

SUMMARY OF DES MOINES CITY COUNCIL MEETING

August 6, 2001 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Korn Patch Clowns
- (b) "National Nite Out"
- (c) Responsible Gaming Education Week
- (d) Sister City Ambassadors

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) South Park Neighborhood Association

INVOCATION: Father Peter Cade, St. George Greek Orthodox Church

01-2349 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-2350 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2351 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-2352 4. Communication from Legal Department regarding August 6, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

WITHDRAWN 01-2353 5. Alvarez Corp., Eliaz Alvarez, President dba Acapulco Mexican Restaurant, 1246 East 14th Street; Renewal - Expires 8-7-01 (With Sunday Sales) - Application submitted 7-23-01.

01-2354 6. Los Laureles Inc., Eufracia Mayorga, Owner dba Los Laureles, 1518 East Grand; Renewal - Expires 7-29-01 (With Sunday Sales) - Application submitted 7-2-01. **Moved by**

Hensley to adopt. Motion Carried 6-1. Pass: Flagg.

01-2355 7. Oakmoor Racquetball-Health Center, Inc., Ronald O. Burns, President dba Oakmoor Racquetball-Health Center, 4731 Merle Hay Road; Renewal - Expires 8-19-01 (With Sunday Sales) - Application submitted 7-11-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

01-2356 8. Robert Louis Knudson dba Knudson's Valley Bait and Grocery, 2248 Valley Drive; Renewal - Expires 8-21-01 (With Sunday Sales) - Application submitted 7-17-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2357 (A) Star Distributors, Inc., (Surinder Singh Kheepal, president, dba 4 Mile Texaco, 3732 Easton, (With Sunday Sales) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer/"B" Wine Licenses

01-2358 9. Kaur Enterprises, Inc., Ravinder Kaur, President dba One Stop, 800 19th Street; New Application (With Sunday Sales) - Application submitted 7-11-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-2359 10. Quiktrip Corporation, Chester E. Cadieux, President dba Quiktrip #523, 850 Army Post Road; Renewal -Expires 8-14-01 (With Sunday Sales) - Application submitted 6-20-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-2360 11. AMF Bowling Centers, Inc. Stephen E. Hare, President dba Fair Lanes, 3839 East 14th Street; Renewal - Expires 8-16-01 (With Sunday Sales) - Application submitted 6-22-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2361 12. Judge Roy Bean's Eatin' & Drinkin' Emporium, Ltd., Jeffrey Baker, President dba Judge Roy Bean's Eatin' & Drinkin' Emporium, 210 Court Avenue; Renewal - Expires 8-22-01 - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2362 13. Los Compadres, Inc., Raymond Quijano, President dba Los Compadres, 1440 Maury Street; Renewal - Expires 8-15-01 - Application submitted 7-9-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-2363 14. B.D.U.Y. Foodservices Inc., Richard T. Murillo, President dba Stella's Blue Sky Diner, 200 Locust; Renewal - Expires 8-24-01 - Application submitted 7-25-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-2364 15. Toad Holler, Inc., Lou McCormick, President dba Toad Holler, 1820 Army Post

Road; Renewal - Expires 8-7-01 (With Sunday Sales) - Application submitted 7-9-01. With the stipulation that all off-street parking be brought up to standard by November 1, 2001 pursuant to Decision and Order of the Zoning Board of Adjustment - Docket No. 14-2001-1.14. Deferred from July 23, 2001 Council Meeting. **Moved by Brooks to adopt with the stipulation that all off-street parking be brought up to standard by November 1, 2001 pursuant to Decision and Order of the Zoning Board of Adjustment - Docket No. 14-2001-1.14. Deferred from July 23, 2001 Council Meeting. Motion Carried 6-1. Nays: Flagg.**

01-2365 16. Yo Yo's Bar & Grill, Inc., Yolando Muniz, President dba Yo Yo's Bar & Grill, 2400 Dean Avenue; Renewal - Expires 8-21-01 (With Sunday Sales) - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Special Event Licenses

01-2366 17. Partners In Charity, Michael Marasco, President dba The Brewfest, 4th Street between Court and Walnut; New 5 day application for Class "C" Beer-Wine License for event (The Brewfest) to be held on September 1 & 2, 2001. Application submitted 7-31-01. Subject to submission of acceptable building, electrical, zoning, and fire inspections and vice report. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

