

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 8, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

1. Des Moines Jazz History

(a) Drummer Bobby Parker

(b) Francis "Cigar" Bates

2. National Javits-Wagner-O'Day Week

INVOCATION: Pastor John Chadwick, Grace Lutheran Church

01-2951 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-2952 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2953 3. APPROVING CONSENT AGENDA - items 3 through 88: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-2954 4. Communication from Legal Department regarding October 8, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-2955 5. Campbells Concessions Corporation, Calvin Campbell, President dba Campbells Concessions, Tourism Building - Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 10-23-01 (With Sunday Sales) - Application submitted 9-21-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2956 6. Campbells Concessions Corporation, Calvin Campbell, President dba Campbells Concessions, Pavilion - Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 10-23-01 (With Sunday Sales) - Application submitted 9-21-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

"C" Beer Licenses

WITHDRAWN01-2957 7. Best Food Mart Inc., Ghumman Manjit, Owner dba Best Food Mart, 4028 NE 14th Street; Renewal - Expires 10-13-01 (With Sunday Sales) - Application submitted 9-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2958 8. Git N Go Convenience Stores, Inc, Dennis Flora, President dba Git N Go Store #6, 5736 Franklin; Renewal - Expires 11-19-01 (With Sunday Sales) - Application submitted 9-17-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2959 9. Kartar's Mini Mart, Inc., Harpal Singh, President dba Kartar's Mini Mart, 3761 East University; Renewal - Expires 10-19-01 (With Sunday Sales) - Application submitted 9-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-2960 10. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #500, 3700 Hubbell; Renewal - Expires 10-21-01 (With Sunday Sales) - Application submitted 8-22-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-2961 11. Laung-Aram, Benchang dba A Taste of Thailand, 215 East Walnut; Renewal - Expires 10-22-01 - Application submitted 9-10-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2962 12. Arirang Barbecue Inc., Sun Ok Kramer, President dba Arirang Restaurant, 5514 Douglas; New Application (With Sunday Sales) - Application submitted 8-31-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-2963 13. China One International Buffet, Inc., Robert Chow, President dba China One International Buffet, 2301 Ingersoll; Renewal - Expired 9-26-01 (With Sunday Sales) - Application submitted 10-01-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2964 14. Robin's Nest, Inc., Danny Smith Shareholder dba Robins Wood Oven Grill, 6401 Southeast 14th Street; Renewal - Expires 10-14-01 (With Sunday Sales) - Application submitted 9-14-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-2965 15. Kel Jam, LLC, Michael Kelly, Owner dba Big Dog Bar & Grill, 2222 Forest; New Application (With Sunday Sales) - Application submitted 7-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2966 16. Blazing Saddle Inc., Robert J. Eikleberry, President dba Blazing Saddle, 416 East

5th Street; Renewal - Expires 10-23-01 (With Sunday Sales) - Application submitted 9-24-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2967 17. Platipus Productions, Inc., Ron Boone, Owner dba Blues On Grand, 1501 Grand Avenue; Renewal - Expires 10-20-01 (With Sunday Sales) - Application submitted 9-21-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2968 18. Drake Diner L.L.C., R. Stephen Vilmain, Owner dba Drake Diner, 1111 25th Street; Renewal - Expires 10-16-01 (With Sunday Sales and Outdoor Service) - Application submitted 9-14-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2969 19. Race Car Bar, Inc., Jeff Wright, President dba G T Race Car Bar, Inc., 3013 Ingersoll; Renewal - Expires 10-12-01 (With Sunday Sales) - Application submitted 9-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-2970 20. Purple Cow Players, Ltd., Charles Carnes, President dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-4-01 (With Sunday Sales) - Application submitted 9-7-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2971 21. Betty Lou Gosek dba Joe & Betty's Tap, 1225 East 30th Street; Renewal - Expires 10-22-01 (With Sunday Sales) - Application submitted 9-21-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2972 22. Loca, Inc., Kenneth D. Roush, President dba Kenny D's, 3925 East 14th Street; Renewal - Expires 10-14-01 (With Sunday Sales) - Application submitted 8-27-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2973 23. Encounter's, Inc., Veronica L. Tyler, President dba McCoy's, 3708 Beaver; Renewal - Expires 10-17-01 (With Sunday Sales) - Application submitted 9-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2974 23-I C.R.L. Corporation, Ryan Smithson, Owner, dba The Buzz, 214 3rd Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

