

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 12, 2001 4:30 P.M.

City Council Chambers

PROCLAMATIONS- 4:15 P.M.:

Drake Moot Court Team

SPECIAL PRESENTATIONS:

Southside Revitalization Partnership-Winner of Slogan Contest

INVOCATION: Reverend Paul Kock, Jr., Park Avenue Christian Church

01-646 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, and McPherson. Absent: Hensley and Vlassis.**

01-647 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 5-2.**

01-648 3. APPROVING CONSENT AGENDA - items 3 through 73: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

01-649 4. Communication from Legal Department regarding March 12, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 5-2.**

Class "B" Beer

01-650 5. City of Des Moines dba Grandview Golf Course, 2401 East 29th Street; Renewal - Expires 3-31-01 (With Sunday Sales and Outdoor Service) - Application submitted 2-16-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

Class "C" Beer Licenses

01-651 6. Phillips 66 Company, James Mulva, President dba Coastal #31048, 4503 Fleur Drive; New Application (With Sunday Sales) - Application submitted 2-28-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-652 7. Phillips 66 Company, James Mulva, President dba Coastal #31043, 2110 East Guthrie;

New Application (With Sunday Sales) - Application submitted 2-28-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-653 8. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #524, 4140 Park Avenue; Renewal - Expires 3-19-01 (With Sunday Sales) - Application submitted 2-26-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

Class "C" Beer/"B" Wine Licenses

01-654 9. Phillips 66 Company, James Mulva, President dba Coastal #31028, 3625 Ingersoll; New Application (With Sunday Sales) - Application submitted 2-20-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-655 10. Phillips 66 Company, James Mulva, President dba Coastal #31087, 1516 Southeast 1st Street; New Application (With Sunday Sales) - Application submitted 2-20-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-656 11. Foods Inc., Ronald C. Bartos, President dba Dahls, 3425 Ingersoll; Renewal - Expires 3-27-01 (With Sunday Sales) - Application submitted 2-19-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-657 12. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #544, 3941 Southeast 14th Street; Renewal - Expires 2-14-01 (With Sunday Sales) - Application submitted 4-9-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-658 13. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #559, 4024 Fleur Drive; Renewal - Expires 4-18-01 (With Sunday Sales) - Application submitted 2-14-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

Class "C" Beer-Wine Licenses

01-659 14. City of Des Moines dba Waveland Golf Course, 4908 University; Renewal - Expires 3-15-01 (With Sunday Sales and Outdoor Service) - Application submitted 2-16-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

Class "C" Liquor Licenses

01-660 15. Bowlerama Lanes, LTD, Dan J. Bobenhouse, President dba Bowlerama Lanes, 1313 Southeast Diehl; Renewal - Expires 3-18-01 (With Sunday Sales) - Application submitted 2-20-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-661 16. Hairy Mary's, Inc., John J. Limke, President dba Hairy Mary's, 2307 University; Renewal - Expires 3-22-01 (With Sunday Sales) - Application submitted 2-20-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-662 17. Hazel Jones dba Hazel's Blue Sky, 3940 Dixon; Renewal - Expires 3-14-01 (With Sunday Sales) - Application submitted 1-31-01. **Moved by McPherson to adopt. Motion**

Carried 5-2.