01-2367 18. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2368 19. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-2369 20. Authorization to proceed with preliminary work on the 2002 Sidewalk Program included in 2001/2002 Capital Improvements Program. ([Council Communication No. 01-411](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

21. Approving the following Change Orders with M. Peterson Construction Company as follows:

01-2370 (A) Change Order No. 2 (Merlin Peterson, President, 4000 Delaware), for additional work in conjunction with the M. L. King, Jr. Parkway Paving (SW 7th to SW 16th Street) in an amount not to exceed \$45,808. ([Council Communication No. 01-414](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2371 (B) Change Order No. 11 (Merlin Peterson, President, 4000 Delaware), for additional work in conjunction with the M. L. King, Jr. Parkway Paving (SW 2nd to SW 7th Street) in an amount not to exceed \$28,314. ([Council Communication No. 01-413](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2372 22. Approving Supplemental Agreement No. 3 between City and Shuck-Britson, Inc. regarding an amendment to the Professional Services Agreement for construction phase services for Phase 1 renovation of 4th and Grand Parking Garage, not to exceed \$65,954. ([Council Communication No. 01-412](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-2373 23. Approving Professional Services Agreement with Black & Veatch, Corporation (Leonard C. Rodman, CEO, Kansas City, MO) for design services on WRA Hauled Waste Receiving Station in an amount not to exceed \$50,000. ([Council Communication No. 01-418](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

24. Resolution Ordering Construction of the following:

01-2374 (A) Center Street Dam Safety Improvements, Receiving of Bids, (8-21-01), and Setting Date of Hearing, (9-10-01), (Construction Estimate -\$32,600). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2375 (B) Gray's Lake Resource Center - Phase 2, Receiving of Bids, (8-21-01), and Setting Date of Hearing, (8-24-01) (Construction Estimate -\$735,000). ([Council Communication No. 01-424](#)). **Moved by Hensley to defer action to allow further review with Parks staff. Motion Carried 7-0.**

01-2376 25. Approving Professional Services Agreement with Snyder & Associates, Inc., in conjunction with the design and property acquisition of I-235 Group 3 Design Services - Sanitary Sewer Relocation, along I-235 near E. 16th Street to Stewart Street, not to exceed \$205,934. ([Council Communication No. 01-416](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2377 26. Approving Professional Services Agreement with Veenstra & Kimm, Inc., in conjunction with the design and property acquisition of I-235 Group 4 Design Services - Sanitary Sewer Relocation, and I-235 along West River Drive, not to exceed \$75,866. ([Council Communication No. 01-417](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2378 27. Approving Agreement for a Railroad Crossing Improvement Project between the City and the Heartland Rail Corporation, (Donald C. Byers, President, Newton, IA) and its operating subsidiary, Iowa Interstate Railroad, Ltd. for public street railroad crossing on 11th/12th Connector- M.L. King Jr. Parkway to Cherry Street. ([Council Communication No. 01-410](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2379 28. Approving Private Construction Contract for construction of street improvements in proposed Woods on the River Plat 5 Subdivision, vicinity of River Woods Avenue and Grand River Drive and Bent Ridge Court, Sternquist Construction, Britt Sternquist, President, (Contractor) and Clarke Company, Ltd., John J. Clarke, (Owner). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2380 29. Approving Private Construction Contract for construction of Sanitary Sewer

Improvements for Carman Sanitary Sewer Extension in vicinity of Easter Lake Estates Plat 7 (2547 and 2575 Easter Lake Drive), Earth Movers, Inc., R. Mark Watkins, President, (Contractor) and St. Andrews Group, Gerald D. Grubb, President (Owner). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-2381 (A) Outdoor Warning Siren Replacement, Brown Bros., Inc., \$1,209.35 is now due and \$22,572.07 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2382 (B) Ashworth Pool Painting and Repairs, Western Waterproofing Company, Inc., \$38,961.85 is now due and \$2,050.62 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2383 (C) Martin Luther King, Jr. Parkway Demolition & Asbestos Removal, Contract No. 8, North/South, L.A. Company, \$1,353.75 is now due and \$1,311.55 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2384 (D) Martin Luther King, Jr. Parkway Asbestos Removal, Contract No. 4 East/West, Active Thermal Concepts Inc., \$5,994.25 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2385 (E) Allied Demolition Contract No 1, Metro Wrecking & Excavating, Inc., \$6,847.95 is now due and \$4,943.47 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2386 31. Approving partial payments on fifteen (15) public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3287 32. Establishing Fair Market Value and authorizing acquisition of four properties for the North/South Segment of the Martin Luther King, Jr. Parkway Project by gift, negotiation, or condemnation - \$73,900 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

