

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**April 16, 2001 4:30 P.M.**

**PROCLAMATIONS - 4:15 P.M.:**

Fair Housing Month

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

01-1020 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-1021 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1022 3. APPROVING CONSENT AGENDA - items 3 through 74: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

01-1023 4. Communication from Legal Department regarding April 16, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer

01-1024 5. Vientiane Restaurant, Inc., Ricky Bounkhong, Owner dba Vientiane Restaurant, 901 East Euclid; New Application (With Sunday Sales) - Application submitted 3-2-01. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

Class "C" Beer Licenses

**WITHDRAWN** 01-1025 6. Kaur Enterprises, Inc., Mohinder Kaur, President dba Fairgrounds 66, 303 Southeast 30th Street; New Application (With Sunday Sales) - Application submitted 3-2-01.

01-1026 7. Phrasimmaly Philavanh dba New Oriental Food Store, 515 East Grand Avenue; Renewal - Expired 4-6-01 (With Sunday Sales) - Application submitted 3-9-01. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

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

01-1027 8. AJS Incorporated, Amy Swacker, President dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-01 (With Sunday Sales) - Application submitted 3-29-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine Licenses

01-1028 9. Cafee Bar Una, Inc., Mirsad Kajtazovic, President dba Cafee Bar Una, 3711 Beaver; Renewal - Expired 2-27-01 (With Sunday Sales) - Application submitted 1-5-01. **Recommendation to DENY. Moved by Vlassis to deny for failure to comply with Iowa Code Section 123.30(2) and Des Moines Municipal Code Section 10-43 (5) in that applicant has failed to comply with City Zoning Ordinance. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-1029 10. Denny D's Inc., Mary Lou Dickey, President dba Denny D's Sports Bar, 607 Southeast 30th Street; New Application (With Sunday Sales) - Application submitted 3-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1030 11. Mills Corner Grocery, Lisa M. LaValle, President dba Des Moines Art Center Restaurant, 4700 Grand Avenue; Renewal - Expires 4-25-01 (With Sunday Sales and Outdoor Service) - Application submitted 3-23-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1031 12. RAR, Inc., John D. Reynolds, President dba John's Place, 2401 East Walnut; Renewal - Expires 4-26-01 (With Sunday Sales) - Application submitted 3-14-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1032 13. Double R Sports, Inc., DaLynn P. Williams, President dba R & R Lounge, 1018 East 17th Street; Renewal - Expires 4-30-01 (With Sunday Sales) - Application submitted 3-14-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1033 14. Scornovacca, Inc., Michael A. Vacco, President dba Scornovacca's Ristorante/Scorno's Sports Bar, 1930 Southeast 14th Street; Renewal - Expires 4-22-01 (With Sunday Sales and Outdoor Service) - Application submitted 3-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

15. NUMBER NOT USED.

01-1034 16. Vic & Andy's Inc., Mary Anne Victor, President dba Vic & Andy's, 5114 Southwest 9th Street; Renewal - Expires 4-30-01 (With Sunday Sales) - Application submitted 3-22-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

01-1035 17. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #5, 1107 Southeast Army Post Road; Renewal - Expires 4-20-01 - Application submitted 3-26-01. **Moved by McPherson**

**to adopt. Motion Carried 7-0.**

Authorizing

01-1036 18. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1037 19. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

