

SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 16, 2002 4:30 P.M.

SPECIAL PRESENTATIONS - 4:15 P.M.:

Recognition of Donna Boetel-Baker, Retiring City Clerk

Reception from 2:00 - 4:00 at City Hall

INVOCATION: Pastor Daniel Witkowski, St. Johns Lutheran Church

02-2851 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-2852 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2853 3. APPROVING CONSENT AGENDA - items 3 through 51: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

02-2854 4. The following Beer/Liquor Applications: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (1) Duds N Suds, 2629 Beaver Avenue, B Beer.
- (2) Los Laureles, 1518 E. Grand Avenue, B Beer.
- (3) American General Store, 318 E. 23rd Street, C Beer.
- (4) BJM Food Mart, 3625 Ingersoll Avenue, C Beer.
- (5) Tienda Mexicana, 1524 E. Grand Avenue, C Beer.

RENEWAL APPLICATIONS

- (6) Federal Distributors, Inc., 3000 E. Grand Avenue, B Beer.
- (7) Caseys General Store, 4331 Park Avenue, C Beer.

- (8) Dahls Foods, 1320 E. Euclid Avenue, C Beer.
- (9) Git N Go #2, 1307 Army Post Rd., C Beer.
- (10) Git N Go #24, 1142 42nd Street, C Beer.
- (11) Git N Go #32, 2911 Douglas Avenue, C Beer.
- (12) Kum & Go #207, 4200 Hubbell Avenue, C Beer.
- (13) Kum & Go #208, 3200 SE 14th Street, C Beer.
- (14) Kum & Go #2722, 2211 University Avenue, C Beer.
- (15) Kum & Go #2729, 2825 Easton Blvd., C Beer.
- (16) Kum & Go #2731, 3104 University Avenue, C Beer.
- (17) La Cruz, 4007 SE 14th Street, C Beer.
- (18) Oasis Wine and Spirits, 1401 Buchanan Street, C Beer.
- (19) Smoke Shop, 1918 SE 14th Street, C Beer.
- (20) 801 Steak and Chop House, 801 Grand Avenue, C Liquor.
- (21) American Legion Hispanic Post 731, 1511 South Union Street, C Liquor.
- (22) Mezzodis, 4519 Fleur Drive, C Liquor.
- (23) Now or Later Restaurant, 3750 E. University, C Liquor.
- (24) Dahls Foods, 1320 E. Euclid Avenue, B Wine.
- (25) Kum & Go #2722, 2211 University Avenue, B Wine.
- (26) Kum & Go #2729, 2825 Easton Blvd., B Wine.
- (27) Kum & Go #2731, 3104 University Avenue, B Wine.
- (28) Maccabees Deli & Judaica, 1150 Polk Blvd., B Wine.
- (29) Oasis Wine and Spirits, 1401 Buchanan Street, B Wine.
- (30) Smoke Shop, 1918 SE 14th Street, B Wine.

(31) Oasis Wine and Spirits, 1401 Buchanan Street, E Liquor.

(32) Smoke Shop, 1918 SE 14th Street, E Liquor.

02-2855 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2856 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

02-2857 7. Approving agreements with MidAmerican Energy Company, Mediacom Cable, and five property owners to relocate utility poles and overhead wires from the 6th Avenue right-of-way between E. Euclid Avenue and Clinton Avenue to adjacent alleys as part of the Highland Park Streetscape Project, \$44,425.20. ([Council Communication No. 02-645](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2858 8. Approving submission of State Revolving Loan Fund (SRF) Application to the Iowa Department of Natural Resources for Upper Union Park Sewer Separation Phases 2 and 3. ([Council Communication No. 02-646](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2859 9. Approving Change Order No. 8 with Corell Contractor, Inc. for price adjustment in conjunction with the Fleur Drive Widening (Army Post to County Line Road), \$19,966.41. ([Council Communication No. 02-649](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2860 10. Approving Change Order No. 1 with Environmental Contractors of Illinois, Inc. for additional work in conjunction with the Former Diller Battery Site, not to exceed \$38,860 and to pay an additional amount not to exceed \$68,200 to Metro Waste Authority for disposal of additional contaminated soil. ([Council Communication No. 02-650](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2861 11. Approving request from Smith Seeding, Inc. to sublet certain items on Martin Luther King Jr. Parkway Project; Ingersoll Avenue to Center Street-Miscellaneous and The Underground Company, Ltd. to sublet certain items on 15th/16th Streets Connector-M. L. King Jr. Parkway to Walnut Street. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-2862 12. Approving private construction contract between Venter Spooner, Inc. (Daniel Venter, President, Johnston, Contractor) and DM/Maple Lane, LLLP (John Grosenheider, President/Manager, LeMars, Owner) for construction of Storm Sewer Improvements to service Maple Lane Apartments at 4041 Hubbell Avenue, \$7,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2863 13. Approving request for continuation of Agricultural Deferment on special assessments for the Evergreen Avenue Paving Project; 2300 Evergreen - Margaret Rickey and