33. Approval of Sidewalk Cafe Lease Agreements for the following:

01-2388 (A) JHF Corporation dba Johnny's on Court adjacent to business located at 302 Court Avenue. (\$425) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2389 (B) Saddlery Properties dba Court Avenue Brewing in vicinity of 309 Court Avenue. (\$475) [\(Council Communication No. 01-403\)](#). **Moved by Hensley to adopt. Motion Carried 7-**

0.

01-2390 (C) I-80 Spaghetti Works dba Charlie's BBQ in vicinity of 302 Court Avenue. (\$223) ([Council Communication No. 01-402](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2391 (D) I-80 Spaghetti Works in vicinity of 310 Court Avenue. (\$982.88) ([Council Communication No. 01-401](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2392 34. Approving and execution of Lease Agreement with State Fair Board for overflow stock trailer parking on city property at 705 SE 30th Street. ([Council Communication No. 01-405](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2393 35. Approve and accept a Revised Offer to Purchase Real Estate and Acceptance and Warranty Deed for acquisition of 1908 SE 1st Street from Quad M's., Inc. for the Indianola Avenue Connector Project - \$53,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2394 36. Approving and authorizing execution of a New Public Highway Crossing Agreement between the City and Union Pacific Railroad Company in conjunction with Indianola Avenue Connector Project - \$7,836. ([Council Communication No. 01-415](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2395 37. Approve and accept right-of-way documents from R. Scott and Susan J. Leibrand, 4415 NE Hubbell Avenue for Northeast Four Mile Sanitary Sewer Project - \$775 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2396 38. Accept right-of-way documents from Des Moines Independent Community School District for 4000 Lower Beaver Road for the Lower Beaver Widening - Madison Avenue to Shawnee Place Project - \$1,850 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

01-2397 38-I Approving Supplemental Agreement No. 2 with IDOT and Veenstra and Kimm, and to authorize the acquisition of right-of-way for Sanitary Sewer and other purposes, in conjunction with the I-235 Corridor Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-2398 39. Recognition of the South Park Neighborhood Association in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 01-399](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

01-2399 (A) Communication from Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2400 40. Recommendation of Mayor Preston Daniels to appoint Madaline Clark to the Des Moines Municipal Housing Governing Board for a one-year term commencing July 1, 2001 to expire July 1, 2002. ([Council Communication No. 01-422](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

01-2401 41. Recommendation of Council Member Chris Hensley to appoint James Windsor to Seat No. 6 on the Access Advisory Board for a four-year term commencing June 15, 2001 to expire June 15, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2402 42. Recommendation of Council Member At-Large, George Flagg to appoint Jean K. Bodenstedt to Seat No. 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.**

STREET CLOSURES

01-2403 43. Recommendation of Street Use Team (SUT) to approve exception of length of time request from Kelly Egenberger, representing Downtown Community Alliance, and Mike Marasco, representing Partners In Charity, 400 Locust Street, to close 4th Street from Walnut Street to Court Avenue on Saturday, September 1, 2001 at 12:00 Noon and ending on Sunday, September 2, 2001 at 1:00 A.M., for The Brewfest. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2404 44. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) April Ackelson, representing Boston Avenue Block Party, 3107 5th Avenue, requesting permission to close Boston from 5th Street to 6th Street on Saturday, August 18, 2001 from 2:00 P.M. to 8:00 P.M. for a neighborhood block party.