01-2975 24. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

01-2976 25. City Clerk to issue Coin-Operated Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2977 26. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-2978 27. Approving Grant Agreement with Iowa Department of Transportation for construction of an Airfield Maintenance Storage Building and the Sand Storage Building for the Commercial Air Service Airports. ([Council Communication No. 01-512](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2979 28. Approving the execution of Agreement No. 1-01-STPU-012 with the Iowa Department of Transportation for Fleur Drive Resurfacing, Railroad Viaduct to McKinley. ([Council Communication No. 01-521](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2980 29. Approving Supplemental Agreement No. 1 with Ames Environmental, Inc. (Dave Lester, President, Slater, IA) for annual asbestos abatement services - investigation, testing, design services and abatement support services associated with demolition of structures - \$90,000. ([Council Communication No. 01-520](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2981 30. Authorization to proceed and to acquire the necessary permanent and temporary easements for SE 8th Street and E. Miller Avenue Storm Sewer Improvements. ([Council Communication No. 01-522](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2982 31. Resolution Ordering Construction for 1201 Walnut Street (Former 3-E Building) Demolition, Receiving of Bids, (10-23-01), and Setting Date of Hearing, (11-5-01), (Construction Estimate - \$250,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2983 31-I Authorizing City Manager to proceed with construction of Vine Street Paving Project, between 1st and 3rd Streets, including acquisition of right-of-way. **Moved by McPherson to adopt. Motion Carried 7-0.**

32. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

01-2984 (A) Sanitary Sewer Manhole Repair - 2000, Eco-Tech Construction, L.L.C., \$5,588.85 is now due and \$2,991.65 remaining balance is payable at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2985 (B) Durable Pavement Markings - Army Post Road, Dennis Parking Lot Maintenance Inc., \$3,221.21 remaining balance is payable at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2986 (C) University Avenue Restriping - 31st Street to 4800 Block, Dennis Parking Lot Maintenance, Inc., \$3,224.52 remaining balance is payable at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2987 (D) Frisbie Park/E. Jackson Avenue Sanitary Sewer Pump Stations, Van Hauen & Associates, Inc., \$33,100.85 is now due and \$38,482.75 remaining balance is payable at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2988 33. Approving partial payments on sixteen (16) public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2989 33-I Authorizing City Engineer to proceed with Sidewalk Program/Request to Repair, waivers signed by three property owners; Sidewalk Program/Request to Repair Driveway, waivers signed by ten property owners; Paving or Curb Replacement Program/Request to Repair Driveway, waivers signed by seven property owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

34. Approving Private Construction Contracts for Easter Lake Estates Plat 7 located at Easter Lake Drive and SE 27th Street as follows:

01-2990 (A) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Oaks Development Company, (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2991 (B) Construction of Storm Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Oaks Development Company, (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2992 (C) Construction of Street Paving Improvements between Eco-Tech Construction, L.L.C., (Jim Mackey, President, Grimes, Contractor) and Oaks Development Company, (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

35. Approving Private Construction Contracts for Easter Lake Cove located at Easter Lake Drive and SE 26th Court as follows:

01-2993 (A) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Oak Mills L.C., (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2994 (B) Construction of Storm Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Oak Mills L.C., (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2995 (C) Construction of Street Paving Improvements between Eco-Tech Construction, L.L.C., (Jim Mackey, Manager, WDM, Contractor) and Oak Mills L.C., (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

36. Approving Private Construction Contracts for Easter Lake South Plat 2 located at East Payton Avenue and SE 31st Street as follows:

01-2996 (A) Construction of Sanitary Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Oaks Development Company, (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2997 (B) Construction of Storm Sewer Improvements between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Oaks Development Company, (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2998 (C) Construction of Street Paving Improvements between Eco-Tech Construction, (Jim Mackey, Manager, Grimes, Contractor) and Oaks Development Company, (John C. Kline, President, WDM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