## **PUBLIC IMPROVEMENTS**

01-1038 20. Approving Professional Services Agreement with Earth Tech, Inc., (Diane Creel, CEO, Long Beach, CA) for construction phase services, in conjunction with MLK Jr., Parkway Storm Sewer Pump Station at SW 14th Street, not to exceed \$380,000. ([Council Communication No. 01-175](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1039 21. Approving Change Order No. 4 with KRI Company, (Warren Rognes, President) for additional work in conjunction with the E. Euclid Avenue Detention Basin and Storm Sewer Improvements Contract in an amount not to exceed \$19,727.46. ([Council Communication No. 01-176](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1040 22. Approving Change Order No. 3 with M. Peterson Construction Company, (Merlin Peterson, President) for additional work in conjunction with 2000 Intermediate Paving Program Contract in an amount not to exceed \$55,626. ([Council Communication No. 01-180](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1041 23. Approving Change Order No. 1 with Story Construction Company, (Richard T. Johnson, President, Chief Executive Officer) for additional work in conjunction with WRF Grit Handling System Improvements Contract in an amount not to exceed \$34,736. ([Council Communication No. 01-182](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1042 24. Approving professional services agreement with Control Installations of Iowa, Inc., (Wayne C. Hansen, President) for design and installation of comprehensive site security system for the WRA Wastewater Reclamation Facility, not to exceed \$244,462. ([Council Communication No. 01-181](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1043 25. Approving Amendment Agreement No. 1 with Black & Veatch Corporation (Leonard C. Rodman, CEO, Kansas City, MO) for professional services related to construction of WRA Biosolids Storage Facility - \$200,000. ([Council Communication No. 01-189](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1044 26. Resolution ordering construction of 2001 ACC Pavement Milling and Resurfacing, receiving of bids, (May 1, 2001), and setting date of hearing, (May 7, 2001), estimate - \$1,266,500. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1045 27. Designating lowest responsible bidder and approving contract and bond, for the Easton Boulevard Bridge Repainting, Lindner Painting Inc., (R.P. Lindner, Vice President, Seward, NE), \$90,100. ([Council Communication No. 01-179](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1046 28. Authorizing City Engineer to proceed with Sidewalk Program/Driveway Repairs--waivers signed by three property owners; and Paving or Curb Replacement Program/Driveway Repairs--waivers signed by three property owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1047 29. Approving partial payments on four public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-1048 (A) Menard's Store Improvements construction of Type I Manhole located on West curb line of site located at 6000 SE 14th Street between Corell Contractor, Inc. (Steve Corell, President), Contractor and Menard, Inc. (John Menard, President, Eau Claire, WI), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1049 30. (B) Street Paving Improvements for Menard's Store, 6000 SE 14th Street between Corell Contractor, Inc. (Steve Corell, President), Contractor, and Menard, Inc. (John Menard, President, Eau Claire, WI), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1050 (C) Sanitary Sewer Improvements north of the new front addition to Blank Children's Hospital between A.J. Allen Mechanical Contractors, Inc. (Edward Allen, President), Contractor and Central Iowa Hospital Corporation (James Skogsbergh, President), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1051 (D) Sanitary Sewer Improvements for sanitary sewer from SW 30th Street to east approximately 1100 LF to serve The Finches Townhomes at 2801 SW 30th Street between The Underground Company (Duane Burkhardt, President), Contractor and Tulip Hill Design LLC (Don Brown, Owner). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1052 (E) Paving Improvements for proposed Three Lakes Estates Plat 3 Subdivision at Moonlight Drive and Star View Street between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola), Contractor and Erickson Development, Inc. (Tim Erickson, President), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1053 (F) Sanitary Sewer Improvements for proposed Three Lakes Estates Plat 3 Development at Moonlight Drive and Star View Street between Van Hauen & Associates, Inc.(Mark Van Hauen, President, Clive), Contractor and Erickson Development, Inc. (Tim Erickson, President), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1054 (G) Storm Sewer Improvements for proposed Three Lakes Estates Plat 3 Development at Moonlight Drive and Star View Street between Van Hauen & Associates, Inc. (Mark Van Hauen, President, Clive), Contractor and Erickson Development, Inc. (Tim Erickson, President), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1055 (H) Street Improvements for proposed Woods on the River Plat #4 Subdivision in the vicinity of River Woods Avenue and River Ridge Road and E. King Avenue between Sternquist Construction, Inc. (Britt Sternquist, President, Indianola), Contractor and Clarke Company, Ltd. (John Clarke, Managing Partner), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1056 (I) Sanitary Sewer Improvements in new development known as Woods on the River Plat 4 between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Clarke Company, Ltd. (John Clarke, Partner), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1057 (J) Storm Sewer Improvements in new development known as Woods on the River Plat 4 between McAninch Corporation (Dwayne McAninch, President, WDSM), Contractor and Clarke Company, Ltd. (John Clarke, Partner), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

