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Flagg and McPherson.**

WITHDRAWN01-1705 (A) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes.

01-1706 (B) Requests to speak and communications received regarding the ordinance. **Moved by Hensley to receive, file and grant the requests to speak. Motion Carried 5-2. Nays: Flagg and McPherson.**

****Council Recess****

Council considered Items 102, 104 and Hearings 87 thru 100 next

****Council Member Flagg left the meeting at 7:05 P.M.****

01-1707 78. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

- (1) Convert Capitol Avenue to One-Way Eastbound - Between East 15th and East 16th Streets.
- (2) Install Four-Way Stop--East 16th Street and East Walnut Street and Remove Midblock Traffic Signal--1500 Block of East Walnut Street.
- (3) Install Traffic Signal--East 16th Street and East Grand Avenue.
- (4) Corner Clearance--South Side of Leland Avenue West of Southwest 12th Street.
- (5) Corner Clearance--South Side of Lally Street East of Southwest 9th Street.
- (6) Parking Restriction Revisions--Vicinity of Public Works Department, 216 SE 5th Street.
- (7) Removal of Parking Restriction on Non-School Days--South Side of Walker Street from East 14th Street to Johnson Court.
- (8) One-Sided Parking Restriction--Woodside Park and Wood's Edge Plat II.
- (9) One-Sided Parking Restriction--Easter Bay Colony Plats I and II.

01-1708 78. (A) Final consideration of ordinance above. **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, [#13,954](#).**

Motion Carried 6-1. Absent: Flagg.

COUNCIL REQUESTS

01-1709 79. From Council Member Mike McPherson regarding Four Mile Creek Flood issue. **Moved by McPherson to receive, file and discuss; refer to City Manager for review and recommendation. Motion Carried 6-1. Absent: Flagg.**

COMMUNICATIONS/REPORTS

01-1710 80. From Otis Killings, 1300 12th Street, requesting permission to speak regarding his property. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Flagg.**

01-1711 81. From Bobby K. Butler, 525 46th Street, requesting permission to speak regarding demolition of house at 3312 8th Street. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Flagg.**

01-1712 (A) Approving release of demolition cost reserve escrowed for 3312 8th Street- \$11,242.50, and claim in the amount of \$1,306.50. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1713 82. From Kathleen Hoegh, 2805 61st Street, requesting to speak regarding the yearly price of the yard waste stickers. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

01-1714 83. From Shelly Sholley, 3227 Dubuque, requesting to speak regarding demolition of 3740 Indianapolis. **Moved by McPherson to receive, file and grant the request to speak; and to take this property off the demolition list and give Ms. Sholley one year from this date to bring the property into compliance. Staff to provide a report on work completed. Motion Carried 6-1. Absent: Flagg.**

01-1715 84. From Nan Stillians requesting to speak regarding rock concerts. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Flagg.**

01-1716 85. Receipt petition from homeowners and tenants in the 1200 block of 11th and 12th Streets requesting Engineering Dept. to pave alley between 11th and 12th Streets. **Moved by Hensley to receive, file and refer to City Manager and City Engineer. Motion Carried 6-1. Absent: Flagg.**

01-1717 86. Receipt of petition from area homeowners in favor of paving E. 24th Street from Dean Avenue to Grand Avenue. **Moved by McPherson to receive, file and refer to City Manager and City Engineer. Motion Carried 6-1. Absent: Flagg.**

****Council considered Item 101 through end of agenda next****

HEARINGS (Opened at 7:40 P.M.) (Items 87 thru 100)

01-1718 87. On Developer-initiated Redevelopment Proposal from Anawim Housing Inc. for an Urban Renewal Purchase Agreement and sale of property to redevelop a portion of Disposition Parcel 97-A in the Metro Center Urban Renewal Area, (1233 and 1243 7th Street). [\(Council Communication No. 01-286\)](#). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1719 88. On adoption of the proposed Resolution of Necessity for street improvement - Intermediate Paving of the following. **Moved by Brooks to adopt all except SE 35th Street from Scott to dead end, defer to July 9, 2001. Staff to work with property owners on 36th regarding development at end of that street. Motion Carried 6-1. Absent: Flagg.**

ADOPTED (1) E. 35th Street from 337' south of the center line of E. Sheridan to E. Hull Avenue.

CONTINUED (2) SE 35th Street from Scott Avenue to dead end 799' north.

ADOPTED (3) 36th Street from Douglas Avenue to the dead end 947' south.

ADOPTED (4) 27th Place from 10' north of center line of Amick to Euclid Avenue.

