

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 8, 2001 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) Spirit of Des Moines Award - Carter Printing Company

(b) Recognition of State Senator Elaine Szymoniak

(c) Recognition of Laura Skow and Heather King, Johnston High School/Des Moines Central Academy Students - Received Top 10 designation at the 2000 National History Day Competition.

(d) Unveiling of renovated City Cable Channel facilities DMTV-7, and Website/Netgov.com Partnership (**3:30 P.M. - Reception-2nd Floor of City Hall**)

INVOCATION: Pastor John Chadwick, Grace Lutheran Church

01-001 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-002 I. Approving recommendation of Mayor Daniels, for appointment of Council Member George Flagg as Mayor Pro Tem, for the year 2001. **Moved by Hensley to approve the recommendation of Mayor Daniels for the appointment, until the first regular meeting of the City Council in January 2002, or as soon thereafter as possible, and give appreciation for Council Member Hensley's services in 2000. Motion Carried 7-0.**

01-003 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

01-004 3. APPROVING CONSENT AGENDA - items 3 through 74. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-005 4. Communication from Legal Department regarding January 8, 2001 License and Permit Agenda. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Beer

01-006 5. Ailien Nguyen dba A Dong Restaurant, 1905-07 Cottage Grove; Renewal - Expires 1-10-01 (With Sunday Sales) - Application submitted 12-12-00. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

01-007 6. Ervin a. Wagner dba Archery Field & Sports, 2542 East University; Renewal - Expires 1-22-01 (With Sunday Sales) - Application submitted 12-27-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-008 7. Sparta, Inc., Jim Frangos, President dba Coney Island #2, 3700 Southwest 9th Street; Renewal - Expires 1-20-01 - Application submitted 12-21-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-009 8. Sadanan Panvaree dba KO Restaurant, 1254 East 14th Street; New Application (With Sunday Sales) - Application submitted 11-28-00. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer Licenses

01-010 9. Danlee Corp., Lee Adams, President dba Jiffy #924, 3718 Southwest 9th Street; Renewal - Expires 1-25-01 (With Sunday Sales) - Application submitted 12-1-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-011 10. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #552, 4944 Douglas; Renewal - Expires 1-26-01 (With Sunday Sales) - Application submitted 11-16-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-012 11. Kwik Trip, Inc., Donald P. Zietlow, President dba Tobacco Outlet Plus #521, 2601 East Euclid; Renewal - Expires 2-1-01 (With Sunday Sales) - Application submitted 12-12-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-013 12. Kwik Trip, Inc., Donald P. Zietlow, President dba Tobacco Outlet Plus #503, 400 Euclid; Renewal - Expires 2-22-01 (With Sunday Sales) - Application submitted 12-12-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-014 13. Top Food Mart Corporation, Pinder Singh, President dba Top Food Mart Corporation, 2701 Ingersoll Avenue; Renewal - Expired 12-31-00 (With Sunday Sales) - Application submitted 12-14-00. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer/"B" Wine

01-015 14. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway #900, 100 Euclid Avenue; Renewal - Expires 1-21-01 - Application submitted 11-9-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-016 15. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #18, 6501 Southeast 14th Street; Renewal - Expires 2-6-01 (With Sunday Sales) - Application submitted 12-18-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-017 16. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #27, 1240 Keo Way; Renewal - Expires 2-19-01 (With Sunday Sales) - Application submitted 12-18-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

01-018 17. American Drug Stores, Inc., Kevin Tripp, President dba Osco Drug #533, 4415 Douglas Avenue; Renewal - Expires 1-18-01 (With Sunday Sales) - Application submitted 11-13-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-019 18. Hy Vee, Inc., Ronald D. Pearson, President dba Regal Liquors, 3424 M L King Pkwy; New Application (With Sunday Sales) - Application submitted 12-1-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-020 19. Mr. V's Inc., Joseph R. Vivone, President dba Mr. V's, 206 Indianola; Renewal - Expires 1-21-01 - Application submitted 11-28-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

01-021 20. Ang Service Club, Inc., Chris H. Hughes, President dba Ang Service Club, 3100 McKinley; Renewal - Expires 1-25-01 - Application submitted 12-21-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-022 21. Highland Park Post #374 American Legion Dept. of Iowa, Robert Ziesman, Commander dba Highland Park Post #374, 3712 2nd Avenue; Renewal - Expires 1-14-01 - Application submitted 12-14-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-023 22. American Legion Hispanic Post 731, Paul Maldonado, Commander dba American Legion Hispanic Post 731, 1511 South Union; New Application (With Sunday Sales) - Application submitted 10-25-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-024 23. John E. McCaughey dba Johnny Mac's Bar & Grill, 2279 Hubbell; New Application (With Sunday Sales) - Application submitted 10-5-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-025 24. Ray R. Simbro dba Old Timers Tap, 2201 Easton Blvd; Renewal - Expires 1-25-01 (With Sunday Sales) - Application submitted 11-16-00. **Moved by Vlassis to adopt. Motion**

Carried 7-0.