01-663 18. Highland Park Country Club, Inc., Joan Erickson, President dba Highland Park Country Club, 518 Euclid; Renewal - Expires 3-28-01 (With Sunday Sales) - Application submitted 2-15-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-664 19. Quail Enterprises, Inc., Henry Schneider IV, President dba Iowa Beef Steak House, 1201 East Euclid Avenue; Renewal - Expires 3-21-01 (With Sunday Sales) - Application submitted 2-20-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-665 20. Stephen C. Bainter dba Kelly's, 1701 East Grand; New Application (With Sunday Sales and Outdoor Service) - Application submitted 2-6-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-666 21. Peter L. Riccelli, Sr., dba Riccelli's Supper Club, 3803 Indianola Avenue; Renewal - Expires 3-13-01 (With Sunday Sales) - Application submitted 2-19-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-667 22. Kile West Corporation, Catherine S. Kile, President dba Sunrise Tap, 4155 Easton; Renewal - Expires 3-31-01 (With Sunday Sales) - Application submitted 2-16-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-668 23. The Rocket Inc., Steve Little, President dba Winston's Pub and Grille, 601 Locust; Renewal - Expires 3-27-01 (With Sunday Sales) - Application submitted 2-14-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-669 24. Wheely's Bar & Grill, Inc., Terry Lee Dell, President dba Wheely's Bar & Grill, 4369 Merle Hay Road; Renewal - Expires 3-31-01 (With Sunday Sales) - Application submitted 2-28-01. **Moved by McPherson to adopt. Motion Carried 5-2.**

Authorizing

01-670 25. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-671 26. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-672 27. City Treasurer to issue Refunds. **Moved by McPherson to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS

28. Approving Agreements for Professional Services with the following, in conjunction with Citywide Traffic Signal Interconnections:

01-673 (A) Part One - Northeast Traffic Signal Interconnect; Northwest Traffic Signal Interconnect; and 2nd/6th Avenue Traffic Signal Interconnect. ([Council Communication No. 01-108](#)). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-674 (B) Part Two - Grand/Ingersoll/University Avenue Traffic Signal Interconnect. ([Council Communication No. 01-108](#)). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-675 29. Approving execution of Agreement for Professional Services with Kyker Johnson Architecture (Edward Kyker, President) in conjunction with the Blank Park Zoo Gift Shop Addition and Remodeling - \$17,000. ([Council Communication No. 01-118](#)). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-676 30. Approving Addendum No. One to Professional Services Agreement with Earth Tech, Inc., (Diane Creel, CEO, Long Beach, CA) for final design of paving, signals, railroad crossing and related work on 11th/12th Street Connector from Martin Luther King, Jr. Parkway to Cherry Street, in conjunction with Allied Project - \$73,100. ([Council Communication No. 01-119](#)). **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-677 31. Approving Agreement with Veenstra & Kimm, Inc., (Robert Veenstra Jr., President, WDSM) to perform professional services in connection with Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System (NPDES) Permit Sampling and Compositing - \$62,084. ([Council Communication No. 01-122](#)). **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-678 32. Professional Services Agreement with Veenstra and Kimm, Inc., (H.R. Veenstra Jr., President, WDM), for the upper Union Park Sewer Separation Project, not to exceed \$454,790. ([Council Communication No. 01-123](#)). **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-679 33. Approving execution of Federal Aviation Administration Grant 29 for 2001 phase of Runway 5-23 extension project. ([Council Communication No. 01-117](#)). **Moved by McPherson to adopt. Motion Carried 5-2.**

34. Resolution Ordering Construction of the following:

01-680 (A) Gray's Lake Resource Center Railing, Receiving of Bids, (3-27-01), and Setting Date of Hearing, (4-2-01), (Construction Estimate - \$80,000). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-681 (B) Easton Boulevard Bridge Repainting, Receiving of Bids, (3-27-01), and Setting Date of Hearing, (4-2-01), (Construction Estimate - \$57,000). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-682 (C) WRF Exhaust Modifications, Receiving of Bids, (3-27-01), and Setting Date of Hearing, (4-2-01), (Construction Estimate - \$60,000). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-683 35. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the 1998 Paving Program Contract No. 2, Manatts, Inc., \$52,652.32 is now due and \$24,431.43 and remaining balance to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-684 36. Communication from Hooyer Construction, Inc. requesting permission to sublet certain items on Union Park Rocket Slide Project. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-685 37. Approving partial payments on six public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 5-2.**