ADOPTED (5) River Vista Drive from SW 12th Street to dead end 633' west.

01-1720 (A) Authorization for acquisition of necessary right-of-way and easements. **Moved by Brooks to adopt; and defer SE 35th to July 9, 2001. Motion Carried 6-1. Absent: Flagg.**

89. On Connection Fee Ordinances for the following:

01-1721 (A) Hearing on the Northwest Airport Area Trunk Sewer System Benefitted District. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1722 (B) Hearing On the Southwest Airport Area Trunk Sewer System Benefitted District. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1723 (C) First consideration of ordinance amending connection fees for the Northwest and Southwest Districts. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-1724 90. On vacation of 11th Street right-of-way between Cherry and Vine Streets, and all remaining alleys in the block west of 11th between Cherry and Vine. **Moved by Hensley to adopt, subject to final passage and publication of the vacating ordinance. Motion Carried 6-1. Absent: Flagg.**

01-1725 (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: Flagg.

01-1726 (B) Final consideration of ordinance above, (waiver requested by City Manager), 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, [#13,955](#). Motion Carried 6-1. Absent: Flagg.**

01-1727 91. On conveyance of City property, 1541 13th Street, to Floyd Loggins, \$2,600. ([Council Communication No. 01-294](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

92. On conveyance of City property, to Community Housing Development Corporation:

01-1728 (A) 1403 Forest Avenue, \$3,800. ([Council Communication No. 01-289](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1729 (B) 1407 Forest Avenue, \$8,200. ([Council Communication No. 01-292](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1730 (C) 1417 Forest Avenue, \$6,600. ([Council Communication No. 01-314](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1731 93. On conveyance of City property, 2 lots north of 638 SE 27th Street Court, to Earl and Opal Thompson \$2,300. ([Council Communication No. 01-315](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1732 94. Communication from City Plan Commission regarding amendment to the 2020 Community Character Land Use Plan, to approve Easter Lake New Town Plan Element, changing future land use designation for property in vicinity of 5405 East Indianola Avenue at Easter Lake Drive, from Low Density Residential to Low/Medium Density Residential; and from Low Density Residential and Low/Medium Density Residential to Public/Semi-Public. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1733 (A) Hearing on rezoning of 5405 E. Indianola Avenue, from "R1-80" (One Family Residential) and "R1-90" (Large Lot One Family Residential) to "PUD" (Planned Unit Development), and approving Conceptual Plan entitled "Carman Estates". **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1734 (B) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

WITHDRAWN01-1735 (C) Final consideration of ordinance above, (waiver requested by Ronald Grubb), requires 6 votes.

01-1736 95. On E. Locust Street Sanitary Sewer Repair, 600 Block: Resolution approving plans,

specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, Vice President/CEO, Clive), \$34,000. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1737 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1738 96. On M.L. King Jr. Parkway Storm Sewer Outlet Extension - 1500 Block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc (Mark Van Hauen, VP/CEO, Clive), \$323,323.00 **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1739 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1740 97. On Avenue F.M. Hubbell Widening at E. 33rd Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Manatt's Inc., (Bradford J. Manatt, President, Johnston), \$456,915. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1741 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1742 98. On Solid Waste Building Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Koester Construction, (Paul Koester, President, DM), \$83,973. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1743 (A) Approving contract and bond, and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1744 99. On resolution to REJECT all bids and close the hearing on Renovation of 2600 Dean Avenue project, (one bid-over estimate). [\(Council Communication No. 01-295\)](#). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1745 100. On University Avenue Restriping - 31st Street to 2800 block: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

* * END HEARINGS at 8:05 P.M. * *

****Council considered Item 78 through 86 next****

CITY MANAGER RECOMMENDATIONS

01-1746 101. Regarding supervision of construction projects in the Neighborhood Conservation Services Divisions. ([Council Communication No. 01-307](#)). **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

APPROVING

01-1747 102. Final consideration of ordinance amending Chapter 42 of the Municipal Code regarding distribution of handbills and newspapers at private premises, as amended. ([Council Communication No. 01-291](#)). **Moved by McPherson to defer final consideration as further amended, to August 20, 2001. Motion Carried 6-1. Absent: Flagg.**

01-1748 103. Second consideration of ordinance rezoning property at 1810 High Street, from "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-3A" (Central Business District Support Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-1749 (A) 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, #13,956. Motion Carried 6-1. Absent: Flagg.**

01-1750 104. Development Agreement with SNAG, LLC for development of grocery store at 7th and University Avenue. ([Council Communication No. 01-300](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

105. Sale of the following General Obligation Bonds for CIP Projects ([Council Communication No. 01-309](#)): ([Council Communication No. 01-316](#))