01-026 25. Plaza Lanes, Inc., Randall W. Thompson dba Plaza Lanes, 2701 Douglas Avenue; Renewal - Expires 1-28-01 (With Sunday Sales) - Application submitted 11-28-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

01-027 26. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #4, 4707 Fleur Drive; Renewal - Expires 1-24-01 - Application submitted 11-20-00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

01-028 27. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-029 28. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-030 29. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

30. Resolution Ordering Construction of the following:

01-031 (A) Sanitary Sewer Manhole Repair - 2000, Receiving of Bids, (1-30-01), and Setting Date of Hearing, (2-12-01), (Construction Estimate - \$75,000) **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-032 (B) E. 20th Street Trunk Sanitary Sewer Relining - Dean Avenue to Cleveland Avenue, Receiving of Bids, (1-30-01), and Setting Date of Hearing, (2-12-01), (Construction Estimate - \$2,900,000) **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

01-033 (A) E. 14th Street and E. Euclid Avenue Sanitary Sewer, The Underground Company, Ltd., \$762.31 is now due and \$5,831.06 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-034 (B) Basketball and Tennis Courts Rehabilitation-Variou Locations, A-1 Track and Tennis, Inc., \$984.08 remaining balance due at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-035 (C) John Pat Dorrian Recreation Trail Improvements-Phase 2, Grimes Asphalt and

Paving Corporation, \$6,484.27 is now due and \$4,832.78 to be paid at the end of 30 days.
Moved by Vlassis to adopt. Motion Carried 7-0.

32. Approving completion and recommending acceptance of Private Construction Contracts for the following:

01-036 (A) Sanitary Sewer Improvements for sanitary sewer installation north of Park Avenue between Valley Drive and Park Avenue servicing Park Trail town home development at 4301 Park Avenue between Marker Services, Inc. (Jeff Marker, President) Contractor and Southern Hills Ltd., (Richard L. Walters, Vice-President) Owner, \$41,269.42. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-037 (B) Storm Sewer Improvements for storm sewer installation north of Park Avenue between Valley Drive and Park Avenue servicing Park Trail town home development at 4301 Park Avenue between Marker Services, Inc. (Jeff Marker, President) Contractor and Southern Hills Ltd., (Richard L. Walters, Vice-President) Owner, \$49,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-038 32. (C) 15" RCP Storm Sewer Improvements at 901 Locust Street between The Underground Company, Ltd. (Duane Burkhardt, President) Contractor and The Graham Group, Inc., (George Milligan, President) Owner, \$47,125. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-039 (D) Sanitary Sewer Improvements, Southern Meadows Subdivision Phase I in vicinity of SE 8th Street North of Indianola Avenue to service Southern Meadows Apartments at 2847 Indianola Avenue between Mihalovich Plumbing & Heating Co., (Jack Mihalovich, President) Contractor and Indianola @ Eighth Development Inc., (Joseph E. Borg, Vice-President) Owner, \$13,600. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-040 (E) Sanitary Sewer at 1805 E. Hartford Avenue between Corell Contractor, Inc., (Steve Corell, President) and Central Recycling, Inc., (Steve Corell, President), \$38,502.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-041 (F) Storm Sewer Structure, Bell Avenue Apartments Improvements at 1200 East Bell Avenue between Eco Tech Contractors, Inc., (R.S. Gillotti, President) Contractor and Walters Homes, Ltd. (Dave Walters, President) Owner, \$5,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-042 33. Approval of contract and bond for construction of a Public Improvement, the estimated cost of which is less than \$25,000 - North Side Library Glazing Repair. [\(Council Communication No. 01-016\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

01-043 34. Approving Agreement with Iowa Department of Transportation for Park Avenue at SW 42nd Street Intersection Improvement. [\(Council Communication No. 01-010\)](#) **Moved by Coleman to adopt. Motion Carried 7-0.**