38. Approving completion and recommending acceptance of Private Construction Projects for the following:

01-686 (A) Sanitary Sewer Improvements in new development known as Easter Lake Estates Plat 6, located at Easter Lake Drive and SE 28th between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Oaks Development (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-687 (B) Storm Sewer Improvements in new development known as Easter Lake Estates Plat 6, located at Easter Lake Drive and SE 28th between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Oaks Development (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-688 (C) Street Improvements in new development known as Easter Lake Estates Plat 6, located at Easter Lake Drive and SE 28th between Eco-Tech Contractors, Inc., (Steve Gillotti, President, WDSM), Contractor and Oaks Development (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-689 (D) Storm Sewer Improvements being the installation of storm sewer in new development, Easter Lake South Phase 1, located at East Payton Avenue and SE 31st Street between McAninch Corporation (Douglas McAninch, Vice President), Contractor and Oaks Development (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-690 (E) Sanitary Sewer Improvements for the new development, Easter Lake South Phase 1, located at East Payton Avenue and SE 31st Street between McAninch Corporation (Douglas McAninch, Vice President), Contractor and Oaks Development (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-691 (F) Sanitary Sewer: Druid Hill Townhomes Improvements a Sanitary Sewer, 8-inch, for Druid Hill Townhomes at 2860 Druid Hill Drive between McAninch Corporation (Dwayne

McAninch, President, WDSM), Contractor and Clarke Company, Ltd. (John Clark, Partner), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-692 (G) Sanitary Sewer: Druid Hill Townhomes Improvements a sanitary sewer for Druid Hill Townhomes at 2800 Druid Hill Drive between McAninch Corporation (Emery Sanford, Vice President, WDSM), Contractor and Clarke Company, Ltd. (John Clark, Partner), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-693 (H) Storm Sewer Improvements for Easter Lake Estates Plat 5, located at Easter Lake Drive and SE 29th Court between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and The Oaks Development Company (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-694 (I) Sanitary Sewer Improvements for Easter Lake Estates Plat 5, located at Easter Lake Drive and SE 29th Court between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and The Oaks Development Company (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-695 (J) Street Improvements for PCC paving of proposed Easter Lake Estates Plat 5, located at Easter Lake Drive and SE 29th Court between Eco-Tech (R.S. Gillotti, President, WDSM), Contractor and The Oaks Development Company (John C. Kline, President, WDSM), Owner. **Moved by McPherson to adopt. Motion Carried 5-2.**

SPECIAL ASSESSMENTS

39. Notice to levy assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development):

01-696 (A) Schedule No. 2001-02. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-697 (B) Schedule No. 2001-03. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-698 (C) Schedule No. 2001-04. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-699 (D) Schedule No. 2001-26. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-700 (E) Schedule No. 2001-51. **Moved by McPherson to adopt. Motion Carried 5-2.**

LAND/PROPERTY TRANSACTIONS

01-701 40. Establishing Fair Market Value and authorizing acquisition of property for SW 11th and Market Streets shuttle parking lot project from Norfolk Southern Railway Company-\$18,000. **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-702 41. Approving extension of Structure Removal Contract for house at 6740 SW 30th Street, with a termination date of April 2, 2001. [\(Council Communication No. 01-115\)](#). **Moved**

by McPherson to adopt. Motion Carried 5-2.

01-703 42. Approve and accept right-of-way documents from various property owners (Dennis Chamberlin and Susan Chamberlin, Joseph A. Pelican and Karen K. Pelican, and Robert E. Silvers) in conjunction with the Douglas Avenue Widening at Beaver Avenue Project - \$5,588.00 plus closing costs. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-704 43. Approve and accept right-of-way documents for construction of the 1999 Paving Program - Garfield Avenue, East 32nd Street to East 33rd Street, from Donald E. Erickson and Sylvia S. Erickson, 3270 Garfield Avenue-\$150.00 plus closing costs. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-705 44. Approve Conveyance of Electric Transmission Line Easement to MidAmerican Energy Company pursuant to a Utility Relocation Agreement for the east/west segment of Martin Luther King, Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-706 45. Approving and accepting documents for acquisition of 1543 East Walnut Street from Polk County Tax Sale for Capitol East Urban Renewal Project. **Moved by McPherson to adopt. Motion Carried 5-2.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-707 46. Receipt of City Boards and Commissions annual attendance report. **Moved by Coleman to adopt receipt and express appreciation to all, especially those with perfect attendance. Motion Carried 5-2.**