Robert Carter. **Moved by Hensley to receive, file and approve the request for continuation of Agricultural Deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy of the Resolution to Polk County. Motion Carried 7-0.**

02-2864 14. Authorizing Engineering Department to proceed with Sidewalk Program/Request to Repair Driveway Petition and Waiver forms signed by one property owner and Paving or Curb Replacement Program/Request to Repair Driveway Petition and Waiver form signed by two property owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2865 15. Authorizing City Engineering to repair, replace, or reconstruct sidewalks at 52 locations and assess the actual cost against the property. (Call City Clerk for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

16. Accepting completed construction and approving final payment of the following:

02-2866 (A) WRF Digester Gas Piping Improvements, \$1,900 is now due and \$6,559.45 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2867 (B) 2002 PCC Pavement Resurfacing Program, \$17,182.46 is due now and \$22,649.22 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2868 (C) Des Moines Metropolitan Wastewater Reclamation Facility - Biosolids Storage Facilities, \$2,483.31 is due now and \$262,609.05 at the end of thirty days. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

17. Delete NAC - Emergency Order Assessments for the following:

02-2869 (A) 1623 Mondamin Avenue, Schedule No. 2001-10, Certificate No. 00-07271-00, \$195.00, and Schedule No. 2001-30, Certificate No. 00-7297-00, \$145.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2870 (B) 2915 - 6th Avenue, Schedule No. 2001-17, Certificate No. 00-07974-00, \$400.60. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2871 (C) 1605 - 23rd Street, Schedule No. 2002-51, Certificate No. 00-08549, \$95.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2872 (D) 976 - 25th Street, Schedule No. 2002-30, Certificate No. 00-09137-00, \$145.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2873 (E) 447 E. Diehl Avenue, Schedule No. 2002-79, Certificate No. 00-09514-00, \$389.93. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2874 18. Authorizing Engineering Department Staff to Correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for the month of November 2002 for certification to the Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2875 19. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of November 2002 for certification to the Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-2876 20. Approving acquisition of properties for the Court Avenue District Redevelopment Project, including relocation assistance for the Auto Park Corporation, and Randolph Investments Company parcels at an estimated \$925,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2877 21. Approve and accept real estate documents for property located at Carlisle Road west of SE 43rd Street for the Mid American Energy Company Sanitary Sewer Project, \$1.00 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2878 22. Approve and accept real estate documents for the Gay Lea Wilson Recreational Trail Project for property adjacent to 3301 East Euclid Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. Recommendation of Mayor Preston Daniels for the following:

02-2879 (A) Reappoint Christine Hensley to the Polk County Housing Trust Fund. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2880 (B) Appoint Robert G. Riley, Jr. to Seat 4 on the Water Works Board of Trustees for a six year term commencing April 1, 1997 to expire April 1, 2003, (to fill the unexpired term of Louise Moon). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2881 24. Recommendation of Council Member Archie Brooks to reappoint Jeffrey Morgan to Seat 10 on the Historic Preservation Commission for a three year term commencing October 18, 2002 to expire October 18, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2882 25. Recommendation of Council Member Chris Coleman to appoint John S. LaBonina to Seat 7 on the Sister Cities Commission for a five year term commencing April 28, 1998 to expire April 28, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2883 26. Recommendation of Council Member Frank Cownie to appoint Dean L. Peyton to Seat 2 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.**

02-2884 27. Recommendation of Council Member Christine Hensley to reappoint Danelle Stamps to Seat 9 on the Historic Preservation Commission for a three year term commencing October 18, 2002 to expire October 18, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSURES

28. Approving recommendation of Street Use Team (SUT) to close the following streets:

02-2885 (1) Amy Lego, representing Downtown Community Alliance, requesting permission to close 2nd Avenue from Watson Powell Jr. Way to Interstate; West River Drive from 2nd Avenue to Interstate; and Center Street from 3rd Street to 2nd Avenue on Tuesday, December 31, 2002 from 2:00 to 11:00 PM for ImaginEve. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

