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April 8, 2002

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**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**April 8, 2002 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

- (a) Administrative Professionals Week
- (b) Iowa Paralyzed Veterans of America Week
- (c) Community Development Week

**SPECIAL PRESENTATIONS - 4:00 P.M.:**

- (a) Recognition of Des Moines Junior BUC - PeeWee B Team
- WITHDRAWN** (b) Recognition of Medal of Honor Recipients
- (c) Recognition of Mo Dana and the Des Moines Arts Festival
- (d) Appreciation to the Polk County Sheriff's Department

**INVOCATION:** Pastor Tony Thurston, College Avenue Christian Church

02-793 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

**\*\*Council considered Item 101 next\*\***

02-794 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

02-795 3. APPROVING CONSENT AGENDA - items 3 through 78: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

## **LICENSES AND PERMITS:**

Approving

02-796 4. The following Beer/Liquor Applications. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **NEW APPLICATIONS**

(1) Phillie's, 2301 SW 9th St, C Liquor

(2) Davis Concessions, 2601 Hubbell Ave, B Beer

### **RENEWAL APPLICATIONS**

(3) Kwik Shop #524, 4140 Park Ave, C Beer

(4) Git N Go Store #1, 3735 Hubbell Ave, C Beer

(5) Vientiane Restaurant, 901 E Euclid Ave, B Beer

(6) Silvestrini's Pizza, 3015 Merle Hay Road, C Beer/Wine

(7) Nut Pob Restaurant, 3322 Indianola Ave, C Beer/Wine

(8) LC's Corner, 344 E Jackson Ave, C Liquor

(9) Denny D's Sport Bar, 607 SE 30th St, C Liquor

(10) R & R Lounge, 1018 E. 12th Street, C Liquor

(11) Army Post Amoco, 849 Army Post Rd, C Beer

(12) Git N Go Store #5, 2700 Indianola Ave, B Wine and C Beer

(13) Hy Vee Food Store #3, 3221 SE 14th St, E Liquor

(14) Coastal #31043, 2110 Guthrie Ave, C Beer

(15) Coastal #31048, 4503 Fleur Dr, C Beer

(16) Coastal #31087, 1516 SE 1st Street, C Beer

(17) Coastal #31087, 1516 SE 1st Street, B Wine

- (18) Coastal #31028, 3625 Ingersoll Avenue, C Beer
- (19) Coastal #31028, 3625 Ingersoll Avenue, B Wine
- (20) Greenwood Lounge, 3707 Ingersoll Ave, C Liquor
- (21) Kwik Shop #556, 2930 Hickman Rd, C Beer
- (22) Java Joe's Coffeehouse, 214 4th St, C Beer/Wine
- (23) Famous Dave's, 4351 Merle Hay Rd, C Liquor
- (24) Quiktrip #515, 1421 Ingersoll Ave, C Beer
- (25) Quiktrip #515, 1421 Ingersoll Ave, B Wine
- (26) Hy Vee Food Store #5, 1107 E Army Post Rd, E Liquor
- (27) Olympic Flame Restaurant, 514 E. Grand Ave, C Beer Wine
- (28) Des Moines Art Center Restaurant, 4700 Grand Ave, C Liquor
- (29) Scornovacca's Pizza, 1930 SE 14th St, C Liquor
- (30) Tim Flanagan's Restaurant, 2120 Ingersoll Ave, C Liquor

#### **TRANSFER TO NEW LOCATION**

- (31) Quiktrip #554 - Permanent Transfer of Class C Beer License from 141 SW 63rd Street to 901 SW 63rd Street effective April 18, 2002.
- (32) Quiktrip #554 - Permanent Transfer of Class B Wine License from 141 SW 63rd Street to 901 SW 63rd Street effective April 18, 2002.
- (33) Git N Go Store #5 - Permanent Transfer of Class C Beer License from 2716 Indianola to 2700 Indianola.
- 4. (34) Git N Go Store #5 - Permanent Transfer of Class B Wine License from 2716 Indianola to 2700 Indianola.

#### **OUTDOOR SERVICE APPLICATIONS**

- (35) Peggy's Tavern, 3020 Forest Avenue - Temporary Outdoor Service Area in conjunction with Drake Graduation - effective May 17, 2002 to May 19, 2002.
- (36) Peggy's Tavern, 3020 Forest Avenue - Temporary Outdoor Service Area in conjunction

with Drake Relays - effective April 24, 2002 to April 28, 2002.

(37) West End Lounge, 2309 Forest Ave - Temporary Outdoor Service Area in conjunction with Drake Relays - effective April 23, 2002 to April 28, 2002.