31. Approving Private Construction Contracts for the following:

01-1058 (A) Street Improvements for the widening of north side of Francis Avenue, approximately 530' west of 30th Street, to provide bus drop-off area for James Monroe School, 2250 30th Street between Grimes Asphalt & Paving Corp. (David Chambers, Secretary, Grimes), Contractor and Denis Della Vedova, Inc. (Rich Piper, Jr. Vice President, Albia) Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1059 (B) Sanitary Sewer Improvements for rerouting of sanitary sewer pipe, 3 Type F manholes and miscellaneous associated work at 700 E. University between Earth Movers, Inc. (R. Mark Watkins, President, Waukee), Contractor and Central Iowa Hospital Corporation (David Stark, Chief Operating Officer), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1060 32. Report of Chief Civil Engineer showing construction progress, amount due and funding availability of Easter Lake Retention Basins - Phase 1, \$11,390.57 is now due, and remaining balance of \$57,131.73 is to be paid at the end of thirty days. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

01-1061 33. Approving Delinquent Sewer Rental and/or Solid Waste Stormwater Utility Fees for the month of March, 2001 for certification to Polk County. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1062 34. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for March, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

35. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules assessed against the wrong property:

01-1063 (A) Schedule No. 2001-26 in the amount of \$125; 1325 E. 9th. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1064 (B) Schedule No. 2001-27 in the amount of \$125; 1517 E. Pleasant View Drive. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1065 (C) Schedule No. 2001-51 in the amount of \$139.16; 111 Watrous. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1066 (D) Schedule No. 2001-03 in the amount of \$139.16; 1934-9th. **Moved by McPherson to adopt. Motion Carried 7-0.**

36. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules, an administrative hearing was held, and charges against the property were waived:

01-1067 (A) Schedule No. 2001-26, 1303-5th; in the amount of \$125 **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1068 (B) Schedule No. 2001-03, 2412 E. Walnut, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

37. Authorizing Engineering Department to correct the following NAC Emergency Order Assessment Schedules that were already paid in full:

01-1069 (A) Schedule No. 2001-50, 1830 Park Avenue, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1070 (B) Schedule No. 2001-26, 1217 E. Jefferson Avenue, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1071 (C) Schedule No. 2001-26, 1117 22nd Street, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1072 (D) Schedule No. 2001-26, 4520 SE 16th Street, in the amount of \$125. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1073 (E) Schedule No. 2001-02, 1226 8th Street, in the amount of \$268.28. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1074 (F) Schedule No. 2001-03, 1845 Capitol Ave., in the amount of \$151.64. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1075 37. (G) Schedule No. 2001-03, 3017 State Ave., in the amount of \$126.64. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1076 (H) Schedule No. 2001-05, 812 Washington Ave., in the amount of \$135. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

01-1077 38. Authorizing payment of Condemnation Award for the acquisition of right-of-way documents from US Sprint Communications (1529 Market Street) for Martin Luther King, Jr. Parkway Project-\$13,213 plus sheriff's fees and jury expenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1078 39. Authorizing payment of Settlement for acquisition of Leasehold Interest in 2000 SE 1st Street from Club 2000 and Craig A. Haugh and Denise Haugh in conjunction with the Indianola Avenue Connector Project-\$25,000 plus Sheriff's fees and jury expenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1079 40. Approve and accept right-of-way documents for the Northeast Four Mile Sanitary Sewer Project from the Webb Shadle Memorial Fund, (4615 NE Hubbell Road), \$635 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1080 41. Approve and accept right-of-way documents for Grandshire Area Sanitary Sewer Project from Lee J. Decker and Charlotte A. Decker, 1775 Emma, \$490 plus closing costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

01-1081 42. Recommendation of Council Member Archie Brooks to reappoint Ida Miles- (expires 4-2003) and Scott Sargent-(expires 4-2004) to the Citizen Odor Board for three year terms. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1082 43. Recommendation of At-Large Council Member George Flagg, to reappoint Randy Brown to the Power Engineers Examining Board for a three-year term to expire April 5, 2004. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1083 44. Recommendation of At-Large Council Member George Flagg to appoint Kent M. Carlson to the Urban Renewal Board for a three-year term, commencing April 16, 2001 to expire January 18, 2004. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1084 45. Recommendation of At-Large Council Member George Flagg to reappoint Kathryn Watts to the Sister City Commission for a five year term to expire April 28, 2006. **Moved by**