02-2886 29. Regarding approval of the design for the new Central Library, 1000 Grand. **Moved by Hensley to receive and file and approve the design for the Central Library. Motion Carried 7-0.**

02-2887 (A) Communication from Library Board of Trustees, regarding design for new Central Library. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2888 30. Recommending approval of a preliminary subdivision plat for "Woodside Estate West Plat 2", vicinity of NW 57th Place and NW Torgerson Lane, within the 2 mile jurisdiction for subdivision review. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-2889 31. On vacation and conveyance of property north and west of Hartford Avenue and SE 16th Street to CYRANO L.C., \$56,088, (1-06-03). ([Council Communication No. 02-637](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2890 32. On vacation and conveyance of a portion of North/South alley between 24th and 25th Streets, south of Kingman Boulevard to abutting property owners, (1-6-03). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Daniels declares a conflict of interest, and abstains from voting.**

02-2891 33. On request for voluntary annexation of property located east of Highway 69, south of County Line Road, (2-24-03). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2892 34. On request from The Metro Market, L.L.C. to rezone property at 2001 High Street, from "R-4" (Multiple Family Residential) and "C-1" (Neighborhood Retail Commercial) to Limited "C-2" (General Retail and Highway-Oriented Commercial), to develop a year-round farmers market retail operation with auction house in the lower level, subject to conditions, (1-6-

03). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-2893 35. Approving payment of \$1,217.43 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2894 36. Approving payment of \$1,361.62 to the law firm of Spiegel & McDiarmid for services in connection with the Brownfields Showcase Community, federal funding, Riverpoint West Redevelopment and related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2895 37. Approving payment of \$401.70 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Gerald Lovejoy in case of Maria Garces v. Gerald Roger Lovejoy, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2896 38. Approving payment of \$703.10 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce Wilson and Val Wilson, Jr. as administrators of estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 7-0.**

02-2897 39. Approving payment of \$30,000 to George Ness for payment of workers' compensation benefits for permanent injury sustained during the course and scope of city employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-2898 40. Submitting various traffic regulations as follows: **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Four-Way Stop--58th Street and Kingman Avenue

(2) Four-Way Stop--44th Street and College Avenue

(3) Traffic Control Changes--Cottage Grove Avenue between 19th Street and 29th Street (due to street reconfiguration as part of I-235 project, [\(Council Communication No. 02-631\)](#))

APPROVING

02-2899 41. Receipt of Des Moines International Airport FY2001/2002 Annual Report, (on file in the City Clerk's Office). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2900 42. Receipt of Audited Financial Statements for the Airport for the year ended June 30, 2002, (on file in the City Clerk's Office) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2901 43. City of Des Moines Comprehensive Annual Financial Report (CAFR) for the fiscal

year ended June 30, 2002, (on file in City Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2902 44. Second Amendment to Development Agreement for 2001 Partnership, L.L.C. in Guthrie Avenue Business Park (2001 DeWolf Street). ([Council Communication No. 02-629](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2903 45. Issuance of the Certificate of Completion for the Nationwide Office Building and Garage. ([Council Communication No. 02-635](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2904 46. Agreement for assignment of skywalk obligations for Federal Home Loan Bank property from the bank to Nationwide Mutual Insurance Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2905 47. Submission of a Community Economic Betterment Account (CEBA) Application to the State of Iowa for American Tire Distributors, \$100,000. ([Council Communication No. 02-651](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

02-2906 48. Bid from Bonnie's Barricades, Inc., (Bonnie Ruggles, President, 1547 Michigan Street, Des Moines) for traffic control safety devices to be used by the Public Works Department, \$5,000 per year. (Three bids mailed-one received). ([Council Communication No. 02-634](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2907 49. Civil Service Entrance List for Assistant Surveyor and Promotional List for Fire Medic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-2908 50. Authorizing Finance Director to draw checks on the registers of December 20 and December 27, 2002 for the bills of the Des Moines Municipal Housing Agency for the weeks of December 16, December 23, and December 30, 2002; and to draw checks for biweekly payroll due employees on December 27, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-2909 51. Amending Chapter 114 of the Municipal Code regarding traffic regulations as follows. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Petition to Restrict Parking--Both Sides of Morton Avenue from Idaho Street east to the Dead End.

(2) Loading Zone--West Side of 38th Street, North of Ingersoll Avenue.