01-044 35. Approving Agreement with Iowa Department of Transportation for Martin Luther King, Jr. Parkway and Ingersoll Avenue Intersection. ([Council Communication No. 01-008](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-045 36. Approving Agreement with Iowa Department of Transportation for maintenance of primary road extensions within the City for period July 1, 2000 through June 30, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-046 37. Approving Agreement with Iowa Department of Transportation Agreement for Avenue F.M. Hubbell at E. 33rd Street intersection improvement. ([Council Communication No. 01-009](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-047 38. Agreement for Transfer of Public Road Jurisdiction with IDOT, regarding portion of former Iowa Highway 5 and former Iowa Highway 28. ([Council Communication No. 01-019](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-048 39. Approving partial payments on seven (7) public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

01-049 40. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of December 2000, for certification to the Polk County Treasurer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-050 41. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits for December 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-051 42. Purchase of Real Estate and Quit Claim Deed for Railroad property for the Martin Luther King, Jr. Parkway Project (Railroad right-of-way in vicinity of SW 11th Street, between Market and Vine Streets), \$79,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-052 43. Approving and accepting documents for properties at (1720 SW 1st Street, 1813 SW 1st Street, and 1806 South Union) in conjunction with the Indianola Avenue Connector Project, \$344,000, plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-053 44. Approving an Addendum to a Predesign Agreement with Iowa Department of Transportation and authorizing acquisition of real estate for Douglas Avenue at Beaver Avenue Intersection Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-054 45. Approving and accepting right-of-way documents from various property owners for the 7th Ward Ditch Flood Control Phase II Improvement Project-\$4,128.10. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-055 46. Establishing Fair Market Value and authorizing acquisition of 122 SW 16th Street from Keystone Electrical Manufacturing Company in conjunction with the Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass-\$825,000. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

01-056 47. Establishing Fair Market Value for acquisition of property interests in conjunction with the 7th Ward Ditch Wooden Box Replacement Phase II from Jason L. Vitiritto and Amy L. Vitiritto, 1400 E. 29th Street - \$21,250. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-057 48. On vacation of the remaining segment of original Army Post Road, from a point east of SW 28th Street to a point west of SW 30th Street, (1-22-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-058 49. On proposal to vacate, abandon and release the 15 foot storm sewer easement in the Jerlynn Avenue right-of-way, (1-22-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-059 50. On consideration of partial exemption from property taxation for Lomar Distributing, Inc., 2500 Dixon Street, (1-22-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-060 51. On vacation of portions of SW 34th Street, SW 32nd Street, McKinley Avenue and Stanton Avenue, (1-22-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-061 52. On request from Telecorp Realty, L.L.C. (Lease Holder) represented by Allen D. May, to amend the Grandview Plaza PUD Concept Plan for property at 3509 E. Douglas to allow for a second 180' PCS communication monopole structure, (1-22-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-062 53. Approving payment of \$22,541.90 to Hansen, McClintock & Riley for representation of Officer Timothy Peak in case Mary Elaine (Kirsch) Sinclair as Administrator of the Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-063 54. Approving payment of \$1,443.80 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in the case entitled Mary Elaine (Kirsch) Sinclair as Administrator of the Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-064 55. Approving payment of \$5,308.06 to Randall R. Cochran for settlement of worker's compensation claim for an injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-065 56. Approving payment of \$5,287.21 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-066 57. Approving payment of \$7,782.16 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-067 58. Approving payment of \$1,193.11 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance to City in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flag.**

01-068 58-I Approving payment of \$ 5,928.60 to Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee, P.C. for representation of John Mihalovich in the case Kathryn Blom v. City of Des Moines and John Mihalovich. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-069 59. Approving Settlement Agreement with Heritage Cablevision d/b/a AT&T Broadband. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-070 60. Submitting out-of-state travel requests for Kristen Tuttle, Steven Schinkel, Stewart Drake and Brian Bennett. ([Council Communication No. 01-004](#)) **Moved by Coleman to adopt. City Manager to report on level of expenditures to date. Motion Carried 7-0.**

APPROVING

01-071 61. Loan Agreement with Iowa Gold Star Museum for use of City's 1841 Confederate Mountain Howitzer to be displayed for the public at their facility at Camp Dodge. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-072 62. Continuation of Temporary Moratorium on construction to permit orderly consideration of amendments to Flood Plain and Floodway Boundaries of Four-Mile Creek tributary. ([Council Communication No. 01-012](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-073 63. Submission of a Grant Application by Des Moines Park and Recreation Department to the Department of Cultural Affairs for an Iowa Community Cultural Grant to be used for "Music Under the Stars". ([Council Communication No. 01-003](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-074 64. City of Des Moines Municipal Housing Agency's adoption of a Designated Housing Allocation Plan identifying units for the elderly and near elderly families. ([Council Communication No. 01-014](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-075 65. Community Services Block Grant (CSBG) Contract with the Iowa Department of