**McPherson to adopt. Motion Carried 7-0.**

46. Recommendation of Council Member Chris Hensley, for the following:

01-1085 (A) To reappoint Susan R. Noland to the Human Rights Commission for a three-year term to expire April 5, 2004. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1086 (B) To appoint Carol Olson to the Access Advisory Board, for a term to expire June 15, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1087 47. Recommendation of Council Member Mike McPherson to reappoint Robert Utter to the Sister City Commission for a five year term to expire April 28, 2006. **Moved by McPherson to adopt. Motion Carried 7-0.**

**STREET CLOSINGS**

01-1088 48. Approving closure of the following street. **Moved by McPherson to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

(1) Sam Bernabe, representing the Iowa Cubs, 330 SW 1st Street, requesting permission to close SW 1st Street from Scott Street to Y of Riverside and SW 1st Street on Friday, April 20, May 4, May 18, May 25, June 15, July 6, July 20, August 3, August 17 and August 31, and on Wednesday July 4, 2001, from approximately 10:00 P.M. to 10:15 P.M. for a fireworks display in conjunction with the Iowa Cubs Games.

01-1089 49. Approving exception regarding length of time request from Aaron Brunello, representing Inter Fraternity Council, Drake University, request to close 34th Street from University Avenue to Forest Avenue on Friday, April 27, 2001, from 10:00 P.M. to 2:00 A.M. and on Saturday, April 28, 2001, from 10:00 P.M. to 2:00 A.M., for Fraternity activities in conjunction with Drake Relays. **Moved by McPherson to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 6-1. Nays: Brooks.**

**CITY PLAN COMMISSION RECOMMENDATIONS**

01-1090 50. Regarding request from the City Traffic Engineer, for a long-term temporary closure of SW 31st Street south of Edwards Avenue. ([Council Communication No. 01-183](#)). **Moved by McPherson to adopt and refer to the City Manager. Motion Carried 7-0.**

**SETTING DATE OF HEARINGS**

01-1091 51. On request from Fleur Properties, L.C., to rezone property at 7600 Fleur Drive, from "R1-80" (One Family Residential) to "PUD" (Planned Unit Development), for development of the "Airport Crossroads" Concept Plan with 17 lots available for business park and supporting commercial use, subject to revisions, (5-7-01). **Moved by McPherson to adopt. Motion**



**Carried 7-0.**

01-1092 52. On request from Erickson Development, Inc., to rezone property at 3010 E. Pine Avenue, from "A-1" (Agricultural) to "PUD" (Planned Unit Development), for development of the "Three Lakes Estate II" Concept Plan proposing 209 single-family lots and 194 units of attached townhomes, (5-7-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

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

01-1093 53. Approving payment of \$3,631.43 to 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.**

01-1094 54. Approving payment of \$14,698.40 to William Jenkins of Myers & Jenkins to represent the City in the Trans World Airlines, Inc. bankruptcy. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1095 55. Approving payment of \$687.50 to Randy Duncan of Duncan, Green, Brown, Langeness & Eckley to represent the City in matters involving the airport parking garages. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1096 56. Approving payment of \$275 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in conjunction with City's acquisition of DICO property at 200 S.W. 16th Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1097 57. Approving payment of \$860.96 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1098 58. Approving payment of \$1,159 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 McPherson to adopt. Motion Carried 7-0.**

01-1099 59. Approving payment of \$2,214.30 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.**

01-1100 60. Approving payment of \$36,000 to Tracy Welch for settlement of lawsuit for injuries suffered in accident. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1101 61. Approving payment of \$8000 to Benjamin A. Archer, Jr. for settlement of a worker's compensation claim for an injury suffered during scope of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1102 62. Approving payment of \$22,189.20 to Rodney McCloney for settlement of a

worker's compensation claim for an injury suffered during scope of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

01-1103 63. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-177](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0. Council Member Brooks votes "NO" on Item No. 4 only.**

(1) Reversal of Two-Way Stop--East 15th Street and Richmond Avenue.