(38) University Library Cafe, 3506 University Ave - Temporary Outdoor Service Area in conjunction with Drake Relays - effective April 24, 2002 to April 27, 2002.

02-797 5. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

02-798 5-I. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

### **PUBLIC IMPROVEMENTS**

02-799 6. Approving receipt of communication from City Engineer regarding IDOT's funding withdrawal for Merle Hay Road Widening Project from Ovid Avenue to Douglas Avenue; project delayed until funds are restored. ([Council Communication No. 02-195](#)) **Moved by Hensley to receive and file. Letter to be prepared for Mayor and Council signature, indicating the City is taking a proactive role, request the method the DOT uses to prioritize these items for funding, and request the opportunity to start a dialog with the DOT regarding future projects. Motion Carried 7-0.**

02-800 7. Approving Authorization to proceed with Request for Proposals for a Downtown Parking Sign System. ([Council Communication No. 02-168](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

02-801 8. Approving Professional Services Agreement with Snyder and Associates, in conjunction with the 15th Street Corridor Improvements, \$228,400. ([Council Communication No. 02-188](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

02-802 (A) Authorization for acquisition of necessary right-of-way and easements. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

02-803 9. Approving Change Order No. 2 with Van Hauen & Associates, Inc. for additional work in conjunction with M.L. King Jr. Parkway Storm Sewer Outlet Extension - 1500 block contract in an amount not to exceed \$14,768.50. ([Council Communication No. 02-197](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-804 10. Approving Change Order No. 2 with L.A. Company for additional work in conjunction with the 1201 Walnut Street (former 3-E Building) Demolition Contract, in an amount of \$21,931.50. ([Council Communication No. 02-191](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

11. Approving construction of sidewalks on SE 8th Street and SE 14th Street:

02-805 (A) Communication from City Manager. **Moved by McPherson to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**

02-806 (B) Preliminary resolution for construction. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-807 (C) Fixing values of lots. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-808 (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-809 (E) Setting Date of Hearing on proposed Resolution of Necessity, (5-6-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

12. Items regarding the former Irwin Chemical Building, 401 SE 6th Street:

02-810 (A) Resolution ordering demolition, Receiving of Bids, (4-23-02) and Setting Date of Hearing (5-6-02) (Estimate - \$60,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-811 (B) Receiving proposals and awarding contract for chemical removal to Hydro-Klean, (Andy Merial, President, Ankeny), \$58,453.45. **Moved by McPherson to adopt. Motion Carried 7-0.**

13. Resolution Ordering Construction of the following:

02-812 (A) S.W. 8th and 9th Street Viaducts over M. L. King Jr. Parkway Repairs, Receiving of Bids, (4-23-02), and Setting Date of Hearing, (5-6-02). (Construction Estimate - \$84,040). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-813 (B) College Avenue Storm Sewer Improvements-7th Street to 12th Street, Receiving of Bids, (4-23-02), and Setting Date of Hearing, (5-6-02). (Construction Estimate - \$404,475). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-814 (C) Wells Fargo Replacement Parking Lot, Receiving of Bids, (4-23-02), and Setting Date of Hearing, (5-6-02). (Construction Estimate - \$180,313). **Moved by McPherson to adopt. Motion Carried 7-0.**

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

02-815 (A) E. University Avenue at E. 29th Street Intersection Modifications, Concrete Technologies, Inc., with as-built cost of \$66,014.64, \$2,493.89 is now due and remaining balance of \$3,300.73 at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-816 (B) E. University Avenue at Avenue F.M. Hubbell-Median Island Modification, Elder Corporation, with as-built cost of \$76,408.58, \$1,472.80 is now due and remaining balance of \$3,820.43 at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-817 (C) Walnut Street Sanitary Trunk Sewer Relining - 10th Street to 13th Street, Insituform Technologies USA, Inc., with as-built cost of \$493,184, \$172.52 is now due and remaining balance of \$24,659.20 at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-818 15. Approving partial payments on six (6) public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