01-708 47. Communication from Urban Renewal Board Chair, requesting Council declare Scott Parks seat vacant. **Moved by Coleman to receive, file, and declare the seat vacant; and also to declare the seats of Jeanette Woods and William Guyer vacant. City Clerk to report on appointment recommendations. Motion Carried 5-2.**

01-709 48. Communication from Joe Schaefer, submitting his resignation from the Plan and Zoning Commission, effective immediately. **Moved by McPherson to receive, file, and accept with appreciation for service. Motion Carried 5-2.**

01-710 49. Recommendation from Council Member Vlassis, to appoint Madaline Clark, as Tenant Representative, to the Public Housing Board, term to expire June 30, 2003. **Moved by McPherson to adopt. Motion Carried 5-2.**

STREET CLOSINGS

01-711 50. Approving closure of the following City Streets: **Moved by McPherson to approve the street closures listed, and approve any street closure continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 5-2.**

(1) Robin Leaper, Des Moines Park & Recreation, 3226 University, requesting permission to close E. 1st Street from E. Locust to E. Grand on Saturday, April 21, 2001, from 8:00 A.M. to 2 P.M. for the Annual Mayor's Bike Ride for the Trails.

CITY PLAN COMMISSION RECOMMENDATIONS

01-712 51. Regarding request from Michael Sheronick, 2500 E. 24th Street, for vacation and conveyance of the north/south alley from E. Sheridan to Arthur Avenue between E. 23rd and E. 24th. **Moved by McPherson to adopt and refer to the City Manager and Legal Department to implement. Motion Carried 5-2.**

01-713 52. Regarding request from William Wellesley Trust, 3200 Lincoln Place Drive, for vacation and conveyance of a 30' x 436' strip on the northern portion of the Mahaska Parkway right-of-way south of Lincoln Place Drive and dedication of a 16' x 265' strip of land onto the south part of Lincoln Place Drive east of SW 34th Street, as new right-of-way. **Moved by McPherson to adopt and refer to the City Manager and Legal Department to implement. Motion Carried 5-2.**

SETTING DATE OF HEARINGS

01-714 53. On assessment of \$300 penalty to 9 Cigarette Permittees, for violation of Iowa Cigarette Laws (sale to minors), (3-26-01). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-715 54. On Assignment of the Concession Agreement for Food and Beverage Operations at the Airport, from Creative Host Services, Inc., to GladCo Enterprises, Inc., (3-26-01). [\(Council Communication No. 01-114\)](#). **Moved by McPherson to adopt. Motion Carried 5-2.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-716 55. Approving payment of \$10,967.83 to Ahlers, Dorweiler, Haynie, Smith & Allbee, P.C. for services related to issuance of bonds to fund improvements for Airport's respective enterprises. **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Flagg.**

01-717 56. Approving payment of \$1,174.89 to William Jenkins of Myers & Jenkins for outside counsel to represent City in the Trans World Airlines, Inc. bankruptcy. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-718 57. Approving payment of \$562.37 to Spiegel & McDiarmid Law Firm for services to the City in matters relating to FAA concerns regarding City's Airport PILOT charge. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-719 58. Approving payment of \$365.15 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee P.C. for assistance to the City in regard to the development of the Kiwanis Nature Island

at Riverview Park. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-720 59. Approving payment of \$2000 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-721 60. Approving payment of \$283.20 to LaMarca and Landry, P.C. for representation of Officer Greg Dickel in the case William L. Taylor v. Cynthia Donahue, Greg Dickel and Martin Siebert. **Moved by McPherson to approve payment. Motion Carried 5-2.**

01-722 61. Approving payment of \$1333.65 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation of John Mihalovich in the case Kathryn Blom v. City of Des Moines and John Mihalovich. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-723 62. Approving payment of \$2103.80 to Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in the case Joyce Wilson and Val Wilson, Jr. as Administrators of the Estate of Jerome LeRoy Mozee v. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 5-2.**