Human Rights/Division of Community Action Agencies for community services to low-income persons for the period of October 1, 2000 to September 30, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-076 66. Revised Disadvantaged Business Enterprise Program Adopted Specifically for Projects Funded in Part by the U.S. Department of Transportation and submission of revised program. ([Council Communication No. 01-017](#)). **Moved by Vlassis to defer to 1-22-01. City Manager to provide information regarding amendment to the plan. Motion Carried 7-0.**

01-077 67. Reinstatement of Building Permit for renovation of 834 19th Street under same terms and conditions as originally issued and no additional fee for reinstatement. ([Council Communication No. 01-013](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-078 68. Civil Service Entrance List for Zoo Attendant. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

01-079 69. Authorizing Acting Finance Director to draw checks on register of January 5, 2001 and January 12, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks January 2, 2001 and January 8, 2001 and to draw checks for biweekly payroll due on January 12, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-080 70. Amending Chapter 22 of the Municipal Code regarding penalties at the Des Moines International Airport. **Moved by Vlassis that this ordinance do now pass, [#13,899](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-081 71. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Additional Metered Parking and Loading Areas--Brown Camp Lofts, 100 Market Street.

(2) Parking Restriction--Adjacent to MidAmerican Energy Substation, 2301 Dean Avenue.

(3) Move Current Parking Restriction from East Side of 15th Street to West Side of East 15th Street between Walker Street and East University Avenue.

(4) Corner Clearances--East and West Sides of East 12th Street North and South of Buchanan and Fremont Streets.

01-082 72. On amendment to the Zoning Ordinance, to allow building additions that do not encroach into a required setback more than the original structure, to be permitted as an exception which may be granted by the Board of Adjustment or administratively. **Moved by Vlassis that**

this ordinance be considered and given second vote for passage. Motion Carried 7-0.

01-083 73. On amendment to the Zoning Ordinance, to revise provisions regarding Non-Conforming Uses. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-084 74. Amending Chapter 114 of the Municipal Code regarding rates for 7th and Grand, and 4th and Grand parking garages. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Flagg and McPherson.**

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

ORDINANCES - FIRST CONSIDERATION

01-085 75. Amending Chapter 42 of the Municipal Code regarding notice of nuisance abatement hearings, ([Council Communication No. 01-018](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-086 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **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, [#13,900](#). Motion Carried 7-0.**

01-087 76. Amending Chapter 74 of the Municipal Code regarding Showmotion Stage fee structure. ([Council Communication No. 01-002](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-088 77. Amending Chapter 114 of the Municipal Code to add stop signs on Bell Avenue at SE 5th Street. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-089 (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, [#13,901](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-090 78. From Bob King, Chair, Neighborhood Revitalization Board regarding the 2002 Capital Improvement budget. **Moved by Hensley to receive and file. Motion Carried 7-0.**

79. NUMBER NOT USED.

**** Council considered Items 91 through Board of Health next ****

HEARINGS (Opened at 5:33 P.M.) (Items 80 thru 90)

01-091 80. On proposal to restructure City Boards, Commissions and Committees, their manner of appointment, and receiving and filing the communications and recommendations received regarding the proposal. ([Council Communication No. 00-132 of 4-3-00](#)). **Moved by McPherson to close the public hearing and to receive and file the written communications and recommendations submitted on the proposal. Motion Carried 6-1. Absent: Hensley.**

01-092 (A) First consideration of ordinance amending the City Code to restructure City Boards, Commissions and Committees and changing manner of appointment. **Moved by McPherson that this ordinance be considered and given first vote for passage. Amendments to be made prior to final consideration on 1-22-01. Motion Carried 6-1. Absent: Hensley.**

01-093 (1) Second consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given second vote for passage. Amendments to be made prior to final consideration on 1-22-01. Motion Carried 6-1. Absent: Hensley.**

01-094 (B) First consideration of ordinance amending City Code to merge Skywalk Commission into Urban Renewal Board. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

01-095 (1) Second consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Hensley.**

01-096 80. (C) First consideration of ordinance amending City Code to merge the Building Code Board of Appeals, Electrical Board, Mechanical Board and Plumbing Board into the Licensing and Appeals Board. **Moved by McPherson that this ordinance be considered and given first vote for passage. Amendments to be made prior to final consideration on 1-22-01. Motion Carried 6-1. Absent: Hensley.**