16. Approving Private Construction Contracts for the following:

02-819 (A) Storm Sewer Improvements in new development, Meadowlands Plat 2 between McAninch Corporation (Douglas D. McAninch, President, West Des Moines), Contractor and Oaks Development, (John C. Kline, President, West Des Moines), Owner - \$46,227. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-820 (B) Sanitary Sewer Improvements in new development, Meadowlands Plat 2 between McAninch Corporation (Douglas D. McAninch, President, West Des Moines), Contractor and Oaks Development, (John C. Kline, President, West Des Moines), Owner - \$61,065. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-821 (C) Sanitary Sewer Improvements for an extension to extend north of corner of SE 15th Street and E. Leach Avenue to serve Grandshire Estates Plat 1 between The Underground Company, Ltd. (Duane Burkhardt, President, Des Moines), Contractor and Tom Felice, Des Moines), Owner - \$45,933. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-822 17. Receive and file petition and waiver forms for sidewalk program/request to repair sidewalk executed by owners of one (1) property, sidewalk program/request to repair driveway executed by the owners of two (2) properties; and authorize City Manager to proceed with construction. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-823 17-I Authorization for acquisition of necessary right-of-way and easements for the Widening of Merle Hay Road at University Avenue, to provide a southbound right-turn lane, (easement from St. Theresa's Church). **Moved by McPherson to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

02-824 18. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of March, 2002 for certification to Polk County. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-825 19. Authorizing Engineering Department to delete NAC-Emergency Order Special

Assessment at 517 E. Hughes Avenue, Schedule No. 2001-55, Certificate No. 00-07820-00, an administrative hearing was held and the charges were waived. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

02-826 20. Establishing fair market value and authorizing acquisition of properties located at Vine Street from 1st to 3rd for the Vine Street Paving Project, \$102,000 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-827 21. Approve and accept revised offer to purchase and warranty deed for 855 Martin Luther King Jr. Parkway for the Martin Luther King Jr. Parkway Project, North/South Segment, \$72,000 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

02-828 22. Approve and accept right-of-way documents for property located 3312 8th Street for the 8th Street Intake Removal-South of Euclid Project, \$1,920 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-829 23. Approve and accept right-of-way documents for unimproved land located at the west end of River Vista Drive for the 2001 Intermediate Paving Project, \$500 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-830 24. Approve and accept right-of-way documents for property located at 4340 NE Broadway for the Northeast Four Mile Sanitary Sewer Project, \$15,000 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-831 25. Accept right-of-way documents for Jerlynn Avenue and Authorize release of deposit to Capitol City Builders. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-832 26. Approve and accept permanent easement for traffic signal and street lighting systems for 3725 52nd Street for Douglas Avenue and 50th Street Traffic Signal Upgrade from Des Moines Independent Community School District. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-833 27. Approving final subdivision plat entitled Fort Des Moines Business Park, Plat Two in vicinity of 6700 SW 9th Street. ([Council Communication No. 02-176](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-834 28. Approving final subdivision plat entitled Grandshire Estates in vicinity of 4000 Watrous Avenue. ([Council Communication No. 02-182](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-835 29. Granting Extension of time for filing of final Subdivision Plat entitled Brownstone Estates located east of NE 46th Street and south of NE 46th Avenue. ([Council Communication No. 02-200](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

02-836 30. Recommendation of Mayor Preston Daniels to appoint Mary Noss Reavely to Seat 4 on the Historic District Commission for a three-year term commencing October 18, 2000 to expire October 18, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-837 31. Recommendation of the Neighborhood Finance Corporation to appoint Sheila Lumley to fill the unexpired term of Michele Howell, (Seat #15) on the Neighborhood Revitalization Board to expire June 30, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-838 32. Recommendation of Council Member Tom Vlassis to appoint Martha K. Nelson to the Sister City Commission (Seat #8) for a five year term commencing April 28, 1998 to expire April 28, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-839 33. Communication from Holly Ross advising of her resignation from the Park and Recreation Board (Seat #2) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-840 34. Communication from Odell McGhee advising of his resignation from the Water Works Board of Trustees (Seat #3) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-841 35. Communication from Gay Lea Wilson advising of her resignation from the Park and Recreation Board (Seat #10) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-842 36. Communication from the Chair of the Neighborhood Revitalization Board advising of resignation of Ralph Moisa effective immediately, (Seat #1). **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

02-843 36-I Communication from Neila Seaman advising of her resignation from the Des Moines Enterprise Community Steering Committee effective immediately, (Seat #3). **Moved by McPherson to receive, file and accept with regret. Motion Carried 7-0.**

02-844 37. Communication from Duane Van Hemert, Chair of Housing Appeals Board advising of resignation of David Minor, (Seat #7) effective immediately. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

## STREET CLOSURES

02-845 38. Approving recommendation of Street Use Team (SUT) to close the following street. **Moved by McPherson to adopt. Motion Carried 7-0.**



(1) Kelly Egenberger, representing Downtown Community Alliance, requesting permission to close Court Avenue from 1st Street to 5th Street; 4th Street from Walnut Street to the Depot every Saturday from 5:30 AM to 1:00 PM starting May 11, 2002 and ending October 26, 2002 for the Downtown Farmers Market.