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

ORDINANCES - FIRST CONSIDERATION

02-2910 51-I Amending Chapter 102 of the Municipal Code regarding exempting abutting property owners from maintenance of multi-use recreational trails. ([Council Communication No. 02-642](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2911 (A) Final consideration of ordinance above, (waiver requested by City Manager), 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, #14,164. Motion Carried 7-0.**

02-2912 52. Amending the Building, Electrical, Mechanical and Plumbing Codes in Chapter 26 to limit the provisions for waiver of fees to work upon property owned by the U.S., State of Iowa, or any county. (Budget Proposal CD15) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

53. Amending the amount of fees and other charges **which are required to be set by ordinance in the Municipal Code.**

02-2913 (A) Chapter 74, regarding admission, rental and other fees for facilities, activities or services provided by the Park and Recreation Department such as the amphitheater, Botanical Center, golf courses, pools, establishing a recreation card, and authorizing the park and recreation director to reduce fees for lower income residents. **Moved by Coleman that this ordinance be considered and given first vote for passage, as amended. Motion Carried 4-3. Nays: Hensley, Brooks and Vlassis.**

(1) 74-174 - delete section

(2) 74-177(c) - eliminate resident rate.

(3) 74-183 early bird rate to be \$120 and eliminate resident rate.

02-2914 A-1 Chapter 74 regarding Zoo Fees. **Moved by Vlassis to defer to the December 18, 2002 Council meeting. Motion Carried 7-0.**

02-2915 (B) Chapter 118, Section 118-275 thereof, increasing the ERU rate to be applied in calculating the storm water management fee for residential and nonresidential properties. ([Council Communication No. 02-633](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2916 (C) Chapter 114, creating an administrative penalty for illegal off-street parking in an amount to be set in a Schedule of Administrative Penalties, increasing fines for delinquent overtime parking, and increasing rates for parking meters and special parking permits. **Moved by**

Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0. (Council Member Cownie votes "NO" on section 114-643, Parking Meter Rates).

****Council considered Hearing Items next****

54. Amending various chapters of the Municipal Code to provide that the amounts of the fees authorized and established in those chapters **shall be set in a Schedule of Fees to be adopted by the City Council by resolution.**

Community Development Department Fees

02-2917 (A) Chapter 26, to place all fees under the Building Code into a Schedule of Fees. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

02-2918 (A1) Waiver of readings and final passage of 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,, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,165](#). Motion Carried 6-1. Absent: McPherson**

02-2919 (B) Chapter 26, to place all fees under the Electrical Code into a Schedule of Fees. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

02-2920 (B1) Waiver of readings and final passage of 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,, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,166](#). Motion Carried 6-1. Absent: McPherson**

Community Development Department Fees

02-2921 54. (C) Chapter 26, to place all fees under the Mechanical Code into a Schedule of Fees. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

02-2922 (C1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,167](#). Motion Carried 6-1. Absent: McPherson.

02-2923 (D) Chapter 26, to place all fees under the Plumbing Code into a Schedule of Fees. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.

02-2924 (D1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,168](#). Motion Carried 6-1. Absent: McPherson

02-2925 (E) Amending the City Code to place the required fees for comprehensive plan amendments, rezonings and subdivision plats, now specified in Section 82-1, into a Schedule of Fees. Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

02-2926 (E1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,169](#). Motion Carried 7-0.

Community Development Department Fees

02-2927 54. (F) Amending the City Code to place the required fees for applications to the Zoning Board of Adjustment, now specified in Section 82-2, into a Schedule of Fees. Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

02-2928 (F1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,170](#). Motion Carried 7-0.

02-2929 (G) Amending the City Code to place the required fees for site plans and Certificates of Occupancy, now specified in Section 82-3, into a Schedule of Fees. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2930 (G1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,171](#). Motion Carried 7-0.**

02-2931 (H) Enacting a new Article X to Chapter 82 of the City Code imposing a fee upon requests for City approval of applications for Low Income Housing Tax Credits. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2932 (H1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,172](#). Motion Carried 7-0.**

Engineering Department Fees

02-2933 (I) Chapter 94, to establish fee for the administrative and technical review of private construction contracts by the Engineering Department, and to place such fees in a Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2934 (I1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,173](#). Motion Carried 7-0.**

02-2935 (J) Chapter 102, regarding the use of public rights-of-way for private use to place all fees into a Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2936 (J1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,174](#). Motion Carried 7-0.