(2) Catherine Weaver, representing Mt. Hebron Baptist Church, 1338 9th Street, requesting permission to close Forest Avenue from 9th Street to 10th Street on Saturday, August 18, 2001 from 10:00 A.M. to 4:00

(3) Merry Cunningham, representing True Bible Baptist Church, 4101 Amherst, requesting permission to close Shawnee from Amherst Street to N. Union Street on Saturday, August 18, 2001 from 11:00 A.M. to 5:00 P.M. for a youth fellowship event.

(4) Phil Mueller, 665 33rd Street, requesting permission to close 33rd Street from Woodland Avenue to Pleasant Street on Saturday, August 18, 2001 from 3:00 P.M. to 9:00 P.M. for a neighborhood block party.

(5) Robert Thomas, 2804 46th Street, requesting permission to close 46th Street from Beavercrest Drive to New York Avenue on Sunday, August 19, 2001 from 3:00 P.M. to 9:00 P.M. for a neighborhood block party.

(6) Joan Hall, 3300 SW 33rd Street, requesting permission to close 33rd Street from Park Avenue to Wolcott on Saturday, August 25, 2001 from 6:00 P.M. to 11:00 P.M. for a neighborhood block party.

(7) Misty Rand, 443 Wilmers Avenue, requesting permission to close SE Wilmers from SE 4th Street to SE 5th Street on Saturday, August 25, 2001 from 5:00 P.M. to 11:00 P.M. for a neighborhood block party.

(8) Beth Hock, 4408 SE 35th Ct., requesting permission to close SE 35th Ct. from Evergreen to Emma Avenue on Saturday, August 25, 2001 from 5:00 P.M. to 11:00 P.M. for a neighborhood block party.

(9) Paul Koch, 313 SW 42nd Street, requesting permission to close SW 42nd Street from just south of Lincoln Place to 400 SW 42nd Street on Sunday, August 26, 2001 from 5:00 P.M. to 8:30 P.M. for a neighborhood block party.

(10) Bonnie Green, representing Gilmar Park Neighbors, 620 44th Street, requesting permission to close Harwood Drive at Woodland, at Bradway Place and just east of 44th Street on Sunday, September 2, 2001 from 4:00 P.M. to 10:00 P.M. (Raindate of September 3, 2001) for a neighborhood block party.

(11) Linda Brady, 862 40th Place, requesting permission to close 40th Place from Crocker to Rollins on Saturday, September 15, 2001 from 5:00 P.M. to 11:00 P.M. (Raindate of September 22, 2001) for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

01-2405 45. Regarding preliminary subdivision plat "Brook Run Village", 4900 block south of E. Douglas Avenue, subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2406 46. Regarding preliminary subdivision plat entitled "Airport Crossroads", 7600 block Fleur Drive, (west side), subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-2407 47. On sale of City-owned property in vicinity of 1346 Stewart Street, to Ben's Keystone Construction, for infill housing, \$262.50 (8-20-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2408 48. On sale of City-owned property in the vicinity of 3401 Martin Luther King Jr. Parkway to Jacobson Investment Co, L.C., for encroachment of an existing building, \$1,470.22

(8-20-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2409 49. On sale of City property in the vicinity of 2600 Dean, to Community Housing Development Corporation, for rehabilitation for resale to an owner occupant, \$1.00 (8-20-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2410 50. On Lease Agreement with Drake University, for 3110 Forest Avenue, for police purposes, \$1.00 per year for 5 years, (8-20-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2411 51. On request from Cabot Thunem and Walt Johnson, for local approval of an incinerator at 3950 Vandalia Road, (10-8-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2412 52. On designation of "Boyd Cottage", 304-42nd, as a local landmark, (8-20-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2413 53. On request from Quik Trip Corporation to rezone property at 1518 Capitol from "R1-60" (One Family Low Density Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow extension of the off-street parking area for existing convenience store, subject to conditions, (8-20-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2414 54. On Council-initiated request to rezone approx. 56 acres of property generally located between Court Avenue, and Tuttle Avenue, and between SW 1st and SW 7th Street, from "C-3" (Central Business District Commercial) and "C-3A" (Central Business District Support Commercial) to "C-3R" (Central Business District Mixed Residential), (8-20-01). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-2415 55. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