(2) Pam Kulik, representing Downtown Community Alliance, requesting permission to Close Court Avenue from 3rd Street to 4th Street; 4th Street from Court Avenue to Walnut Street on Friday, April 26, 2002 (Raindate of Saturday, April 27, 2002) from 4:00 PM to 1:00 AM for a Celebration in conjunction with the Drake Relays.

(3) Jim Stevens, representing Nacho Mamma's, requesting permission to close alley between 2nd and 3rd, south of Court Avenue - 5:00 PM to 12:30 AM on April 26, May 4, May 26, June 14, June 28, June 29, July 3, July 19, July 20, August 31, and September 1, 2002 for entertainment staging area.

(4) Chris Greenfield, representing Downtown Community Alliance, requesting permission to close 1st Street from Court Avenue to Vine Street on Wednesday, April 17, 2002 from 9:00 AM to 1:00 PM for press conference/ groundbreaking for Waterstreet Brownstones.

(5) Nick Hennessy, representing the Inter Fraternity Council, requesting permission to close 34th Street from University Avenue to Forest Avenue in conjunction with the Drake Relays - April 26 and 27th, 9:00 PM to 2:00 AM.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

02-846 39. Communication from Plan and Zoning Commission Chair, regarding Council's interest in recommended changes to the zoning regulations regarding placement of communication towers and antennas on City property. **Moved by Hensley to receive, file and adopt. City staff to report back on City-owned towers, regulations versus restrictions, and co-location on towers. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

02-847 40. On Second Amendment to the Lease Agreement with United Parcel Service, to lease two parcels of Option Land at the Airport, to extend deadline for completion of a Distribution Facility, to 12-31-05, (4-22-02) ([Council Communication No. 02-167](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-848 41. On vacation and conveyance of the North/South alley right-of-way west of the Masonic Temple building at 1011 Locust Street, to B.H. Temple, Inc., \$1.00, (4-22-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-849 42. On vacation and conveyance of a parcel south of 420 E. Army Post Road, to Splish Splash Auto Bath, Inc., \$1.00 (4-22-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-850 43. On request from RAS Properties, Inc., to revise zoning conditions on property at

2901 Maury Street, currently zoned Limited "M-2" (Heavy Industrial), (4-22-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

02-851 44. Approving settlements made by City Attorney, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

02-852 45. Approving payment of \$2,962.59 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in 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 7-0.**

02-853 46. Approving payment of \$3,165 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce Wilson and Val Wilson, Jr. as Administrators of Estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 7-0.**

02-854 47. Approving payments of \$951.27 to William Jenkins of law firm of Myers & Jenkins, and \$231.33 to Jack Phillips of Phillips, Goldman & Spence, P.A. for representation of the City in the Trans World Airlines, Inc. bankruptcy. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-855 48. Approving payment of \$13,186.03 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters involving the airport parking garages. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-856 49. Approving payment of \$1,037.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for environmental law counsel services in conjunction with the acquisition of environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

02-857 50. Submitting out-of-state travel requests for James Harkin, William Moulder, Timothy Luloff, Eric Anderson, Mike McPherson, Bob Sarasio, Leota Lipovac, and Tom Vlassis. [\(Council Communication No. 02-163\)](#) **Moved by McPherson to adopt. Motion Carried 7-0.**

02-858 51. Submitting a request for the establishment of a Commercial Loading Zone on the west side of 27th Street south of Forest Avenue. [\(Council Communication No. 02-169\)](#) **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

02-859 52. Submitting proposed ordinance change to allow for a waiver of parking permit fees in the Court Avenue Entertainment District for events on weekdays, from 6:00 PM to 8:00 AM, and

anytime during weekends or established holidays. ([Council Communication No. 02-170](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

#### APPROVING

02-860 53. Agreement with the Employee Assistance Program, Employee and Family Resources, (Paul Hedquist, CEO) to provide assessment and referral counseling for City employees and family members, \$24,000. ([Council Communication No. 02-172](#)). **Moved by Cownie to adopt. Motion Carried 6-0. Mayor Daniels declares a conflict of interest, and abstains from voting.**

02-861 54. Economic Development Forgivable Loan and Agreement with Dreher, Simpson & Jensen, P.C. to assist in relocation and retention of company at 604 Locust Street - \$45,000. ([Council Communication No. 02-175](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-862 55. Professional services agreement with WA. Architecture for design services for the Western Gateway schematic plan, \$224,575. ([Council Communication No. 02-165](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-863 56. First amendment to the Urban Renewal Development Agreement with ABC Partners, L.P. expanding the Airport Business Park Urban Renewal Project Area to add land lying immediately east of the original project area. ([Council Communication No. 02-178](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