(2) Placement of Two-Way Stops in the Chesterfield Neighborhood.

(3) Speed Limit Reduction--Park Avenue between Fleur Drive and Valley Drive.

(4) Removal of Taxicab Stand and Installation of New Parking Metered Spaces--East Side of 8th Street North of Walnut Street.

01-1104 64. Submitting out-of-state travel requests for Joedy VanVelzen, Jeff Franklin, Elly Walkowiak and Terry Mitchell. ([Council Communication No. 01-171](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **APPROVING**

01-1105 65. Receipt of Legislative Update for the 2001 Session. **Moved by McPherson to receive and file the report. Motion Carried 7-0.**

01-1106 66. Receipt of communication from Chair of Des Moines International Airport Board regarding parking charges at the Des Moines International Airport, effective 6-11-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1107 67. One-year grant application to combat drug trafficking by multi-agency task force developed to investigate cases involving distribution of methamphetamine, \$84,908. ([Council Communication No. 01-185](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1108 68. Submittal of 2002 AmeriCorps grant application to the Iowa Commission on Volunteer Services, \$10,000. ([Council Communication No. 01-172](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1109 69. Renewal of Annual Contribution Contract Projects IA020MR003/008 and 009 for Moderate Rehabilitation funding with United States Department of Housing and Urban Development. ([Council Communication No. 01-186](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

01-1110 70. Agreement with Employee Assistance Program, to continue assessment and referral counseling for City employees and family members, \$24,000. ([Council Communication No. 01-169](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1111 71. Civil Service Entrance lists for Housing Services Receptionist, Parks Technician, Building Equipment Operator, Clerk Typist, and Promotional List for Real Estate Contracts and Closings Specialist. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1112 72. Bid from O'Halloran International Inc., (751 East Market Street, Jim O'Halloran, President) for a 39,000 GVW Single Axle Truck to be used by the Public Works Department (Sewer Division), \$64,639. (Eights bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1113 73. Authorizing Acting Finance Director to draw checks on registers of April 13 and April 20, 2001, and for the bills of the Des Moines Municipal Housing Agency for the week of April 16, 2001; and to draw checks for the biweekly payroll due employees on April 20, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **ORDINANCES - SECOND CONSIDERATION**

01-1114 74. Amending Blank Park Zoo fees and charges for 2001. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Coleman.**

01-1115 (A) Final consideration of ordinance above, (waiver requested by Parks & Rec Department), 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, #13,939. Motion Carried 6-1. Nays: Coleman.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

75. Amending Chapter 74 of the Municipal Code regarding the following:

01-1116 (A) Allowing consumption of alcohol in Gray's Lake Park Observation Deck. ([Council Communication No. 01-173](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-1117 (B) Allowing the Park Board to establish the hours of operation for all park facilities. ([Council Communication No. 01-174](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

01-1118 76. Amending Chapter 42 of the Municipal Code regarding distribution of handbills and

newspapers at private premises. **Moved by Flagg to adopt. City Council requests City Manager and Legal to report on the proposed enforcement of this ordinance, by the second reading. Motion Carried 7-0.**

**\*\*Council considered Item 82 next, and then hearing items 85-95\*\***

01-1119 77. Amending Chapter 102 of the Municipal Code regarding Snow and Ice Removal Citation Challenge procedure. ([Council Communication No. 01-184](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Brooks and Vlassis. Absent: Daniels.**

**WITHDRAWN**01-1120 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

01-1121 78. Amending Chapter 78 of the Municipal Code regarding solicitation of funds, decreasing the percentage of funds utilized for the cost of administration, from 45 to 30 percent, (communication from City Clerk). **Moved by Hensley that this ordinance be considered and further amended to decrease the percentage of funds utilized for cost of administration from 45 to 20 percent, and be given first vote for passage. Motion Carried 5-1-1. Pass: Coleman. Absent: Daniels.**

**WITHDRAWN**01-1122 (A) Final consideration of ordinance above, (waiver requested by City Clerk), requires 6 votes.

01-1123 79. Amending Chapter 114 of the Municipal Code to place a stop control at the "T" intersection of 57th and Kingman. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

01-1124 80. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

- (1) Corner Clearance Parking Restriction--North Side of Leland Avenue East of SW 12th Street.
- (2) Corner Clearance Parking Restriction--South Side of Arthur Avenue East and West of East 11th Street.
- (3) Corner Clearance Parking Restriction--South Side of East Sheridan Avenue East of East 25th Street.
- (4) Corner Clearance Parking Restriction--East Side of East 13th Street North of Arthur Avenue.
- (5) Lengthen Corner Clearance--South Side of Pleasantview Drive East of SW 9th Street.