01-2416 56. Approving payment of \$50.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation of John Mihalovich in case of Kathryn Blom v. City of Des Moines and John Mihalovich. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2417 57. Approving payment of \$5,196.99 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce and Val Wilson, Jr. as Administrators of estate of Jerome LeRoy Mozee in case of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 7-0.**

01-2418 58. Approving payment of \$549.98 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in resolution of certain environmental issues in conjunction with Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2419 59. Approving payment of \$7,410 to law firm of Miller & Van Eaton, P.L.L.C. for assistance in review of application for sale of Heritage Cablevision, Inc. d/b/a AT&T Broadband to Mediacom Communications Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2420 60. Approving settlement of Lawsuit - Ames Outdoor, Inc. v. City of Des Moines in United States District Court Case No. 4-98-C-90499. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Hensley.**

01-2421 61. Approving retention of outside law firm of Palmer and Dodge and the local Cleveland firm of Frantz Ward, LLC to represent the City in matters relating to lawsuit entitled United States, ex re. Pram Nguyen v. Cleveland-Hopkins International Airport, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2422 62. Approving payment of \$20,695.95 to Richard Lumadue for workers' compensation benefits for permanent injury. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2423 63. Approving payment of \$20,757.15 to Ronald Hudnall for workers' compensation benefits for permanent injury. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-2424 64. Submitting out-of-state travel requests for William Moulder, Michael Leeper, Paul Tieszen, Gregg Westemeyer, Patrick Kozitza, Bill Stowe, Phil Koundakjian, Francis Picray and Tom Vlassis. ([Council Communication No. 01-407](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2425 65. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-406](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Handicapped Parking Meter Changes

(2) Corner Clearance--West Side of Colfax Avenue South of East Aurora Avenue.

(3) Two-Sided Parking Restriction--Creston Avenue from SW 63rd Street East to and including the Cul-de-sac.

APPROVING

01-2426 66. Contract with Iowa Department of Human Rights/Division of Community Action Agencies for provision of payments for regulated gas or electricity, liquid propane/fuel oil delivery, furnace repair or replacement, shelter/blankets/heaters, air conditioners/fans, deposits and reconnect fees to low-income persons from May 15, 2001 to December 31, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2427 67. Forms of Commitment Contracts for Community Development NCS Division HOME and CDBG Housing Programs. ([Council Communication No. 01-423](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

01-2428 68. Agreement to the powers and authority of the Local Operating Committee of the James W. Cownie Soccer Park to host the 2003 Midwest Soccer Regional Tournament, June 20-25, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2429 69. Agreement with Iowa Department of Commerce, Alcoholic Beverage Division, for Police Department to be reimbursed for overtime in conjunction with the Tobacco Retailer Compliance Program. ([Council Communication No. 01-404](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2430 70. Recommendation of Airport Board to accept bond payments of \$35,000 and \$8,000 with requirement that a Receipt, Release and Assignment be executed to bonding company St. Paul Fire and Marine Insurance Company in conjunction with Access Air, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2431 71. New Lease Agreement with C & C Realty Limited for office and storage space at 103 East Second utilized by the Police Department's Special Response Unit at an annual rate of \$4,968.84. ([Council Communication No. 01-408](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

72. Bids for the following:

01-2432 (A) Chas. W. Goering, (Ken Goering, President, 3211 Forest Avenue) for water service stop box relocations for Public Works PCC Curb Program to be used by the Engineering Department - \$30,127. (Twelve bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 01-2433 (B) Bid awarded to Mid-Land Equipment Company, (Gery Haag, President, Ankeny, IA.) for one rubber tired industrial loader to be used by the Public Works Department - \$77,562. Bid from RTL Equipment, Grimes, IA. did not meet specifications, therefore non-compliant. (Thirteen bids mailed-eight received).

WITHDRAWN (1) Request to speak on Item B.