01-1751 (A) \$25,045,000, Series 2001A. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Flagg.**

01-1752 (B) \$4,070,000, Series 2001B. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Flagg.**

01-1753 (C) \$4,235,000 , Series 2001C. **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Flagg.**

106. Sale of the following bonds, ([Council Communication No. 01-310](#)): ([Council Communication No. 01-316](#))

01-1754 (A) \$9,655,000 General Obligation Refunding Bonds, Series 2001D. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1755 (B) \$6,005,000 General Obligation Hotel and Motel Tax refunding Bonds, Series 2001E. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1756 107. Initiating the rezoning of the Court Avenue Area and the area south of Court Avenue to "C-3R", (Central Business District Mixed-Residential) District. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-1757 108. Preliminary approval of Tax Increment Financing Assistance, for Vine Street Lofts LLC, for Housing Construction Project at First and Vine Streets. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-1758 (A) Application to Iowa Department of Economic Development by Vine Street Lofts, LLC for Enterprise Zone Benefits for a project in State of Iowa Gateway Enterprise Zone, [\(Council Communication No. 01-298\)](#). **Moved by Coleman to approve. Motion Carried 7-0.**

01-1759 109. Adoption of Urban Design Standards for Public Improvements, 2001 Edition and Addendum No. 2 to Urban Standard Specifications for Public Improvements, 1998 Edition. [\(Council Communication No. 01-285\)](#). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1760 110. Agreement with RAA, Inc., for repayment of \$1,000,000 economic development loan to AccessAir Inc., over a period of four years, to replace repayment agreement with John Ruan. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Brooks declares a conflict of interest, and abstains from voting. Absent: Flagg.**

111. NUMBER NOT USED.

01-1761 112. Support of National League of Cities letter to Congress regarding HOME Funds and CDBG Funding allocations. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

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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.

1. Approving the following appointments to the Urban Renewal Board:

01-1762 (A) Correcting Roll Call No. 01-1528--recommendation of Mayor Daniels to appoint Doug R. Sharp, to Seat No. 9, three-year term commencing 1-18-00, to expire 1-18-03. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1763 (B) Recommendation of Council Member Chris Coleman, to appoint C. Arthur Wittmack, to Seat No. 3, three-year term commencing 1-18-01, to expire 1-18-04. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1764 (C) Recommendation of Mayor Preston Daniels, to appoint Anthony Berardi, to Seat No. 8, three-year term commencing 1-18-00, to expire 1-18-03. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1765 2. Request of Council Member Archie Brooks, to allow sixty (60) days from date of permit issue, to allow for rehabilitation of 1801 Des Moines Street (a/k/a 1800 Hubbell), by new owner E.L.M. Trust (Edward L. McCoy). SPONSOR: Brooks. **Moved by Brooks to receive, file and allow sixty days from date of permit issue for rehabilitation of this property. Motion Carried 6-1. Absent: Flagg.**

01-1766 3. Request from Council Member Chris Coleman, for a written report on the status of the proposed Water Works concert scheduled for July 8. **Moved by Coleman to receive, file and direct staff to notify promoters of actions necessary to facilitate the July 8th concert, with a copy to the Council. Motion Carried 6-1. Absent: Flagg.**

01-1767 4. Establishing Fair Market Value and authorizing acquisition of 2103 Ingersoll Avenue, for the north/south segment of the Martin Luther King Jr. Parkway Project, (Stewart Hansen, \$1,400,000). SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1768 5. Approving temporary closure of a portion of Walnut Street from a point west of the Hotel Fort Des Moines to 12th Street from June 15, 2001 to November 1, 2002 for construction of the Nationwide Mutual Insurance Company redevelopment project. SPONSOR: Hensley. [\(Council Communication No. 01-296\)](#). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

A G E N D A

BOARD OF HEALTH

June 4, 2001

01-1769 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

AUTHORIZING

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

01-1770 (A) 823 Buchanan Street (vacant) Titleholder: Lloyd C. Campbell; Legal Interest

01-1770 Holders: Joyce and Larry Kronberg, and Mercantile Bank of Polk County, n/k/a Firststar Bank, Attn: Margaret Jaberg, Legal Counsel. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1771 (B) 2141 High Street (vacant) Titleholders: Maribel Wininger n/k/a Maribel Johnson and Donald E. Johnson; and Contract Buyer: Richard Privia, Attn: Jackie Moraine. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-1772 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 8:53 P.M. Motion Carried 6-1. Absent: Flagg.**

DES MOINES-CITY OF SKYWALKS