(6) Speed Limit Revision--Relocated Army Post Road from SW 28th Street to Iowa 28.

(7) One-Sided Parking Restriction--Each Street in Three Lakes Estates Subdivision South of East Army Post Road.

### **COUNCIL REQUESTS**

01-1125 81. From Council Member Flagg, regarding a truck parked at 3410 Urbandale Avenue. **Moved by Flagg to receive, file and refer to City Manager and Legal. Motion Carried 6-1. Absent: Daniels.**

01-1126 82. From Council Member Flagg, to discuss issues raised by the Chair of the Access Advisory Board. **Moved by Flagg to receive and file. Motion Carried 7-0.**

### **COMMUNICATIONS/REPORTS**

01-1127 83. From Polk County Auditor and Commissioner of Elections, regarding Reprecincting and Redistricting for 2001. **Moved by Hensley to receive, file and appoint Council Member Vlassis to work with the County and City staff to prepare the necessary information by the appropriate deadline. Motion Carried 6-1. Absent: Daniels.**

01-1128 84. From John Dingeman, 1420 - 9th Street requesting to speak regarding telephone conversations between Mrs. Dingeman and City staff. **Mr. Dingeman spoke to the Council about the property at 1420-9th Street. The City Manager agreed to have inspection staff at this residence at 4:00 P.M., April 17th.**

### **HEARINGS (Opened at 5:50 P.M.) (Items 85 thru 95)**

01-1129 85. On Limousine License application of Marcus Green. **Moved by Brooks to grant license for a six (6) month probationary period. Any violation in that six month probation period will cause immediate revocation of this license. Motion Carried 7-0.**

**\*\*Mayor Daniels left the meeting at 6:00 P.M.\*\***

01-1130 86. Reconsideration of Taxicab License application for Sean D. Lindley. **Moved by Brooks to continue the hearing and ask Mr. Lindley to present a letter from his potential employer, verifying employment upon Council approval, and that the employer is aware of his convictions. Motion Carried 5-1-1. Nays: McPherson. Absent: Daniels.**

01-1131 87. On request from David Walters d/b/a DW Homes, Inc., to rezone property in the vicinity of 5901 SE 14th and 1535 E. Diehl Avenue, from "R1-80" (One Family Residential) and "C-2" (General Retail and Highway Oriented Commercial) to a "PUD" (Planned Unit Development) for development of the PUD Concept Plan for Stoney Point, with mixed highway commercial and Low Density residential use, subject to conditions. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1132 (A) First consideration of ordinance above, (six votes required due to sufficient protest). **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

01-1133 (B) Final consideration of ordinance above, (waiver requested by applicant). **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, [#13,940](#). Motion Carried 6-1. Absent: Daniels.**

01-1134 88. On proposed Zoning Ordinance text amendment, to reduce the amount of protest necessary to require a supermajority of the City Council to approve a proposed rezoning. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Daniels.**

01-1135 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Coleman. Absent: Daniels.**

**WITHDRAWN**01-1136 89. On proposed Zoning Ordinance text amendment, to permit use of electric fences that meet Underwriter Laboratories' standards of safety.