01-2434 73. Authorizing Acting Finance Director to draw checks on registers of August 10, 2001

and August 17, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks of August 6, 2001 and August 13, 2001; and to draw checks for biweekly payroll due on August 10, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-2435 74. Amending Chapter 18 of the Municipal Code regarding the seizure, impoundment and disposition of dangerous animals. **Moved by Hensley that this ordinance do now pass, #13,977. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-2436 75. On request from National Housing & Neighborhood Development Corporation, represented by Jack Hatch, to rezone property at 1500 Woodland Avenue, from "RHD" (Residential Historic District) to "NPC" (Neighborhood Pedestrian Commercial District) to allow redevelopment of the site as 51 rental units and 7,668 square feet of commercial/office space. **Moved by Hensley that this ordinance be considered and given second for passage. Motion Carried 7-0.**

01-2437 76. On request from Plymouth Congregational Church (Owner), represented by Paul Johnson, to rezone property at 4126 Ingersoll Avenue, from "R-3" (Multiple Family Residential) to "PUD" (Planned Unit Development) and to approve the "Plymouth Congregational Church" concept plan to allow for future addition of an educational wing, fellowship hall and parking structure with conditions. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-2438 77. On proposed Des Moines City Code amendment adding and enacting the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to said sewer. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-2439 78. Amending Chapter 114 of the Municipal Code regarding excessively dark or reflective windshields and windows on motor vehicles. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-2440 79. Amending Chapter 114 of the Municipal Code regarding City truck routes and penalty for violation. ([Council Communication No. 01-427](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-2441 80. From Bert J. "Pete" Watrous, 2810 SW 9th Street, requesting permission to speak regarding the snow removal by City on SW 9th and subsequent fines for residents' failure to remove snow. **Moved by Brooks to receive, file and grant request to speak; refer to City Manager and Legal for review and recommendation. Motion Carried 7-0.**

01-2442 81. From Gerald LaBlanc, 8912 46th Avenue, N.E., Altoona, requesting permission to speak regarding the Gold Star Monument. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager and Parks. Motion Carried 7-0.**

01-2443 82. From Ron Bissinger, 219 - 4th Street, requesting to speak regarding solid waste pick-up by Waste Management and Artistic Waste being picked-up between the hours of 3:00 and 7:00 AM which is prohibited by City Ordinance. **Moved by Hensley to receive, file and grant request to speak; refer to City Manager for review and recommendation. Coleman and Hensley agreed to work with the Manager and Public Works to study this issue City-wide. Motion Carried 7-0.**

01-2444 83. From Timothy Williams, representing Family Cafe, 1409 ML King Parkway, requesting to speak regarding police patrol for their business. **Moved by Brooks to receive and file. Motion Carried 7-0.**

01-2445 84. From Otis Killings, 1300 - 12th Street, requesting to speak regarding the Police Department. **Moved by Coleman to receive and file. Motion Carried 7-0.**

HEARINGS (Opened at 5:29 P.M.) (Items 85 thru 90)

01-2446 85. On appeal of Simon Nguyen, 1215 East 25th Street, regarding recommended denial of taxicab license. **Moved by Hensley to grant the license for a six-month probationary period. If an violation occurs in the six-month probation period - taxi license will be suspended. Motion Carried 6-1. Nays: Vlassis.**

01-2447 86. On appeal of Gary Theel, 718 SW 4th Street, Ankeny, regarding recommended denial of taxicab license. **Moved by Brooks to grant the license. Motion Carried 7-0.**

01-2448 87. On request from R. Meyer Traviss, to rezone property at 4931 Douglas Avenue from "C-1" (Neighborhood Retail Commercial) to Limited "C-2" (General Retail and Highway Oriented Commercial) for increased signage allowances in "C-2", with the principal uses limited to those allowed in the "C-1" District, (continued from 7-23-01). **Moved by Vlassis to adopt and approve rezoning subject to final passage of the rezoning ordinance. Motion Carried 7-**

0.

01-2449 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-2450 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#13,978](#). Motion Carried 7-0.**

01-2451 88. On application from Eddie Wilson, Sr., (owner) to rezone property at 4152 E. Jefferson, from "U-1" (Floodplain District), to "R1-60" (One Family, Low Density Residential District), to allow construction of a new single-family home, (continued from 7-23-01). **Moved by McPherson to close the public hearing. Motion Carried 7-0.**

01-2452 (A) Resolution approving amendment to the Des Moines 2020 Community Character Land Use Plan for property at 4152 E. Jefferson, from Clear Zone/Development Control Zone, to Low Density Residential (requires six votes for passage). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2453 (B) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-2454 (C) 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, [#13,979](#). Motion Carried 7-0.**