02-864 57. Proposed realignment of the Walnut Creek Trail Phases I-B & II and authorizing acquisition by purchase, gift or condemnation, subject to Council approval, the necessary property and property interests for construction. ([Council Communication No. 02-189](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-865 58. Execution of Federal Aviation Administration Security Grant in the amount of \$702,851 for partial reimbursement of Airport operating security expenses incurred since September 11, 2001. ([Council Communication No. 02-181](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-866 59. Establishing a Rieger Estate Grant Program, to support Des Moines' Little League Baseball Organizations. ([Council Communication No. 02-187](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-867 60. Communication from Downtown Community Alliance requesting permission to display 20 banners in central downtown during the Month of May, 2002 for promotion of The Phantom of the Opera. **Moved by McPherson to receive, file and approve banner design as submitted. Motion Carried 7-0.**

02-868 61. Appointment of Ann DiDonato as Assistant City Attorney effective April 22, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-869 62. Contract No. HEAP-02A-07J with the Iowa Department of Human Rights/Division of Community Action Agencies for weatherization and energy-related assistance to low income persons during the period from April 1, 2002 through March 31, 2003, \$283,427. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-870 63. Contract No. DOE-02-07J with the Iowa Department of Human Rights/Division of Community Action Agencies for weatherization and energy-related assistance to low income persons during the period from April 1, 2002 through March 31, 2003, \$314,106. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-871 64. Supportive Housing Program (SHP) Grant Agreement with HUD for supplemental funding for implementation of the House of Mercy Transitional Housing Program, \$869,198. [\(Council Communication No. 02-171\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-872 65. Additional Form of Commitment Contracts for Community Development NCS Division CDBG Housing Programs. [\(Council Communication No. 02-177\)](#). **Moved by McPherson to approve. Motion Carried 7-0.**

02-873 66. Contract with Rock In Prevention for reimbursement of their program expenses from the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. [\(Council Communication No. 02-164\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-874 67. Neighborhood Commercial Revitalization Program Loan (NCR) to QuikTrip Corporation to expand its store at 1501 E. Grand Avenue, \$50,000. [\(Council Communication No. 02-179\)](#). **Moved by McPherson to approve. Motion Carried 7-0.**

02-875 68. Receipt of Legislative Update for the Seventy-Ninth Iowa General Assembly. **Moved by McPherson to receive and file. Motion Carried 7-0.**

69. Bids for the following:

02-876 (A) Mario's Lawn Service, (Mario Rodriguez, President) for an annual contract with one renewal option for trimming services at Glendale Cemetery for the Parks Department, \$3800. (Eight bids mailed, four received). **Moved by Cownie to adopt. Motion Carried 7-0.**

02-877 (B) Pomeroy Computer Resources, (Dave Pomeroy, President) from ICN State of Iowa contract No. 00-110B, for CISCO computer network equipment to upgrade network infrastructure for the Information Technology Department, \$26,907. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-878 (C) Compaq Computer Corporation, (Houston, TX) from the Western States Contract Alliance (WSCA) price agreement # 90-00151, for Compaq computer equipment for the Information Technology Department, \$36,177. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-879 (D) Tri-State West, (Hugh Stafford, President, Grimes) for two turf trucks with sprayers

for the Parks Department, \$46,548. (Nine bids mailed, one received). ([Council Communication No. 02-185](#)) **Moved by Cownie to adopt. Motion Carried 6-1. Nays: Hensley.**

02-880 (E) Rexco Equipment Inc., (Steve Smith, President) for a small motor grader to be used by the Parks Department, \$86,028. (Eight bids mailed, three received). ([Council Communication No. 02-186](#)). **Moved by Cownie to adopt. Motion Carried 6-1. Nays: Hensley.**

02-881 69. (F) Meridian Medical Technologies Inc., (James Miller, President) for chemical agent antidotes to be used by the Metropolitan Medical Response System, \$56,160. (Nine bids mailed, one received). ([Council Communication No. 02-198](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Hensley.**

02-882 (G) RTL Equipment, (Rob Bonnstetter, President, Grimes) for a side-dump trailer to be used by the Bio-Solids Storage Facility, \$48,087. (Nine bids mailed, one received). ([Council Communication No. 02-166](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Hensley.**