01-097 (1) Second consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given second vote for passage. Amendments to be made prior to final consideration on 1-22-01. Motion Carried 6-1. Absent: Hensley.**

01-098 (D) Resolution referring proposal to enlarge Zoning Board of Adjustment to seven members, to Plan and Zoning Commission for report and recommendation. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Hensley.**

01-099 (E) Resolution [establishing membership](#) of City Boards, Commissions and Committees

and assigning responsibility for recommending successors. **Moved by McPherson to adopt, subject to necessary revisions, to be presented for Council approval on 1-22-01. Motion Carried 6-1. Absent: Hensley.**

01-100 81. On WRF HVAC Replacement 2001: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as A.J. Allen Mechanical Contractors, Inc. (Edward J. Allen, President), \$129,900. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

01-101 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

01-102 82. On M.L. King Jr. Park Shelter and Water Playground-Phase One: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Channel Construction Company (Mike Channell, President, Clive), \$349,000. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Hensley.**

01-103 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Hensley.**

01-104 83. On rezoning of the Iowa Events Center site--vicinity of 2nd to 5th from Center to School Streets, from "C-2" (General Retail and Highway Oriented Commercial) to "C-3" (Central Business District Commercial). **Moved by Coleman to adopt. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Hensley.**

01-105 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: Hensley.**

WITHDRAWN01-106 (B) Final consideration of ordinance above, (waiver requested by Polk County), requires 6 votes.

01-107 84. On First Amendment to a Lease Agreement with United Parcel Service, Inc., on three parcels of Option Land for future leasing by the City to UPS, (15 acres of land situated north of new Army Post Road, west of the runway protection zone for runway 31R, East of 28th Court, south of old Army Post Road), for construction of a parcel sort center and other facilities. [\(Council Communication No. 01-005\)](#) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Hensley.**

85. Items regarding request from Dynasty Properties, L.L.C. (Richard L. Davis, Manager) regarding property in the vicinity of 902-7th Street, from Dynasty Properties, L.L.C. (Richard L. Davis, Manager),

01-108 (A) Recommendation from City Plan Commission approving proposed amendment to the 2020 Character Land Use Plan, to change designation from High Density Residential/Limited

Commercial to Support Commercial. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Hensley.**

01-109 (B) Hearing to rezone the property, from "R-4" (High Density Residential) to "C-3A" (Central Business District Support Commercial). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Hensley.**

01-110 (C) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

WITHDRAWN01-111 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

WITHDRAWN01-112 (E) Setting Date of Hearing to vacate and convey north/south alley right-of-way in the block bounded by 7th, 8th, School and Crocker, (1-22-01).

01-113 86. On Supplement No. 3 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC., not to exceed \$510,000, for acquiring equipment for the Airport. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Hensley.**

01-114 (A) Resolution for additional actions. **Moved by McPherson to adopt. Motion Carried 6-1. Absent:**

01-115 (B) Authorizing execution and delivery. **Moved by McPherson to adopt. Motion Carried 6-1. Absent:**

01-116 87. On request from Munro Construction, to rezone property at 3727 SE 14th Street, from "R1-60" (One Family, Low Density Resident), to a Limited "C-2" (General Retail and Highway Oriented Commercial), for a new Valvoline Oil Change and Car Wash Center, subject to conditions. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Hensley.**

01-117 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

01-118 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,902](#). Motion Carried 6-1. Absent: Hensley.**

01-119 88. On conveyance of alley right-of-way between E. 14th and E. 15th, and between Des Moines Street and Lyon Street, to Mora, Inc., (Manuel and Maria Mora, Owners). **Moved by Brooks to continue to 1-22-01. Motion Carried 6-1. Absent: Hensley.**

01-120 89. On vacation and sale of alley right-of-way East of the N/S alley between Virginia

Avenue and Pleasantview Drive all west of SW 9th Street, to Richard D. and L. M. Rummelhart-\$50, and to Samuel J. and Agnesan C. Treen - \$50. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

01-121 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

01-122 89. (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, [#13,903](#). Motion Carried 6-1. Absent: Hensley.**

01-123 90. On vacation and sale of right-of-way in vicinity of 519 Waterbury Circle, to Julie K. Harvey--\$100. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Hensley.**

01-124 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

01-125 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#13,904](#). Motion Carried 6-1. Absent: Hensley.**