**WITHDRAWN**01-1137 (A) First consideration of ordinance above.

01-1138 90. On conveyance of City-owned property at 1758 Cleveland, to Jose Gallardo, \$3,500. **Moved by McPherson to defer action to April 23 , 2001 meeting. Council requests a map and a reason for this conveyance. Motion Carried 6-1. Absent: Daniels.**

01-1139 91. On continuation of lease agreement with Des Moines Power Boat Club for use of land at Birdland Park along the Des Moines River. **Moved by McPherson to adopt. Motion Carried 6-1.**

01-1140 92. On proposal to grant a permanent easement on city property, to MidAmerican Energy Company, in conjunction with the Gray's Lake Master Plan. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1141 93. On Lease of vacated portions of the E. Second Street right-of-way between E. Grand and E. Locust to 300 East Locust L.P., to be used for private parking, not to exceed 5 years, \$30 per month for each parking space, (continued from 4-2-01), and to further continue to 5-7-01. **Moved by McPherson to continue the public hearing until May 7, 2001, at 5:30 P.M. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

01-1142 94. On Hubbell Avenue Bridge over Four Mile Creek--IDOT Project: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of cost. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1143 (A) Resolution on submission of bids, and designating lowest responsible bidder as Jensen Construction Co., (James E. Rasmussen, Owner, DM), \$1,178,093.30. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1144 95. On Wells Fargo Demolition, 812 Mulberry and 100-8th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Metro Wrecking & Excavating, Inc., (Kurt Pagliai, President, DM) \$374,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1145 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

\* \* END HEARINGS at 6:50 P.M. \* \*

**\*\*Council considered Items 88 through 81 next\*\***

## **APPROVING**

01-1146 96. Resolution expressing conditional support for the Warren County Comprehensive Plan, identifying an Urban Services Area for the City of Des Moines which is consistent with City's plans for the area. ([Council Communication No. 01-178](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1147 97. Selection of ICMA-RC as the plan provider for a Section 401(a) Money Purchase Pension Plan with a Loan Provision, for SPM Employees. ([Council Communication No. 01-188](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Hensley. Absent: Daniels.**

01-1148 98. Des Moines Area Metropolitan Planning Organization Unified Planning Work Program and budget for fiscal year 2002, beginning July 1, 2001, \$93,000. ([Council Communication No. 01-190](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1149 99. Memorandum of Understanding with Iowa State University-Research Institute for Studies in Education, for development and implementation of a Citizen Satisfaction Survey. ([Council Communication No. 01-187](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1150 100. Neighborhood Finance Corporation Program modification in conjunction with 28E Agreement with Polk County, to offer mortgage financing for sixty (60) Des Moines Municipal Housing Agency homes outside of the NFC lending area. ([Council Communication No. 01-170](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

\* \* \* \* \*

## **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.**

01-1151 1. Amending Chapter 42 of the Municipal Code regarding Hearing Officer's authority for nuisance abatements. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

01-1152 (A) Final consideration of ordinance above, (waiver requested by the City Manager) requires 6 votes. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,941](#). Motion Carried 6-1. Absent: Daniels.**

01-1153 2. Recommendation from Council Member Hensley to reappoint Margaret Ballard and Marjorie Burgess to the Citizen Odor Board, three-year terms to expire April 4, 2004. SPONSOR: Hensley. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1153 3. Recommendation from Council Member Hensley to reappoint Suzan Nixon to the Neighborhood Revitalization Board, three-year term to expire June 30, 2003. SPONSOR: Hensley. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1155 4. Communication from Council Member Flagg, regarding letter received from M. Tuinstra, 2211 E. 39th Court, regarding neighbor pumping water onto her property. SPONSOR: Flagg. **Moved by McPherson to receive, file and refer to City Manager for review and recommendation. Motion Carried 6-1. Absent: Daniels.**

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

### **BOARD OF HEALTH April 16, 2001**

01-1156 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Daniels.**

### **AUTHORIZING**

01-1157 1. Communication regarding demolition cost reserve escrowed for 1922 E. Walnut. **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: Daniels.**



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

01-1158 (A) 439 E. Gray Street (vacant) Titleholders: Michael A and Kathryn K Marasco; Contract Buyer: Ronald A Buchanan; and Legal Interest Holders: State Federal Savings & Loan Association of Des Moines, Attn: Andra Black, Co-President. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1159 (B) 1315 Harrison Avenue (vacant) Titleholder: Michael L Dooley; and Contract Buyers: James D and Janet Mayer. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1160 (C) 1015 E. 16th Street (vacant) Titleholders: First National Acceptance Company, Attn: Prentice Hall Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

01-1161 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:37 P.M. Motion Carried 6-1. Absent: Daniels**

*DES MOINES-CITY OF SKYWALKS*