02-883 (H) A-1 Ready Mix, (Pete Peterson, President) and American Concrete Products, (Scott Temple, President, Johnston) for primary and secondary suppliers to furnish portland cement concrete products to be used by the Public Works Department. (Call City Clerk's Office for price list). (Five bids mailed, three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-884 (I) Des Moines Asphalt & Paving, (Jim Gauger, President) and Grimes Asphalt & Paving Corp., (J.M. Yonker, President) for primary and secondary suppliers to furnish asphalt cement concrete mixtures to be used by the Public Works Department. (Call City Clerk's Office for price list). (Three bids mailed, two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-885 70. Civil Service entrance lists for Public Works Customer Service Representative, Public Works Dispatcher, Parking Meter Checker, Surveyor and Economic Development Coordinator; promotional list for Public Works Customer Service Team Leader. **Moved by McPherson to receive and file. Motion Carried 7-0.**

02-886 71. Authorizing Finance Director to draw checks on check registers of April 12, and April 19; bills of the Des Moines Municipal Housing Agency for the weeks of April 8, and April 15, 2002; and to draw checks for biweekly payroll due employees on April 19, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **ORDINANCES - FINAL CONSIDERATION**

02-887 72. Amending Chapter 2 of the Municipal Code regarding political activities of city employees, as amended; code update to be consistent with terms of State Law. **Moved by McPherson that this ordinance do now pass, [#14,068](#). Motion Carried 7-0.**

02-888 73. Amending Chapter 2 of the Municipal Code regarding support staff for the Access Advisory Board; code update. **Moved by McPherson that this ordinance do now pass,**

**#14,069. Motion Carried 7-0.**

02-889 74. Amending Chapter 34 of the Municipal Code regarding sale of burial spaces, lots and plots for right of interment; code update. **Moved by McPherson that this ordinance do now pass, #14,070. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

02-890 75. Amending Chapter 26 of the Municipal Code regarding Building and Building Revisions, to adopt the updated 2000 International Building Code and 2000 International Residential Code. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-891 76. Adding Section 26-113(e) to the Municipal Code regarding waiver of permit fees by the City Council, for projects in the Metro Center Urban Renewal Project Area, (State Vision Iowa Program Funded Projects). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-892 77. Amending Chapter 34 of the Municipal Code regarding Niche Tower Space Package fee in City cemeteries. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-893 78. Amending Chapter 114 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Provide Specifically Designated Parking Spaces for the United States Attorney's Office--East Side of East 1st Street, South of Walnut Street.

(2) Parking Restrictions in New Construction Area--11th/12th Street Connection of the Martin Luther King Jr. Parkway Project.

(3) Corner Clearance Extension--North Side of University Avenue, West of 28th Street.

(4) Parking Restriction--West Side of 49th Place, Along the Curve South of Urbandale Avenue.

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

**\*\*Council considered Item 83 and Hearings next\*\***

**ORDINANCES - FIRST CONSIDERATION**

02-894 79. Amending Chapter 114 of the Municipal Code regarding the traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**



- (1) Designate Space for Marked Police Vehicles Only and Provide One Additional Handicapped Parking Meter--Adjacent to Polk County Courthouse.
- (2) Provide One Handicapped Parking Meter--East Side of 4th Street between Court Avenue and Walnut Street.
- (3) Corner Clearance--North Side of Enden Lane, East of Hickory Hill Lane.
- (4) Installation of Handicapped Parking Meters: 300 block of 3rd Street; 500 block of 4th Street; and 200 block of East 2nd Street, and Municipal Code Correction.
- (5) Petition for Two-Sided Parking Restriction--41st Street between Beaver Avenue and Northwest Drive.
- (6) Provide Handicapped Parking Meter--West Side of East 5th Street between East Locust Street and East Grand Avenue.

02-895 (A) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,071](#). Motion Carried 6-1. Absent: Coleman.**

### COUNCIL REQUESTS

02-896 80. From Mayor Daniels to discuss a proposal for a parent/adult discount when escorting children to City pools. **Moved by Hensley to receive, file and discuss; refer to City Manager for review and recommendation. Motion Carried 7-0.**

### COMMUNICATIONS/REPORTS

02-897 81. From Michael J. Hart, 3417 SW 13th Street, regarding the proposed Principal Riverfront project and possible changes to be more cost effective and user friendly. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-898 82. From Kurt Just, 1218 Virginia, to speak regarding public and private dancing after 2:00 AM. **Moved by Hensley to grant the request to speak. Motion Carried 7-0.**

**\*\*Council considered Item 100 thru end of agenda next\*\***

02-899 83. From the following requesting to speak regarding traffic around Lincoln High School. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager for review and recommendation in a month. Staff will set up a joint meeting with School Board to discuss this and other issues. Motion Carried 6-0. Council Member**