02-2937 (K) Chapter 126, to place the fees for the issuance of taxicab and limousine licenses into a Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2938 (K1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,175](#). Motion Carried 7-0.**

Fire Department Fees

02-2939 54. (L) Chapter 38, amending Section 38-26 to provide that fees for ambulance services shall be set in a Schedule of Fees; by amending Section 38-81 to provide an exception to the definition of false fire alarms; by enacting new sections 38-84.01 and 38-123.01 to provide for the assessment of administrative penalties for false fire alarms and false police alarms in the amount set in a Schedule of Administrative Penalties; and by amending Sections 38-85 and 38-124 to amend the amount of civil penalties that may be assessed in municipal infraction cases for false fire and police alarms. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2940 (L1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,176](#). Motion Carried 7-0.**

02-2941 (M) Chapter 46, amending Section 46-01 thereof to provide that fees for fire department permits and for copies of fire and medical records and reports shall be set in a Schedule of Fees, and by enacting new Sections 46-440 and 46-441 providing for fees for follow-up inspections in connection with the issuance or renewal of fire department permits and in connection with fire code violations, such fees to be set in a Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2942 (M1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,177](#). Motion Carried 7-0.

Parks Department Fees

02-2943 (N) Chapter 34, to provide that fees for the sale of cemetery lots and for various activities and services in connection with city owned cemeteries be in the amounts set in a Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2944 (N1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,178](#). Motion Carried 7-0.**

Police Department Fees

02-2945 (O) Chapter 10, to establish administrative fees for Police Department exemption requests, the amount of such fees to be set in a Schedule of Fees. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2946 (O1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,179](#). Motion Carried 7-0.**

02-2947 (P) Chapter 86, to provide that fees for copies and abstracts of Police records and for fingerprint services be in the amounts set in a Schedule of Fees, and establishing an administrative fee for Police Department processing of bonds for pretrial detainees in a amount set in a Schedule of Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

Police Department Fees

02-2948 54. (P1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,180](#). Motion Carried 7-0.

02-2949 (Q) Chapter 30, to provide that fees for pawnbrokers licenses be in the amounts set in a Schedule of Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2950 (Q1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,181](#). Motion Carried 7-0.**

City Clerk Fees

02-2951 (R) Chapter 14, regarding the licensing of game rooms, amusement devices, bowling alleys, amusement houses, theaters and theatrical performances to amend the application timelines and move the fees to a Schedule of Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2952 (R1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,182](#). Motion Carried 7-0.**

City Clerk Fees

02-2953 (S) Chapter 30, regarding house number painting and the licensing of salvage dealers to amend the application timelines and move the fees to a Schedule of Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2954 (S1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,183](#). Motion Carried 7-0.**

02-2955 (T) Chapter 42, regarding permits for snow dumping to move the fees to a Schedule of Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2956 (T1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,184](#). Motion Carried 7-0.**

02-2957 (U) Chapter 70, regarding graffiti licenses to move the fees to a Schedule of Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2958 (U1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,185](#). Motion Carried 7-0.**

City Clerk Fees

02-2959 54. (V) Chapter 78, regarding the licensing of peddlers to amend the definitions and exemptions, and to move the fees to a Schedule of Fees. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2960 (V1) Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,186](#). Motion Carried 7-0.**

02-2961 (VV) Chapter 78, regarding the licensing of solicitors and transient merchants, to amend the definitions and exemptions, and to move the fees to a Schedule of Fees. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2962 VV-1 Waiver of readings and final passage of 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,190](#). Motion Carried 7-0.

02-2963 (W) Chapter 98 regarding the licensing of solid waste haulers to move the fees to a Schedule of Fees. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2964 (W1) Waiver of readings and final passage of above. **Moved by Vlassis 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, and that the City Clerk Withhold Publication of this ordinance until a Schedule of Fees is adopted which establishes the amount of all fees referenced in this ordinance, [#14,187](#). Motion Carried 7-0.**

02-2965 55. Amending Chapter 102 of the Municipal Code, regarding right-of-way management. ([Council Communication No. 02-647](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered items 61 thru end of agenda next****

HEARINGS (Opened at 5:40 P.M.) (Items 56 thru 60)

02-2966 56. On request from Townsend Engineering Company, to rezone property at 2425 Hubbell Avenue from "R1-60" (One Family Low Density Residential) and "C-1" (Neighborhood Retail Commercial) and "M-1" (Light Industrial) to "PUD" (Planned Unit Development) along with approval of the Townsend Engineering PUD Concept Plan subject to revisions. **Moved by McPherson to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-2967 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2968 (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, [#14,188](#). Motion Carried 7-0.**