01-2455 89. On request from Stewart G. and Lenore J. Hansen to convey a portion of 2103 Ingersoll Avenue (8' by 40'), \$1.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2456 90. On Zwart Road Brick Pavement Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company Ltd., (Duane J. Burkhardt, President, DM), \$173,630. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2457 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:02 P.M. * *

APPROVING

01-2458 91. Receipt of communication from Carol Bower, Executive Director, Neighborhood Development Corporation regarding redeveloping former Clarkson School and Diller Battery sites located in vicinity of Boston and Sixth Avenues for an automotive training center for at-risk youth. **Moved by McPherson to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

01-2459 92. Authorization to execute documents to access Federal Funds, \$200,000 for Federal staff support related to City of Des Moines' Brownfields Showcase Community Designation. [\(Council Communication No. 01-400\)](#). **Moved by Hensley to approve. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

01-2460 93. Purchase of existing inventory and fixed assets from SKE Support Services, Inc. for management and operation of the City's vehicle maintenance center - (\$297,238.92, inventory) and (\$32,244.61 for fixed assets) totaling \$329,483.53. [\(Council Communication No. 01-421\)](#) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: McPherson and Vlassis.**

01-2461 94. Prior approval of eligibility for Tax Abatement for Nationwide Mutual Insurance Company Garage at 1100 Walnut Street. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis.**

01-2462 95. Request for Qualification (RFQ), for consultant services to provide Advertising, Public Relations, Marketing and Revenue Development to the Park and Recreation Department. [\(Council Communication No. 01-409\)](#). **Moved by Hensley to adopt, as amended, to allow submission of proposals until the end of August, (8-31-01). Motion Carried 7-0.**

96. Items regarding the Iowa Events Center Project:

WITHDRAWN 01-2463 (A) Intergovernmental 28E Agreement with Polk County, for construction and funding, including construction of the Third Street Realignment Project.

WITHDRAWN 01-2464 (B) Setting Date of Hearing on proposed vacation and conveyance of City street rights-of-way to accommodate construction of the Iowa Events Center. (8-20-01). (Council Communication No. 01-425)

01-2465 97. Receipt of communication from Deputy City Manager regarding terms of City Development Loan Agreement for Life Care Services and Alliance Technologies. [\(Council Communication No. 01-420\)](#). **Moved by Hensley to adopt. Motion Carried Motion Carried 6-1. Nays: Brooks.**

01-2466 98. Authorizing execution of Subordination and Release Documents with Great Western Bank for the Partnership Building (Locust Street Mall). [\(Council Communication No. 01-419\)](#) **Moved by Hensley to approve. Motion Carried 7-0.**

01-2467 99. Report from City Manager regarding the Masonic Temple - Restoration Project and

recommendation to advance the schedule for AIB proposals. ([Council Communication No. 01-426](#)). **Moved by Hensley to adopt. This item was approved following a previous motion that failed and a motion to reconsider. Motion Carried 4-3. Nays: Coleman, Flagg and Vlassis.**

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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.

01-2468 1. Recommendation of Council Member Christine Hensley, to appoint Lyla Dozier to Seat 9 of the Neighborhood Revitalization Board, to fill an unexpired term of Bob Mickle, to expire 6-30-02. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2469 2. Approving Third Amendment and Substituted Agreement with Des Moines Area Metropolitan Planning Organization, (MPO) changing the population threshold from 2,400 to 1,500 and to approve the full membership of Polk City and Bondurant to the MPO. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2470 3. Approving recommendation of Council Member Tom Vlassis, to reappoint Betty Volm to the Neighborhood Revitalization Board, 3-year term to expire June 30, 2004. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2471 4. Creation of a Building Committee for the new Central Library construction. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

August 6 , 2001

01-2472 MOTION TO CONVENE **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

01-2473 1. Engineering Department to remove the structure at 711-16th Street. **Moved by**

McPherson to adopt. Motion Carried 7-0.

01-2474 MOTION TO ADJOURN. Moved by McPherson to adjourn at 6:47 P.M. Motion Carried 7-0.

DES MOINES-CITY OF SKYWALKS