**McPherson declares a conflict of interest, and abstains from voting.**

(1) Marc T. Beltrame, 3409 S.W. 44th Place

(2) Michael Wieskamp, 1911 Willowmere Drive

(3) Gary D. Babberl, 4913 S.W. 17th Street

**HEARINGS (Opened at 6:15 P.M.) (Items 84 thru 99)**

02-900 84. On Resolution of Necessity on City Wide Paving Program, for the following. **Moved by Hensley to adopt. Delete alley between 1st and Oxford, from Hull to E. Corning. Motion Carried 7-0.**

ADOPT (A) Pleasantview Drive, from SW 5th to 569' east.

ADOPT (B) Willowmere Drive, from SW 23rd to Fleur Drive.

ADOPT (C) SW 5th Street, from Pleasantview Drive to Virginia Avenue.

ADOPT (D) E. 24th Street, from Dean to E. Grand except the pavement in place at Logan, E. Walnut and Capitol.

ADOPT (E) Alley between 11th and 12th, from 200' north of University to Carpenter.

DELETE (F) Alley between 1st and Oxford, from Hull to E. Corning.

02-901 (G) Authorization for acquisition of necessary right-of-way and easements. **Moved by Hensley to adopt. Delete alley between 1st and Oxford, from Hull to E. Corning. Motion Carried 7-0.**

02-902 85. On 30-day suspension of Cigarette Permits for Eastown Standard, 2850 E. Euclid Avenue, and Zimms, 3124 Ingersoll Avenue, for two violations of Iowa Cigarette Laws, sale to minors. **Moved by Coleman to adopt. Motion Carried 7-0.**

02-903 86. On assessment of \$300 penalties to 11 Cigarette Permittees for violation of Iowa Cigarette Laws, sale to minors. **Moved by Cownie to adopt. Motion Carried 7-0.**

**WITHDRAWN**02-904 87. On affirming decision of the Historic District Commission to grant a Limited Certificate of Appropriateness for reconstruction of a portion of a fence at 446-29th Street, Julian and Jane Archer.

02-905 (A) ALTERNATE RESOLUTION: Reversing the decision of the Commission to conditionally grant a Certificate of Appropriateness. [\(Council Communication No. 02-174\)](#). **Moved by Hensley to adopt, and reverse the decision of the Historic District Commission.**



**Motion Carried 6-1. Nays: Brooks.**

02-906 88. On proposal to lease property, vicinity of Bike and Recreation Trail along Lower Beaver Road, to Polk County, for use as a Mountain Bike Trail through 9-30-23. ([Council Communication No. 02-183](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-907 89. On issuance of a license to Qwest Communication, to enter property in the vicinity of E. 18th and E. Walnut Fire Station, to construct a communication box. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-908 90. On Zoning Ordinance amendments to revise the "R-3" and "R-4" District Standards, to provide for site plan review by the Plan and Zoning Commission for new multi-family residential development and for conversion of existing development that increases unit density. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-909 (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: Vlassis.**

02-910 91. On request from Bradley McAninch, purchaser, to rezone property located at 1219 E. Herold Avenue from "R-3" Multiple Family Residential District and "FW" Floodway District to a Ltd. "C-2" General Retail and Highway Oriented Commercial District for a proposed auto repair use. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**

02-911 (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: Vlassis.**

02-912 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,072](#). Motion Carried 6-1. Absent: Vlassis.**

02-913 92. On City initiated request to rezone property located at 5713, 5723, 5813, 5817, 5819 and 5821 Winona Avenue, with multiple owners, from "U-1" (Floodplain District) to the "R1-60" (One-Family Low-Density Residential District). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**

02-914 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

02-915 (B) Final consideration of ordinance above, (waiver requested by Community Development), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final**

passage and that the ordinance do now pass, [#14,073](#). **Motion Carried 6-1. Absent: Vlassis.**

02-916 93. On East Locust Streetscape Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Larson & Larson Construction, (Jeffrey C. Larson, President, 10703 Justin Drive), \$2,434,000. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-917 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

02-918 (B) Professional Services Agreement, with Earth Tech, Inc., not to exceed \$49,000. [\(Council Communication No. 02-192\)](#). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

94. On Fire Station No. 6 Renovation:

02-919 (A) Approving Plans, Specifications, Form of Contract Documents, Engineers estimate, and submission of bids. [\(Council Communication No. 02-194\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