37. Approving Private Construction Contracts for East 2nd Street between E. Grand and E. Locust as follows:

01-2999 (A) Construction of Street Improvements between CPMI Construction LC, (Daniel E. West, Vice President, DM, Contractor) and 300 East Locust, LP, (Richard H. Janssen, Partner, DM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3000 (B) Construction of Storm Drain Improvements between CPMI Construction, LC, (Daniel E. West, Vice President, DM, Contractor) and 300 East Locust, LP, (Richard H. Janssen, Partner, DM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3001 38. Approving Private Construction Contract for construction of Sanitary Sewer Improvements to service Stoney Point Retail Center located at 5921 SE 14th Street between Eco-Tech Construction, L.L.C., (Jim Mackey, Manager, Grimes, Contractor) and D.W. Homes, Inc. (David Walters, President, Urbandale, IA, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3002 38-I Approving Private Construction Contract for construction of Sanitary Sewer Improvements to service proposed Parkside East Apartments located at 3540 East Douglas between McAninch Corporation, (Douglas D. McAninch, President, WDM, Contractor) and Parkside East L.P., (James C. Conlin, Manager, DM, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3003 39. Approving Private Construction Contract for construction of Paving Improvements for proposed Three Lakes Estates Parkway extension in vicinity of Moonlight Drive and Three Lakes Parkway between Sternquist Construction, Inc., (Britt Sternquist, President, Indianola, Contractor) and Erickson Development, (Tim Erickson, President, Bondurant, IA, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

01-3004 40. Authorizing the Engineering Department to correct Sidewalk Repair, Replace and Reconstruct Assessment Schedule No. 2001-34, against property at 2527 51st Street, to reduce assessment from \$1508.13 to \$1335.33. **Moved by McPherson to adopt. Motion Carried 7-0.**

41. Authorizing Engineering Department to correct the following NAC-Emergency Order Assessment schedules:

01-3005 (A) Schedule No. 2001-12, against property at 1619 6th Avenue, in the amount of \$739.43, an administrative hearing was held and the charges were waived. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3006 (B) Schedule No. 2001-12, against property at 2808 E. 36th Street, in the amount of \$95.00, an administrative hearing was held and the charges were waived. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3007 42. Notice to levy assessments for costs of Nuisance Abatement - NAC Emergency Orders (Community Development) for Schedule No. 2001-13. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3008 43. Establishing Fair Market Value and authorizing acquisition of property at 2005 Leyner Street for the North/South Segment of Martin Luther King, Jr. Parkway Project from Merlin Kosht and Tom Crosier - \$29,000 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3009 44. Approve and accept right-of-way documents for 210 15th Street and 201 16th Street from Beckley Properties, LLC in conjunction with 15th Street Corridor Improvements - \$310,000 plus closing and relocation costs. **Moved by McPherson to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-3010 45. Authorizing acquisition of property located at 425 East Grand Avenue in Eastern Gateway from Neighborhood Improvement Corporation in the amount of \$258,460 plus closing costs of \$1,758.89. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-3011 46. Approving of Re-Alignment and Acquisition of Right-of-Way and Easements necessary for construction of the Gay Lea Wilson Trail, Phase III. ([Council Communication No. 01-515](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

01-3012 47. Establishing Fair Market Value and Authorizing Acquisition of property for the Douglas Avenue Widening at Beaver Avenue Project by Gift, Negotiation, or Condemnation, \$25,340. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3013 48. Establishing Fair Market Value and Authorizing Acquisition of property located at 1212 Grand (\$311,000) and 1330 Grand (\$134,000) for Western Gateway Project in the Metro Center Urban Renewal Development Area by Gift, Negotiation, or Condemnation. **Moved by McPherson to adopt. Motion Carried 5-2. Nays: Flagg and Brooks.**

01-3014 49. Approving Application for tax abatement for property at 2814 SE 14th Street. ([Council Communication No. 01-505](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3015 50. Approving Final Subdivision plat entitled Easter Lake Estates Plat 7, located in

vicinity of SE 27th Street and south of Easter Lake Drive. ([Council Communication No. 01-523](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3016 51. Approving Final Subdivision Plat entitled Easter Lake Cove, located in vicinity of SE 27th Street and North of Easter Lake Drive. ([Council Communication No. 01-524](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3017 52. Approving Final Subdivision Plat entitled Easter Lake South Plat 2 located in vicinity of East Diehl Street and SE 31st Street. ([Council Communication No. 01-516](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-3018 53. Recommendation of Mayor Preston Daniels to appoint Council Member Chris Coleman as his designee to the Greater Des Moines Convention and Visitors Bureau's Joint Board of Promotion. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3019 54. Recommendation of Mayor Preston Daniels to appoint Shirley Daniels to Seat 2 on the Plan and Zoning Commission for a five year term commencing July 1, 1997 to expire July 1, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3020 55. Communication from Graham Gillette advising of his resignation effective immediately from the Metropolitan Transit Authority Board (Seat #2). **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