01-724 62-I Approving payment of \$2,000 to Amber Keasey, in payment for injury as a result of auto accident on 1-15-2001. **Moved by McPherson to adopt. Motion Carried 5-2.**

CITY MANAGER COMMUNICATIONS

01-725 63. Submitting traffic regulation changes as follows: [\(Council Communication No. 01-121\)](#). **Moved by McPherson to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**

- (1) Parking Restriction--North Side of Des Moines Street East of Pennsylvania Avenue.
- (2) Corner Clearance--South Side of East Madison Avenue East of East 23rd Street.
- (3) Corner Clearance--East Side of 43rd Street South of College Avenue.
- (4) Corner Clearance--West Side of SE 13th Street South of East Watrous Avenue.
- (5) Installation of Handicapped Parking Meters and Loading Zone--Adjacent to 1206 Mulberry Street.
- (6) Shorten Corner Clearance and Remove Handicapped Parking--West Side of 3rd Street North of New York Avenue.
- (7) Handicapped Parking Meters--West End of Grand Avenue Bridge.

01-726 64. Submitting out-of-state travel requests for Rick Moody, Mark Wessels, Richard Wallace, and Steve Howell. [\(Council Communication No. 01-109\)](#). **Moved by Coleman to adopt. City Manager to report on travel and training budgets. Motion Carried 5-2.**

APPROVING

01-727 65. Subordination Agreement with LaSalle Business Credit, Inc., in conjunction with

Color Converting Industries Co. ([Council Communication No. 01-110](#)). **Moved by McPherson to approve. Motion Carried 5-2.**

01-728 66. Amendment No. One to Community Economic Development Account (CEBA) Loan Agreement for Trans-Lux Midwest Corporation to extend the job attainment date to December 31, 2001. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-729 67. Receipt of Legislative update for the 2001 Session. **Moved by Coleman to receive and file the attached report. Motion Carried 5-2.**

68. Bids for the following:

01-730 (A) Pomeroy Computer Systems, (Dave Pomeroy, President) from State of Iowa Contract No. 00-110B for computer equipment to be used by the Information Technology Department at a total cost of \$827,352. **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-731 (B) Pigott Inc., (John Stenberg, President) from State of Iowa Contract No. CT1200MV for Herman Miller office furniture to be used by the Housing Services Department at a total cost of \$83,073.48. **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-732 (C) Corporate Express, (Urbandale, IA, Glenn Kohout, Branch Manager) for office furniture to be used by the Police Department (Patrol Division) at a total cost of \$33,496.44. (Three bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-733 (D) Approving low compliant bids for an annual contract for Portland Cement concrete products to be used by the Public Works Department. (Five bids mailed-four received) (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-734 (E) Approving low compliant bids for an annual contract for construction materials to be used by the Public Works Department (Street Maintenance Division). (Eleven bids mailed-eight bids received) (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 4-2-1. Pass: Brooks.**

01-735 69. Civil Service Entrance Lists for Assistant Police Property Manager and Senior City Planner. **Moved by McPherson to receive and file. Motion Carried 5-2.**

01-736 70. Authorizing Finance Director to draw checks on registers of March 2, 2001 and March 9, 2001; bills of the Des Moines Municipal Housing Agency for the weeks of March 5, 2001 and March 12, 2001 and biweekly payroll due employees of the City on March 9, 2001. **Moved by McPherson to adopt. Motion Carried 5-2.**

ORDINANCES - FINAL CONSIDERATION

01-737 71. Amending Chapter 74 of the Municipal Code regarding various park fees. **Moved by McPherson that this ordinance do now pass, #13,929. Motion Carried 4-2-1. Nays: Coleman.**

ORDINANCES - SECOND CONSIDERATION

01-738 72. Increasing the number of members on the Zoning Board of Adjustment to 7. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

01-739 73. Giving prior approval for a partial exemption from property taxation on the value to be added by new construction to industrial real estate at 2500 Dixon Street, owned by Lomar Distributing, Inc. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