**WITHDRAWN**02-920 (B) Receipt of bid protest submitted by Azcon Corporation.

02-921 (C) Concurrence with City Engineering denial of Azcon Bid; and designating lowest responsible bidder as Bergstrom Construction Inc, (Tom Gorgas, President, 1719 Hull, DM), \$388,790. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-922 (D) Approving contract and Bonds; and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-923 95. On 401 SE 6th Street (Irwin Chemical Building) Asbestos Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Pro Environmental Abatement (Robert V. Jorgenson, President, DM), \$33,512. [\(Council Communication No. 02-190\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

02-924 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-925 96. On Skywalk Bridge 9C-9D Hubbell Building to Federal Home Loan Bank Building: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Weitz Company, LLC, (Glen DeStigter, President and CEO, DM), \$429,985. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-926 (A) Approving contract and bond, and permission to sublet **Moved by Hensley to adopt. Motion Carried 7-0.**

02-927 (B) First Amendment to Skywalk Agreement with Federal Home Loan Bank, ([Council Communication No. 02-193](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

02-928 97. On M.L. King Jr. Parkway Paving-Ingersoll Avenue to Center Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, WDM), \$6,304,069.11 **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

02-929 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

02-930 (B) Supplemental Agreement No. 19, with Earth Tech Inc.) for Construction Phase Services, not to exceed \$690,000. ([Council Communication No. 02-196](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

02-931 98. On WRF Variable Frequency Drive Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Bros., Inc. Electrical Contractors, (Kimberly K. Constable, President, DM), \$106,640. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

02-932 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

02-933 99. Resolution to Close Hearing and REJECT all bids on the WRF Building 30 Platforms, (2 bids received-over estimate). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

\* \* END HEARINGS at 7:02 P.M. \* \*

**\*\*Council considered Items 79 thru 82 next\*\***

#### **APPROVING**

02-934 100. City Manager's recommendation to disapprove the Unified Planning Work Program and budget submitted by MPO for fiscal year 2002-2003, beginning July 1, 2002. ([Council Communication No. 02-180](#)). **Moved by Hensley to adopt the City Manager's recommendation based on the 2000 census numbers. Motion Carried 7-0.**

02-935 101. Redevelopment plan for Greenwood Park, including new walkways and trails, additional parking areas, a year-round picnic/warming shelter, renovation of Sylvan Amphitheater, relocation of park maintenance facility, sale of four lots on northwest corner and uniform signage. ([Council Communication No. 02-199](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

02-936 102. Resolution expressing Council's support for conveying the "Hubbell Tract", located immediately south of the Des Moines River and approximately 1 mile east of Easter Lake, for use by the Iowa Primate Learning Sanctuary to construct a research facility and ape sanctuary. ([Council Communication No. 02-184](#)) **Moved by Brooks to adopt and refer to City Manager for a report back no later than June 17, 2002. Motion Carried 7-0.**

02-937 103. Increase in the schedule of service cut restoration charges for street restoration work performed by the Public Works Department effective July 1, 2002. ([Council Communication No. 02-173](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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### **EXTRA ITEMS**

**These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.**

02-938 1. Request from Darrell Lovell, 1828 Evergreen, to discuss demolition of property at 31 SE Creston. SPONSOR: Brooks. **Moved by Brooks to grant his request for an extension of sixty (60) days to complete restoration. Staff to take property off the public nuisance list. Motion Carried 7-0.**

02-939 2. Approving Class "C" Liquor License for Airport Lodging, LLC, dba Johnny's Italian Steakhouse, 6800 Fleur Drive. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **A G E N D A**

#### **BOARD OF HEALTH April 8, 2002**

02-940 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

#### **AUTHORIZING**

02-941 1. Release of demolition cost reserve held under claim number 20K17989 regarding property known as 2364 Saylor Road owned by Paul Fausett. **Moved by McPherson to adopt. Motion Carried 7-0.**

2. Demolition of the following:

02-942 (A) 4017 Cambridge: Titleholder, Mary Commander. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-943 (B) 2141/2143 High: Titleholder, Richard Privia. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-944 (C) 1408 Hutton: Titleholder, Freddie Lee, (continued from 3-18-02). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-945 (D) 1015 E. 16th Street: Titleholder, First National Acceptance Company. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-946 (E) 829 E. 26th Street: Titleholder, Dennis L. Hougham. **Moved by McPherson to adopt. Motion Carried 7-0.**

COMMUNICATION

02-947 3. Communication and release of demolition cost reserve held under claim number N2-R83-268 regarding property known as 1323 7th Street owned by H.A. Maddux. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-948 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:30 P.M. Motion Carried 7-0.**

*DES MOINES-CITY OF SKYWALKS*