01-3021 (A) Recommendation of Mayor Preston Daniels to appoint Christine Hensley to Seat 2 on the Metropolitan Transit Authority Board for a six year term to expire May 29, 2006. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3022 56. Recommendation of Council Member Archie Brooks to appoint Steven J. Oberbroeckling to Seat 7 on the Access Advisory Board for a four-year term commencing June 15, 1998 to expire June 15, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3023 57. Communication from Jeannie Shannon advising of her resignation effective September 20, 2001 from the Neighborhood Revitalization Board (Seat #8). **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSURES

01-3024 58. Approving recommendation of Street Use Team (SUT) to close the following street. **Moved by McPherson to adopt. Motion Carried 7-0.**

(1) Becki Simmons, 4110 Greenwood Drive, requesting permission to close Greenwood Drive from 4110 to 4150 Greenwood Drive on Sunday, October 28, 2001 (Raindate of October 30, 2001) from 2:00 P.M. to 6:00 P.M. for a neighborhood gathering.

CITY PLAN COMMISSION RECOMMENDATIONS

01-3025 59. Regarding request from Neighborhood Improvement Corporation for vacation and conveyance of the southern east/west alley between Court and Vine from 1st to 2nd, and the north/south alley between 1st and 2nd from the northern east/west alley to the southern east/west alley. **Moved by McPherson to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

60. On requests from Mark Bochenstedt, regarding property in the vicinity of Shaw, SE 5th, Chicago Great Western Railroad, and the Des Moines River.

01-3026 (A) Setting Date of Hearing to rezone property at 620 SE 5th from "R1-60" (One Family Low Density Residential), to "M-1" (Light Industrial), (10-22-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3027 (B) Regarding request to purchase City property. **Moved by McPherson to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

01-3028 (C) Regarding request to vacate and convey City property, subject to conditions. **Moved by McPherson to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-3029 61. On 2002 Housing & Urban Development (HUD) Consolidated Plan, and approving receipt of NRB recommendation, (11-19-01). ([Council Communication No. 01-507](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3030 (A) Communication from Chair of the Neighborhood Revitalization Board (NRB), regarding the Five Year Strategy/Third Year Action Plan of the 2002 HUD Consolidated Plan. **Moved by Coleman to receive, file and refer to the City Manager. Motion Carried 7-0.**

62. Pre-Annexation Agreement and scheduling hearing on the following:

01-3031 (A) 4340 N.E. Hubbell, Bulldog's Den Ltd., (Michael J. Chanas, President) (10-22-01). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-3032 (B) 4401 N.E. 46th Avenue, (Shirley Brown, owner) (10-22-01). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-3033 (C) Approving final subdivision plat entitled Brown Stone Estates, south of NE 46th Street and east of Hubbell, (within 2 mile review limit). ([Council Communication No. 01-525](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

63. NUMBER NOT USED.

01-3034 64. On conveyance of property in vicinity of vacated Ingersoll Avenue right-of-way south of 5708 Waterbury Circle, to Ronald T. and Connie L. Braga, for expansion of residential yard, \$100, (10-22-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3035 65. On conveyance of property in vicinity of vacated Ingersoll Avenue right-of-way, south of 5720 Waterbury Circle, to Thomas J. and Kristin L. Oppold, for expansion of residential yard, \$100, (10-22-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3036 66. On request from Iowa Citizens for Community Improvements, to rezone property at 2001 Forest Avenue from "C-2" (General Retail and Highway Oriented Commercial) and "C-0" (Commercial Residential) to "NPC" (Neighborhood Pedestrian Commercial) subject to conditions, (10-22-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3037 67. On City-initiated Zoning Ordinance and Site Plan Regulations text amendments, regarding vehicle display lots, (10-22-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-3038 68. Approving payment of \$2,094.86 to John L. Corbett of Spiegel & McDiarmid Law Firm for consultation and assistance in conjunction with the City's Airport PILOT charge. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3039 69. Approving payment of \$363.82 to law firm of Phillips, Goldman & Spence, and payment of \$532.63 to law firm of Myers & Jenkins for representation in matters relating to the Trans World Airlines, Inc. bankruptcy. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3040 70. Approving payment of \$1,400 to Duncan, Green, Brown, Langeness & Eckley for representation in matters relating to the airport parking garages. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3041 71. Approving payment of \$2,205.89 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services related to Supplement No. 4 of the Master Lease Program for the Airport. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