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

ORDINANCES - FIRST CONSIDERATION

01-740 74. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

- (1) Two-Hour Parking Restriction--East Side of 19th Street south of Pleasant.
- (2) Traffic Signals - Southridge Mall West Entrance and Army Post Road.
- (3) Three-way stop -- SW 26th Street and Watrous Avenue.
- (4) Four-Way Stop -- SW 26th Street and Stanton.
- (5) Through Street Designation -- SW 26th Street from McKinley Avenue to Stanton Avenue.
- (6) One-sided parking restriction -- 49th Street and 49th Place North of Bel-Aire Road.
- (7) Two-sided parking restriction -- Thornton Avenue from SW 2nd to SW 4th.
- (8) Handicapped Parking Area--North Side of Des Moines Street East of E. 11th Street.

01-741 75. Approving and amending Ordinance No. 13,867, (approved 9-25-00) to vacate a 25' x 135' strip of Sheridan Avenue right-of-way adjoining 2620-37th, (error in title and legal description). **Moved by McPherson to adopt. Motion Carried 5-2.**

****Council considered Items 86 through end of agenda next****

HEARINGS (Opened at 5:10 P.M.) (Items 76 thru 85)

01-742 76. On assessment of \$300 penalty to Cigarette Permittees, for violation of Iowa Cigarette Laws (sale to minors). **Moved by Coleman to adopt. Motion Carried 5-2.**

01-743 77. On Building Official's determination that the structure at 4017 Cambridge Street, constitutes a public nuisance. ([Council Communication No. 01-111](#)). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-744 78. On Supplement No. 4 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital LLC., not to exceed \$620,000, for acquiring computer equipment. ([Council Communication No. 01-112](#)). **Moved by Flagg to adopt. Motion Carried 5-2.**

01-745 (A) Resolution to take additional action. **Moved by Flagg to adopt. Motion Carried 5-2.**

01-746 79. On request from Midwest Property Group, Ltd. represented by J.J. Javros, to rezone property in the vicinity of 601 to 801 University Avenue, from "R-3" (Multiple Family Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (Highway Oriented Commercial), to "PUD" (Planned Unit Development) for a neighborhood supermarket, general store and pharmacy. **Moved by Flagg to adopt. Motion Carried 5-2.**

01-747 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

01-748 (B) Recommendation from City Plan and Zoning Commission to amend the Des Moines 2020 Community Character Land Use Plan, for the northern portion of the proposed development, from low/medium Density Residential to Pedestrian-Oriented Commercial Corridor. **Moved by Flagg to adopt. Motion Carried 5-2.**

01-749 (C) Recommendation from City Plan and Zoning Commission for APPROVAL of request from Midwest Property Group, Ltd. (Purchaser) represented by Brian Clark & Associates (Landscape Architect) to vacate and convey the north/south alley 265.5 feet north of University Avenue between 6th Avenue and 7th Street, 7th Street from University Avenue to Indiana Avenue, the north/south alley from University Avenue to Indiana Avenue between 7th Street and 8th Street, and 8th Street from University Avenue to Indiana Avenue. **Moved by Flagg to adopt and refer to the City Manager and Legal Department to implement. Motion Carried 5-2.**

01-750 80. On request from Oak Mills L.C. (John Kline), to rezone property at 2606 Easter Lake Drive, from "R1-90" (Large Lot, One Family Residential) to "PUD" (Planned Unit Development) and to approve conceptual plan, 66 single-family lots, Easter Lake Cove Concept Plan. **Moved by Brooks to defer consideration to March 26, 2001 at 5:30 P.M. Motion**

Carried 5-2.

WITHDRAWN 01-751 (A) First consideration of ordinance above.