* * END HEARINGS at 6:44 P.M. * *

CITY MANAGER RECOMMENDATIONS

01-126 91. Regarding Proposed Multi-Hazard Mitigation Plan for coordination of hazard mitigation strategies. ([Council Communication No. 01-015](#)). **Moved by McPherson to receive and file the Multi-Hazard Mitigation Plan and City Council Communication 01-015 from the City Manager, and to direct the City Manager to use the Multi-Hazard Mitigation Plan in preparation of the Capital Improvement Plan Budget. Motion Carried 7-0.**

APPROVING

00-127 92. Authorization to proceed with Highland Park Streetscape Project and issue a Request For Proposals (RFP) for professional services associated with creation of construction documents. ([Council Communication No. 01-006](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-128 93. Intergovernmental 28E Agreement with Iowa Department of Commerce, Alcohol Beverage Division for Vice and Narcotics Control Section of the Police Department, to participate in a Tobacco Retailer Compliance Program. ([Council Communication No. 01-001](#)).

Moved by McPherson to adopt. Motion Carried 7-0.

01-129 94. Neighborhood Finance Corporation Program Modification to reallocate funds from investor/rehab program to purchase/rehab program to fund loan program modifications in conjunction with Intergovernmental 28E Agreement with Polk County. ([Council Communication No. 01-007](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-130 (A) Communication from Chair, Neighborhood Revitalization Board. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

01-131 95. Amendment to the Des Moines 2020 Community Character Land Use Plan, to add and incorporate the Easter Lake New Town Plan, (continued from 12-18-00). ([Council Communication No. 01-011](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

* * * * *

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.

01-132 1. Oral request of Mayor Preston Daniels to discuss traffic flow problems near Lincoln High School. SPONSOR: Daniels. **Moved by Hensley to discuss and refer to Traffic and Transportation Division to meet with School Officials to develop a plan. Motion Carried 5-1. Absent: Coleman. Council Member McPherson declares a conflict of interest and abstains from voting.**

01-133 2. Appointment of Preston Daniels and Christine Hensley to the Metro Advisory Council. SPONSOR: Daniels. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

01-134 3. Discussion regarding Economic Development assistance for AccessAir. **Moved by Hensley to discuss and schedule a special Council meeting on Wednesday, January 10, 2001, to consider the funding. Motion Carried 5-1. Absent: Coleman. Council Member Brooks declares a conflict of interest and abstains from voting.**

A G E N D A

BOARD OF HEALTH

January 8, 2001

00-135 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

COMMUNICATION

1. Communication regarding demolition cost reserve for the following locations:

01-136 (A) 1417 6th Avenue. **Moved by McPherson to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1. Absent: Coleman.**

01-137 (B) 1211 21st Street. **Moved by McPherson to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1. Absent: Coleman.**

AUTHORIZING

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

01-138 (A) 7301 Fleur Drive, Lot 33 (vacant) Titleholders: Catherine J. Labuschagne-Carson and Willem A. Labuschagne, Kayl Armstrong f/k/a Kayl Rambou and Todd Armstrong, Jessy Rambou; Contract Buyer: Jerry R. and Mary L. Saylor. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-139 (B) 2924 E. Grand (vacant) Titleholder: Warren G. Pederson; Contract Buyers: 2924 E. Grand Trust, Attn: Rachel M. Nelson, Trustee, Zelma L. Gowin; Legal Interest Holders: HMS/US Bank, Attn: Chris Newhouse. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-140 (C) 1342 7th Street (vacant) Titleholder: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent; Contract Buyers: Jesus and Elica Gallardo. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-141 (D) 1416 E. 21st Street (vacant) Titleholders: Brian G. and Vicki Vogt; Legal Interest Holders: Z Fin 47, Attn: John Zajicek. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

3. The Engineering Department to arrange demolition at the following locations:

01-142 (A) 1801 Des Moines Street a/k/a 1824 Hubbell, Titleholders: Terrill M. Banner and Janice Banner, Contract Buyer: Shirley Reha. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-143 (B) 1833 Logan, Titleholders: Gregory Wright and Sheryl Wright. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-144 (C) 901 23rd Street, Titleholder: Rebecca Shumaker. **Moved by McPherson to adopt.**

Motion Carried 6-1. Absent: Coleman.

**** Council considered hearing Items 80 through 90 next ****

****Council Member Hensley left the meeting at 5:30****

01-145 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:44 P.M. Motion Carried 6-1. Absent: Hensley.

DES MOINES-CITY OF SKYWALKS