01-3042 72. Approving payment of \$10,166 to Dennis A. Rule for workers' compensation claim for an injury sustained during scope of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3043 73. Approving payment of \$35,785.80 to Craig R. Wadsworth for workers' compensation claim for an injury sustained during scope of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3044 74. Approving payment of \$65,000 to Stephen G. Cooper and single medical coverage

until age of 65 for special case settlement for workers' compensation claim upon approval of Workers' Compensation Commissioner. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-3045 75. Submitting out-of-state travel requests for Bernell Edwards, Ross Hartline, Richard Brown, Eric Anderson, Preston Daniels, Tom Vlassis, and Amy McClintock. ([Council Communication No. 01-504](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3046 76. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-506](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--West Side of 15th Street and North Side of Seneca Avenue.

(2) Commercial Loading Zone--North Side of Grand Avenue, West of 3rd Street.

APPROVING

01-3047 77. Receipt of communication from City Clerk submitting a revision to Council's meeting schedule for January 2002 and 2003 to observe the M.L. King Holiday. **Moved by McPherson to receive, file and approve as submitted. Motion Carried 7-0.**

01-3048 78. Use of various City facilities as poll sites for Precincts 31, 36, 60, 64, 82, and 83 for Regular City Election to be held November 6, 2001. **Moved by McPherson to approve. Motion Carried 7-0.**

01-3049 79. Renewal of Adopt-A-Highway Application from The Huntmasters Club on Iowa Highway 28 within the City limits from Milepost 15.6 to Milepost 13.5. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3050 80. Extension of current Contract No. N00024-81-C-0205 with the United States Government through the Department of Navy for loan of Ship Model USS Des Moines-CA134 for public display in Great Hall of City Hall. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3051 81. 2001/2002 Shared Use 28E Agreement between City and the Des Moines Independent School District to provide grounds and facilities for recreational activities. ([Council Communication No. 01-514](#)). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

01-3052 82. 28E Agreement with West Des Moines for joint purchase and management of equipment to be utilized in Candidate Physical Ability Testing, not to exceed \$10,000. ([Council Communication No. 01-509](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3053 83. Request for extension of time for acquisition of Masonic Temple property from

Temple Partners L.L.C., until October 31, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3054 84. Contract No. LIHEAP-02-07-J with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from October 1, 2001 to September 30, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3055 85. Release of a lien against property at 1903 6th Avenue, acquired by Neighborhood Finance Corporation for renovation and occupancy by low or moderate income families. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3056 86. Bid from Quality Ford, (Franklin Greene, President, WDM), for three emergency response utility vehicles for use by the Fire Department, \$78,297. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3057 87. Civil Service Entrance Lists for Housing Services Office Manager, Accounting Specialist, Financial Administrative Assistant, and Traffic Signal Maintenance Technician. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-3058 88. Authorizing Finance Director to draw checks on registers of October 12, 2001 and October 19, 2001; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 8, 2001 and October 15, 2001; and to draw checks for biweekly payroll due on October 19, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

****Council considered Items 120, 89, 96, 97, 116 and Hearing Items**

100-I and 114 next**

ORDINANCES - FIRST CONSIDERATION

01-3059 89. Amending Chapter 82 of the Municipal Code establishing a Public Arts Program and Public Arts Commission. ([Council Communication No. 01-526](#)). **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3060 (A) Resolution assigning seats on the Public Arts Commission. **Moved by Flagg to adopt. Motion Carried 7-0.**

WITHDRAWN01-3061 90. Amending Chapter 102 of the Municipal Code regarding benches and other encroachments within the border areas of streets to include fee increase, revocation and hearing process, design standards, advertising and maintenance of areas around the benches.