02-2969 57. On conveyance of property west of and adjoining 1916 E. 41st Street to Bonnie Boothroyd, \$2,500. ([Council Communication No. 02-639](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2970 58. On conveyance of property in the vicinity of 3301 E. Euclid to Hurd Real Estate Services, Inc. as part of consideration for property interests required for the Gay Lea Wilson Recreation Trail. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2971 59. On sale of 26 ft. strip of property between SW 3rd and SW 4th Streets to construct necessary paved drive improvements, for the Science Center of Iowa. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2972 60. On Franklin Avenue and North Side Library Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Academy Roofing & Sheet Metal Co., (John McDermott, President), DM, \$152,966. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-2973 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:48 P.M. * *

****Council considered Items 54 and 55 next****

APPROVING

02-2974 61. Agreement with Wellmark Blue Cross and Blue Shield of Iowa for provision of City's health insurance benefits for the period from February 1, 2003 through and including June 30, 2004. ([Council Communication No. 02-632](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Cownie.**

02-2975 62. Professional Archaeological Services Agreement with Great Lakes Archaeological Research Center, Inc. for Agrimergent Technology Park. ([Council Communication No. 02-628](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-2976 63. Revised Trails Plan for the City to include both on-street and off-street trails, and to replace existing Trails Plan maintained by the local Metropolitan Planning Organization, (MPO). ([Council Communication No. 02-640](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Vlassis.**

02-2977 64. Contract for development of an Americans with Disabilities Act (ADA) Transition Plan for City of Des Moines' public facilities with RDG Bussard Dikis, (William Dikis, Partner), \$74,750. ([Council Communication No. 02-641](#)). **Moved by Coleman to approve. Motion Carried 7-0.**

02-2978 65. Revised Intergovernmental 28E Agreement with Neighborhood Development Corporation (NDC) to continue operation of the corporation commencing November 1, 2002 and ending September 30, 2007. ([Council Communication No. 02-630](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

66. Items regarding the Blank Park Zoo:

02-2979 (A) City acceptance of ownership of the Myron and Jackie Blank Discovery Center from the Blank Park Zoo Foundation. ([Council Communication No. 02-643](#)). **Moved by McPherson to defer to the December 18, 2002 Council Meeting. Motion Carried 7-0.**

02-2980 (B) First Amendment to the 28E Web of Life Interpretive Center Agreement with the Blank Park Zoo Foundation, for their continued funding of the Discovery Center until July 1, 2003. **Moved by McPherson to defer to the December 18, 2002 Council Meeting. Motion Carried 7-0.**

02-2981 67. Chapter 28E Agreement with the Des Moines Water Works for relocation of water utility facilities in connection with the Martin Luther King, Jr. Parkway Project. ([Council Communication 02-648](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

02-2982 68. Recommendation from City Manager regarding Court Avenue Redevelopment actions. ([Council Communication No. 02-636](#)). **Moved by Hensley to adopt the recommendation in Council Communication No. 02-636. Motion Carried 6-1. Nays: Brooks.**

02-2983 69. Receipt of recommendation from Neighborhood Revitalization Board (NRB) regarding proposed changes to membership on the NRB, for referral to staff. **Moved by Brooks to receive and file; refer to City Manager and Legal for review and recommendation. 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.

02-2984 1. Approving Grant Agreement with Polk County for development and construction of Downtown Central Public Library. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-2985 2. Amending Chapter 114 of the Municipal Code placing a 4-way stop at E. 5th and Des Moines. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-2986 (A) Final consideration of ordinance above, (waiver requested by Council Member Brooks), 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, [#14,189](#). Motion Carried 7-0.

A G E N D A

BOARD OF HEALTH December 16, 2002

02-2987 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

02-2988 (A) 1111 Burnham Avenue (vacant) Titleholder: Jessica Bourdon. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN02-2989 (B) 917 E. 27th Court (vacant) Titleholder: Jennifer Hartman; Legal Interest Holders: Community State Bank and Ninth Inning Properties, L.L.C.

02-2990 (C) 1602 Des Moines Street (vacant) Titleholders: Marvis E. Routh and Mary M. Routh; Legal Interest Holders: CitiFinancial Mortgage Company and Maria N. Mendez. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-2991 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 6:50 P.M. Motion Carried 7-0.**

HAPPY HOLIDAYS

FROM THE CITY CLERK'S OFFICE