01-752 81. On request from Rich Eychaner (Owner) to rezone property at 3700 Merle Hay Road, from "R-3" (Multiple family Residential) to "C-2" (General Retail and Highway-Oriented Commercial), subject to conditions. **Moved by Brooks to adopt. Motion Carried 5-2.**

01-753 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

01-754 82. On Walnut Street Sanitary Trunk Sewer Relining - 10th to 13th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Insituform Technologies USA, Inc., (Anthony Hooper, President, Chesterfield MO), \$524,500. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-755 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-756 83. On Fire Station No. 3 Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Citation Building Supply, (J. Brian Vincent, President, DM), \$36,320.01. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-757 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-758 84. On Gray's Lake Signs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as ASI Sign Systems, (Thomas B. Latimer, President, Grinnell), \$28,341. **Moved by Coleman to adopt. Motion Carried 5-2.**

01-759 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 5-2.**

01-760 85. Resolution to reject all bids and close the hearing on City Hall and Armory Security System, (authorize staff to use Request for Proposals (RFP) process to solicit proposals). ([Council Communication No. 01-120](#)). **Moved by Brooks to adopt. Motion Carried 5-2.**

* * END HEARINGS at 5:25 P.M. * *

APPROVING

01-761 86. Lease Agreement with Mercy Hospital, to provide space to install a receiver site for

the City radio communication system, \$500 per year. ([Council Communication No. 01-107](#)).
Moved by Flagg to adopt. Motion Carried 5-2.

01-762 87. Approving employment of outside Professional services from Spiegel & McDiarmid in the amount of \$185 per hour relating to Brownfields Showcase Community and other related projects. ([Council Communication No. 01-113](#)). **Moved by Coleman to adopt. Motion Carried 4-2-1. Nays: Brooks.**

01-763 88. Intergovernmental 28E Agreement with Metro Waste Authority regarding lease of Compost Site and for collection and processing of yard waste materials. ([Council Communication No. 01-116](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

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.

01-764 1. Recommendation from Council Member Chris Coleman for appointment of Marian Gelb to the Park and Recreation Board, term to expire 6-30-04. SPONSOR: Coleman. **Moved by Coleman to adopt. Motion Carried 5-2.**

01-765 2. Request from Council Member George Flagg to discuss graffiti clean-up at 2014 9th Street. SPONSOR: Flagg. **Moved by Flagg to receive, file and discuss; refer to City Manager and Parks Director for review and recommendation. Motion Carried 5-2.**

01-766 3. Request from Council Member George Flagg to discuss letter from Dan Negrete, 2233 Des Moines Street, regarding Police response. SPONSOR: Flagg. **Moved by Flagg to receive, file and discuss; refer to City Manager for review and a report on two instances mentioned. Motion Carried 5-2.**

A G E N D A

BOARD OF HEALTH

March 12, 2001

01-767 MOTION TO CONVENE. **Moved by Flagg that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2.**

AUTHORIZING

01-768 1. Court authority to abate the public nuisance at 2132 Capitol Avenue (vacant)

Titleholder: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent, Contract Buyer: Dee Jay Bulman, Legal Interest Holders: FNAC Financial 1996-2 Limited Partnership, and Lyle and Diana Kronberg. **Moved by McPherson to adopt. Motion Carried 5-2.**

2. The Engineering Department to cause the following structures to be removed:

01-769 (A) 1701 E. Emma (garage); Titleholder, First National Acceptance Corporation; Contract Buyers, Jose L. Segovia and Sandra M. Gonzales. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-770 (B) 2005 9th Street: Titleholders, Kenneth E. Wiepert and Laveda S. Wiepert. **Moved by McPherson to adopt. Motion Carried 5-2.**

01-771 3. Authorizing release of demolition cost reserve held under claim number 14P13701 regarding property known as 2112 Woodland Avenue owned by Pochade, L.L.C. (Allied Insurance). **Moved by McPherson to adopt. Motion Carried 5-2.**

01-772 MOTION TO ADJOURN. **Moved by Flagg to adjourn as Board of Health and reconvene as the City Council. Council considered hearing items next and adjourned until 5:30 P.M. Council in recess. Moved by Brooks to adjourn the meeting at 5:36 P.M. Motion Carried 5-2.**

DES MOINES-CITY OF SKYWALKS