01-3062 91. Amending Chapter 70 of the Municipal Code regarding wildlife control on Airport property. ([Council Communication No. 01-517](#)). **Moved by Hensley that this ordinance be**

considered and given first vote for passage. Motion Carried 7-0.

01-3063 (A) Final consideration of ordinance above, (waiver requested by Airport Board), 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, [#13,999](#). Motion Carried 7-0.**

01-3064 92. Amending Chapter 42 of the Municipal Code regarding definition of Noise Disturbance. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3065 93. Amending Chapter 42 of the Municipal Code regarding abatement, enforcement, liability and abandonment of property in the right-of-way (costs of abatement, location of items and service of notice). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3066 94. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) One-Sided Parking Restrictions--Shawnee Acres.

(2) Parking Restriction Change--Cul-de-Sac of Gleaves Court.

(3) Corner Clearance--East Side of SW 10th Street, south of Boulder Avenue and South Side of Boulder Avenue, east of SW 10th Street.

01-3067 (A) Final consideration of ordinance above. **Moved by McPherson 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, [#14,000](#). Motion Carried 7-0.**

COUNCIL REQUESTS

01-3068 95. From Council Member George E. Flagg regarding letter from Bradford W. Harvey, 1344 45th Street, discussing issue of a tree in city parking area. **Moved by Flagg to receive and file. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-3069 96. From Greg Edwards, President, CEO of the Greater Des Convention and Visitors Bureau, to present a report to the City Council. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 6-1. Absent: McPherson.**

01-3070 97. From John Tekippe, on behalf of Des Moines Firefighters, to make a special presentation and provide an update on the support of our Firefighters in regard to the crisis in New York. **Moved by Vlassis to receive, file and grant the request to speak; and accept their gift with appreciation. Motion Carried 7-0.**

01-3071 98. From Gretchen Armstrong, 1607 Elder Lane, regarding condition of lawns after a sewer construction project. **Moved by Flagg to receive and file. Motion Carried 7-0.**

01-3072 99. From Brian and Pamela Meals, 2901 E. 35th Street regarding youth activity, police patrol and various activities in the area of their home. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Vlassis.**

01-3073 100. From area property owners, in favor of paving College Avenue from Merle Hay Road to 56th Street. **Moved by Vlassis to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

INFORMAL HEARINGS

01-3074 100I On lease of property in the vicinity of 6th and Mulberry to Polk County for two years - \$1.00 a year, to be utilized for parking. **Moved by Hensley to adopt. Motion Carried 7-0.**

HEARINGS (Opened at 6:22 P.M.) (Items 101 thru 114)

01-3075 101. On conveyance of property in Franklin Field, (5200 Franklin), to Polk County, for a 65-year lease, to construct a Senior/Community Center, \$50,000. ([Council Communication No. 01-518](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-3076 102. On conveyance of dead-end right-of-way south of 1503 E. 26th, to Gene D. Randolph, to construct an addition to garage, \$25. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3077 103. On conveyance of permanent easement in Columbus Park, to QWEST Corporation, to relocate underground service in conjunction with the Indianola Connector Road Project, \$1.00. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3078 104. On vacation and conveyance of a portion of vacated 62nd Street right-of-way near Grand, to System Capital, Real Property Corporation, \$5,700. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3079 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3080 (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, [#14,001](#). Motion Carried 7-0.

01-3081 105. On vacation and conveyance of alley right-of-way in vicinity of E. 26th Court and E. 27th Street, running north of Maury Street and dead-ending at the railroad right-of-way, to Thomas E. and Jacki L. Heston, \$50. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3082 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3083 (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, [#14,002](#). Motion Carried 7-0.**

01-3084 106. On vacation and conveyance of a portion of South Union Street, between Edison Avenue and Columbus Avenue, a portion of Columbus Avenue, between west side of South Union Street and SE 1st Street, and South Union, between Columbus Avenue and Indianola Avenue, to St. Anthony's Church of Des Moines, \$130,000, subject to conditions. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3085 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3086 (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, [#14,003](#). Motion Carried 7-0.**

01-3087 107. On conveyance of vacated right-of-way in the 3200 block of Mahaska Parkway to William Wellesley Trust for expansion of residential yard, \$29,488.50. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3088 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3089 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by McPherson 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, [#14,004](#). Motion Carried 7-0.**

WITHDRAWN BY APPLICANT 01-3090 108. On request from Cabot Thunem and Walt Johnson, for local approval of an incinerator at 3950 Vandalia Road., to defer further action, and

to refer to Plan and Zoning Commission for a report at the December 3, 2001 Council Meeting.

01-3091 109. On 424 - 10th Street Demolition (Former AIB Building): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as D.W. Zinser Company (David Zinser, President, Walford, IA), \$112,642.00. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and Vlassis.**

01-3092 (A) Approving contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and Vlassis.**

01-3093 110. On 424 - 10th Street Asbestos Abatement (Former AIB Building): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M.E.D.A. (Phil McMains, President, DSM), \$62,799.00. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Vlassis.**

01-3094 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and Vlassis.**

01-3095 111. On 28th Street Sanitary Sewer at Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President, DSM), \$31,875.00. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-3096 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-3097 112. On 2001 Intermediate Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President, DSM), \$815,649.75. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3098 113. On Indianola Avenue Connector (IDOT Project): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3099 114. On M.L. King, Jr. Parkway Paving (IDOT Project): Raccoon River Bridge to Ingersoll Avenue: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:58 P.M. * *

****Council considered Items 91-100 next****

CITY MANAGER RECOMMENDATIONS

01-3100 115. Regarding duplicate addresses existing along portion of Martin Luther King Jr. Parkway, Indianola Avenue, Army Post Road, and other streets in Des Moines, and recommending that portion of such streets be given SE, SW or E. prefixes or be renamed. [\(Council Communication No. 01-510\)](#). **Moved by Hensley to receive, file and refer to the City Plan and Zoning Commission, for report and recommendation. Motion Carried 7-0.**

APPROVING

01-3101 116. Approving Final Development Plan submitted by SNAG, L.L.C. for new grocery store in vicinity of 6th and University. [\(Council Communication No. 01-511\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-3102 117. Submittal of an USTfields Pilot Proposal for Drake Neighborhood Revitalization to the Iowa Department of Natural Resources. [\(Council Communication No. 01-508\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

118. NUMBER NOT USED.

01-3103 119. Changing the Glendale Cemetery boundaries to allow for recreational development and use, until such time that it is needed for other purposes. [\(Council Communication No. 01-513\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-3104 120. Receipt of Report from the Two Rivers Task Force for referral to various City Boards and Commissions, for review and recommendation. **Moved by Vlassis to receive, file and refer the Two Rivers Task Force Report to the Urban Renewal Board, Architectural Advisory Committee, Historic District Commission, Park and Recreation Board and the Plan and Zoning Commission for their review and comment. Motion Carried 7-0.**

01-3105 121. Resolution directing staff to assist Vision Iowa Development projects within Metro Center Urban Renewal Project Area. [\(Council Communication No. 01-503\)](#). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3106 122. Mortgage of Leasehold Interest with Tomorrow 30 Des Moines, L.P. (Lessee) and Nationwide Life Insurance Company (Lender) for City Property adjoining Financial Center Building at 7th and Walnut Streets. **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.

01-3107 1. Request from Council Member Christine Hensley, on behalf of the Sherman Hill Neighborhood Association, to initiate rezoning of 1620 Pleasant, from "RHD" (Residential Historic District) to a PUD (Planned Unit Development). SPONSOR: Hensley. **Moved by Hensley to initiate the rezoning request and refer to the City Manager, Legal and Plan and Zoning for review and recommendation. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

October 8, 2001

01-3108 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

01-3109 (A) 3124 Wright Street (vacant) Titleholder: The Wolford Corporation, Attn: Rod Wolford, Registered Agent; Contract Buyers: Harlen J. and Billie J. Madison; and Legal Interest Holders: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN01-3110 (B) (B) 1196 9th Street (vacant) Titleholder: Polk County Bank, Attn: Tim Rhoades, Senior Vice President.

01-3111 2. Release of demolition cost reserve held under claim number 15-D064-501 regarding property known as 2525 SW 80th Street, Lot 276 owned by Bev Young. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3112 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:28 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS