

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**April 23, 2001 4:30 P.M.**

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

Arbor Day

Christmas in April

Des Moines Capitals

**SPECIAL PRESENTATIONS - 4:15 P.M.:**

Spring Blast Appreciation

**INVOCATION:** Pastor Fred Gee, Grant Park Christian Church

01-1162 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-1163 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1164 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

01-1165 4. Communication from Legal Department regarding April 23, 2001 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "C" Beer Licenses

01-1166 5. Krueger Enterprises, Don Krueger, President dba Krueger Amoco #2, 630 Southwest 9th Street; New Application (With Sunday Sales) - Application submitted 4-9-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN**01-1167 6. Mora Inc., Manuel Mora, Owner dba La Tapatia, 1700 East Grand; Renewal - Expires 5-1-01 (With Sunday Sales) - Application submitted 4-16-01.

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

01-1168 7. American Drug Stores, Inc., Kevin H. Tripp, President dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-01 (With Sunday Sales) - Application submitted 3-14-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1169 8. American Drug Stores, Inc., Kevin H. Tripp, President dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-01 (With Sunday Sales) - Application submitted 3-19-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine Licenses

**WITHDRAWN**01-1170 9. Rolling Ball, L.L.C., Amedeo Rossi, Member dba The Lift, 222 4th Street; New Application (With Sunday Sales) - Application submitted 3-19-01.

**WITHDRAWN**01-1171 10. Easy Starts Restaurant, Inc., Angelo Ligdis, President dba Olympic Flame Restaurant, 514 East Grand; Renewal - Expires 5-13-01 - Application submitted 4-11-01.

Class "C" Liquor Licenses

01-1172 11. All In The Family Lounge, Inc., Helen L. Gordon, Owner dba All In The Family, 4413 Fleur Drive; Renewal - Expires 5-1-01 (With Sunday Sales) - Application submitted 4-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN**01-1173 12. Benboe, Inc., Tim Holmes, President dba B & B Que, 2712 Beaver; New Application (With Sunday Sales and Outdoor Service) - Application submitted 4-12-01.

01-1174 13. Ronbonj Inc., Bonnie Platt, President dba Bourbon Street, 500 Army Post Road; Renewal - Expires 5-7-01 (With Sunday Sales) - Application submitted 4-9-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1175 14. Riverhouse, Inc., Craig Kelso, Owner dba Des Moines Yacht Club, 2617 Ingersoll; Renewal - Expires 5-5-01 - Application submitted 4-4-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1176 15. Wolsey Dublin Company, Dennis Rose, President dba Garfields Restaurant & Pub, 1111 East Army Post Road Ste 238; Renewal - Expires 5-16-01 (With Sunday Sales) - Application submitted 3-20-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1177 16. Gene's Place, Inc., Ronald Goodrich, President dba Gene's Place, 2117 East University; Renewal - Expires 5-9-01 (With Sunday Sales) - Application submitted 3-29-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1178 17. T H Ent., Tim Holmes, President dba J Benjamin's, 5800 Franklin; New Application submitted 4-12-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1179 18. JCS Enterprises, Inc., Randy Lancaster, President dba Jack & Randy's Southtown Tap, 3803 Southwest 9th Street; Renewal - Expires 5-5-01 (With Sunday Sales) - Application submitted 3-29-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1180 19. 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.**

01-1181 20. Lui Restaurants, Inc., Yu Ping Wong, Owner dba The Mandarin Restaurant, 3520 Beaver; Renewal - Expires 4-30-01 (With Sunday Sales) - Application submitted 3-26-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1182 21. D T Corner Inc., Larry Smithson, Owner dba Papa's Planet, 206-208 3rd Street; Renewal - Expires 5-4-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1183 22. Flanagan Corporation, Tim Flanagan, President dba Tim Flanagan's Restaurant & Lounge, 2120 Ingersoll; Renewal - Expires 4-30-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-2-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Liquor/"B" Wine Licenses

01-1184 23. Parisian, Inc., James A. Coggin, President dba Younkers Tea Room, 701 Walnut; Renewal - Expires 4-30-01 - (With Sunday Sales) - Application submitted 3-30-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Outdoor Services

01-1185 24. Forest Avenue Tavern, Inc., Andrew White, President dba Peggy's Tavern, 3020 Forest; request for temporary outdoor service from 5-11-01 thru 5-13-01 for Drake Graduation. Application submitted 4-16-01. Subject to acceptable building, electrical, zoning and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Name Change

01-1186 25. Communication from Sadanan Panvaree dba KO Restaurant, 1254 East 14th Street to change dba name to Ban Thai effective 3-30-01. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Authorizing

01-1187 26. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1188 27. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

01-1189 28. Authorization to proceed on Lower Beaver Road Widening from Madison Avenue to Shawnee Place; and Milton Avenue Paving from E. 21st Street to 300 feet east, which are included in 2001-2002 Capital Improvements Program. ([Council Communication No. 01-193](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1190 29. Approving and authorizing the execution of Supplemental Agreement No. 4 with Louis Berger & Associates, Inc. (Thomas Leck, President, East Orange, NJ) for Archeological Data Recovery Excavation of Martin Luther King Jr. Parkway Project from SW 2nd Street to SW 7th Street, not to exceed \$296,000. ([Council Communication No. 01-197](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1191 30. Approving Agreement with Professional Engineering firm of IMAGETek, Inc. (Ted Kruzan, President, Urbandale) for document imaging services for the Wastewater Reclamation Authority, in a lump sum not to exceed \$64,497.06. ([Council Communication No. 01-216](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

31. NUMBER NOT USED.

32. Approving items for the Hubbell Avenue Bridge over Four Mile Creek project:

01-1192 (A) Contract and bond and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1193 (B) Professional Services Supplemental Agreement No.2 with Shuck-Britson, Inc. ([Council Communication No. 01-194](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1194 33. Approving partial payments on six (6) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1195 34. Approving Petition and Waiver forms for sidewalk program/request to repair sidewalk for two property owners, and sidewalk program/request to repair driveway from one property owner authorizing City Engineer to proceed with construction. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1196 35. Communication from Story Construction Co. requesting permission to sublet on the Des Moines Metropolitan Wastewater Reclamation Facility Biosolids Storage facilities improvement project. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1197 36. Request from McAninch Corporation, (Dwayne McAninch, President, WDM), for an extension of time until May 14, 2001 for the M.L. King, Jr. Parkway/Southwest Outfall Sewers. **Moved by McPherson to receive, file and grant the extension of time until May 14, 2001. Motion Carried 7-0.**

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

01-1198 (A) Street Improvements for Airport Commerce Park South, Plat 1 between M. Peterson Construction Company, (Merlin Peterson, President), Contractor, and Airport Commerce Park, L.C. (Gerard D. Neugent, President, WDM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1199 (B) Sanitary Sewer Improvements for Airport Commerce Park South, Plat 1 between McAninch Corporation, (Dwayne McAninch, President), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, President, WDM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1200 (C) Storm Sewer Improvements for Airport Commerce Park South, Plat 1 between McAninch Corporation, (Dwayne McAninch, President), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, President, WDM), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1201 37. (D) Sanitary Sewer Improvements for Three Lakes Estates Plat 1, Outlot W to serve Outlot W (proposed Three Lakes Estates Plat 2, and to extend under Lot C in Three Lakes Estates Plat 1 (Lake No. 3) between VanHauen & Associates, Inc., (Mark VanHauen, President), Contractor and Erickson Development, Inc., (Tim Erickson, President, Ankeny, IA), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1202 (E) Storm Sewer Improvements for Three Lakes Estates Plat 1, Outlot W in Three Lakes Estates Plat 1 (proposed Three Lakes Estates Plat 2) between VanHauen & Associates, Inc., (Mark VanHauen, President) Contractor and Erickson Development, Inc., (Tim Erickson, President, Ankeny, IA), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1203 (F) Street Improvements for proposed Three Lakes Estates Plat 2 Subdivision between Sternquist Construction, Inc., (Britt Sternquist, President) Contractor and Erickson Development, Inc., (Tim Erickson, President, Ankeny, IA), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1204 (G) Wingate Inn Hotel Improvements Sanitary Sewer and Storm Sewer Intake, 6800 Fleur Drive between Corell Contractor, Inc., (Steve Corell, President) Contractor and Pace Company, Inc. (Terry Stark, President, Grimes, IA) **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1205 (H) Sanitary Sewer Improvements for Fifth Judicial District @ Fort Des Moines between KRI Company, (Warren Rognes, President) Contractor and 5th Judicial District DOCS (Beth A. Lenstra, Administrative Officer, Des Moines), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1206 (I) Storm Sewer Improvements across Grand Avenue at Tonawanda Drive to service St. Augustin Catholic Church and Plymouth Congregational Church between Breiholz Construction

Company, (David J. ward, President) Contractor and St. Augustin Catholic Church (Rev. Msgr. Frank Bognanno, Pastor), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1207 (J) Relocation of Public Storm Sewer: 2700 Ingersoll Avenue between Grand Avenue and Ingersoll Avenue between Cook Plumbing Corporation, (Mark T. Cook, President) Contractor and Ingersoll Development L.C., (Michael R. Myers), Owner. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

01-1208 38. Notice to levy assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) on Schedule No. 2001-07. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

01-1209 39. Approving closing on conveyance of Parcel "B" (12th and Mulberry), to Nationwide Mutual Insurance Company, and approving Skywalk Agreements. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-1210 40. Condemnation Commissioner's award of \$1,796,000, plus Commissioner's and Sheriff's fees and jury expenses, in conjunction with The Allied Gateway Campus Project, in the Metro Center Urban Renewal Area, to Delaware Investment Company. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

01-1211 41. Approving issuance of corrective deed for alley right-of-way to Principiant Hotel Company, L.C., - north/south and east/west alley between Walnut and Mulberry Streets, west of 10th Street, behind the Hotel Fort Des Moines. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1212 42. Approving Tax Abatement Application for 2902 Deerpath Court for improvements made during 2000. ([Council Communication No. 01-214](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1213 43. Approving final plat for Sunrise Estates Plat 3 in vicinity of East Douglas and East 43rd Court. ([Council Communication No. 01-209](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1214 44. Approving final plat for Broadway Business Park located west of relocated Highway 65 and south of NE Broadway within the 2-mile area outside the City of Des Moines. ([Council Communication No. 01-212](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

01-1215 45. From South Side Revitalization Partnership requesting to be kept informed on plans for corridors of Army Post Road from Fleur Drive to East City Limits, and SE 14th Street from

the river to South City Limits. **Moved by Brooks to receive, file and approve the request; refer to City Manager to provide routine informational reports, as appropriate. Motion Carried 7-0.**

01-1216 46. Recommendation of Council Member Chris Hensley, to appoint Stuart K. Turner to the Historic District Commission for a three year term commencing October 18, 1999 to expire October 18, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1217 47. Recommendation of Council Member Tom Vlassis, to appoint Stuart E. Mitchell to the Park and Recreation Board for a four year term commencing June 30, 1999 to expire June 30, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1218 48. Communication from Robert Utter, Chair, Greater Des Moines Sister City Commission advising of resignation of Christine Long and requesting her seat be declared vacant. **Moved by McPherson to receive, file and declare the seat vacant. Motion Carried 7-0.**

## **STREET CLOSINGS**

01-1219 49. Approving closure of the following streets. **Moved by Hensley 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. City Clerk and Street Use Team to work with Civic Center staff to establish specific criteria for closing Third Street, so as not to negatively impact events at the Civic Center. Motion Carried 7-0.**

(1) Kurt Schaefer, representing Dam To Dam, requesting permission to close 3rd Street from Locust Street to Walnut Street on Saturday, June 2, 2001 from 7:00 to 11:30 A.M. for the Dam To Dam Run finish line activities.

(2) Kelly Egenberger, representing Downtown Community Alliance, requesting permission to close Court Avenue from 1st Street to 5th Street and 4th Street from Walnut Street to The Depot every Saturday, May 12, 2001 through October 27, 2001 from 7:00 A.M. to 12:00 Noon for the Farmers Market.

50. Approving exception regarding length of time for the following:

01-1220 (A) Tyrone Anderson, representing Hawkeye Elks Lodge #160, 1401 Walker Street, requesting permission to close Forest Avenue, from 13th Street to 16th Street on Sunday, June 10, 2001 from 10:00 A.M. until 8:00 P.M. (Raindate of June 11, 2001) for a Midwest Convention for Hawkeye Elks. **Moved by McPherson to approve street closure listed, and approve any street closure continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

01-1221 50. (B) Tyrone Anderson, representing Hawkeye Elks Lodge #160, 1401 Walker Street, requesting permission to close Walker Street, from Johnson Court to N.E. 14th Street on Saturday, May 5, 2001 from 8:00 A.M. until 6:00 P.M. (Raindate of May 12, 2001) for a Fire

and Safety Event. **Moved by McPherson to approve the street closure listed, and approve any street closure continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

01-1222 (C) Jim Stevens, representing Nacho Mamma's, 216 Court Avenue, requesting permission to close the alley off of Court Avenue from 2nd Street to 3rd Street on Saturday, May 5th; Sunday, May 27th; Friday, June 1st; Friday, June 29th; Saturday, June 30th; Tuesday, July 3rd; Saturday, July 28th; Saturday, August 25th; and Sunday, September 2, 2001 from 8:00 PM to 12:30 AM for staging area for live music. **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.**

### **SETTING DATE OF HEARINGS**

01-1223 51. On assessment of \$300 penalty to 7 Cigarette Permittees, for violation of Iowa Cigarette Laws (sale to minors), (5-7-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1224 52. On issuance of not to exceed \$10,500,000 General Obligation Refunding Bonds (for an essential corporate purpose), (5-7-01). ([Council Communication No. 01-203](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

53. On issuance of General Obligation Bonds as follows, (5-7-01), ([Council Communication No. 01-215](#)):

01-1225 (A) \$9,475,000 (Essential Corporate Purpose), for planning, undertaking and carrying out Urban Renewal Project Activities. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1226 (B) \$986,000 (General Corporate Purpose), for remodeling, reconstruction and improvement of various City facilities. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1227 (C) \$641,000 (General Corporate Purpose), for remodeling, reconstruction and improvement to various City facilities, and acquisition of software for City-wide information and communication systems. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1228 (D) \$938,000 (General Corporate Purpose), for acquisition and installation of hardware infrastructure and data migration equipment. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

01-1229 55. (E) \$21,310,000 (Essential Corporate Purpose), for improvements to various city facilities and/or properties. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

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



01-1230 54. Approving Payment of \$5,984.95 to Gaudineer & Comito, L.L.P. for representation of Brian Danner in case Elmer Pace and Linda Pace v. Brian Danner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1231 55. Approving payment of \$7,619 to Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in case Joyce Wilson and Val Wilson Jr. as Administrators of the Estate of Jerome LeRoy Mozee v. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 7-0.**

01-1232 56. Approving payment of \$6,636.98 to LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case William L. Taylor v. Cynthia Donahue, Greg Dickel and Martin Siebert. **Moved by McPherson to approve payment. Motion Carried 7-0.**

01-1233 57. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

01-1234 58. Submitting out-of-state travel requests for Jeff Morton and Mike Peterson. ([Council Communication No. 01-191](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **APPROVING**

01-1235 59. Receipt of background and summary of City's Affordable Housing Policy for reviewing Low Income Housing Tax Credit Projects. ([Council Communication No. 01-198](#)). **Moved by Hensley to receive and file. City Manager to work with Community Development to explore options available. Motion Carried 7-0.**

01-1236 60. Receipt of Public Works Department's Annual Snow & Ice Removal Report for Winter 2000-2001. ([Council Communication No. 01-208](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-1237 61. Receipt of Legislative Update for the 2001 Session. **Moved by McPherson to receive and file the report. Motion Carried 7-0.**

01-1238 62. Authorizing submission of grant application to FEMA for funding of firefighter safety training for Fire Apparatus. ([Council Communication 01-199](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

63. The following grants from the United States Department of Housing and Urban Development:

01-1239 (A) 2001 Public Housing Capital Fund Program - \$1,605,100. ([Council Communication](#)

No. 01-206. **Moved by Brooks to approve. Motion Carried 7-0.**

01-1240 (B) 2001 Public Housing Drug Elimination - \$223,088. ([Council Communication No. 01-205](#)) **Moved by Brooks to approve. Motion Carried 7-0.**

01-1241 64. Approving documents relating to State of Iowa CEBA Award and relating to a City Economic Development Forgivable Loan to Kemin Industries, Inc. in the amount of \$42,000. ([Council Communication No. 01-200](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

**\*\*Council considered hearing items 80 through 84 next\*\***

01-1242 65. Community Economic Betterment Account (CEBA) Documents relating to loan to Paper Systems, Inc. in the amount of \$45,000 for funding of equipment and working capital. ([Council Communication No. 01-207](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

01-1243 66. Resolution to approve amended promissory note with Keystone Electrical Manufacturing Co. ([Council Communication No. 01-211](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1244 67. Bid from Electrical Products Company (Richard Ward, Vice President, Omaha, NE) for signal poles and light poles for the Martin Luther King Jr. Parkway project - \$193,464. (Three bids mailed-two received). ([Council Communication No. 01-192](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

01-1245 68. Civil Service Entrance lists for Housing Services Accounting Manager, and Real Estate Relocation Coordinator; and Promotional List for Senior Horticulture Technician and Senior Police Officer. **Moved by McPherson to receive and file. Motion Carried 7-0.**

01-1246 69. Authorizing Acting Finance Director to draw checks on registers of April 27, 2001 and May 4, 2001, and for the bills of the Des Moines Municipal Housing Agency for the weeks of April 23, 2001 and April 30, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **ORDINANCES - SECOND CONSIDERATION**

01-1247 70. Amending Chapter 42 of the Municipal Code regarding distribution of handbills and newspapers at private premises and to continue to May 7, 2001. **Moved by Vlassis that this ordinance be continued to May 7, 2001. Motion Carried 7-0.**

01-1248 71. Amending Chapter 102 of the Municipal Code regarding Snow and Ice Removal Citation Challenge procedure. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-1249 72. 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 McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-1250 73. 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 20 percent. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-1251 74. Amending Chapter 74 of the Municipal Code to allow consumption of alcohol in Gray's Lake Park Observation Deck. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

01-1252 75. Amending Chapter 74 of the Municipal Code, to allow the Park Board to establish the hours of operation for all park facilities. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-1253 76. 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 second vote for passage. Motion Carried 6-1. Absent: McPherson.**

01-1254 (A) Final consideration of ordinance above. **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, [#13,942](#). Motion Carried 6-1. Absent: McPherson.**

01-1255 77. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given second vote for passage.**

- (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.

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

## COMMUNICATIONS/REPORTS

01-1256 78. From John Dingeman, 1420 9th Street, request to speak regarding inspection conducted on April 17th of his property. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

01-1257 79. From Kurt Just, 1218 Virginia, requesting to speak regarding alleged code violations at other licensed establishments. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

**\*\*Council considered Item 85 through end of agenda next\*\***

## HEARINGS (Opened at 5:30 P.M.) (Items 80 thru 84)

01-1258 80. On conveyance of City-owned property at 1758 Cleveland, to Jose Gallardo, \$3,500, to allow construction of a 2286 square-foot home, continued from 4-16-01. ([Council Communication No. 01-213](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1259 81. On Parking Garage Elevator Renovation, 4th & Grand and 5th and Keo: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Schumacher Elevator Company, (Marvin W. Schumacher, President, Denver, IA), \$362,797. ([Council Communication No. 01-195](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1260 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1261 (B) Supplemental Agreement No. 2, for Professional Services, Shuck-Britson, Inc., (Robert A. Britson, President, DM), not to exceed \$12,476. ([Council Communication No. 01-196](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-1262 82. On 823 Walnut Street Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Peterson Contractors Inc., (Cordell Q. Peterson, President, Reinbeck, IA) \$335,480. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-1263 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-1264 83. On Durable Pavement Markings - Army Post Road: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Dennis Parking Lot Maintenance, Inc., (Lynn R. Dennis, President, DM), \$56,173.25 **Moved by Brooks to adopt. Motion Carried 7-0.**

01-1265 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

**WITHDRAWN**01-1266 84. Reconsideration of Taxicab License application for Sean D. Lindley, continued from 4-16-01.

**\*\* END HEARINGS at 5:36 P.M. \*\***

**\*\*Council considered Item 67 through 79 next\*\***

## **APPROVING**

01-1267 85. Joint Selection Process (City and County) for Neighborhood Revitalization Program and update on status of five neighborhoods evaluated in 2000 (Capitol Park, Capitol East, Carpenter/Drake Park, Highland Park and River Bend). ([Council Communication No. 01-201](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-1268 86. Approving professional service agreement with Porter and Associates (Thomas C. Porter, CEO, West Des Moines) to prepare a comprehensive marketing plan for Des Moines' three municipal golf courses - \$9,375, of which, \$2,000 is cash payment from Golf Enterprise Fund and balance is "trade-out" and Pro-bono services. ([Council Communication No. 01-210](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

**WITHDRAWN**01-1269 87. Lease Agreement for property at 117 Arthur Avenue to be used for Des Moines Municipal Housing Agency Authority Maintenance Facility. ([Council Communication No. 01-202](#)).

01-1270 88. Approval of Re/Max Action, Mary Southard, President, as successful bidder for the Municipal Housing agency's 5H Affordable Homeownership Program. ([Council Communication No. 01-204](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

89. The following items in conjunction with Heritage Cablevision, Inc. dba AT&T Broadband:

01-1271 (A) Retention of SFT Engineering (Toledo, OH) to assist in review of application for sale of cable television system to Mediacom - not to exceed \$10,000, including costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-1272 (B) Retention of Kiesling Associates LLP (WDSM) to assist in review of franchise fee payments and application for sale of cable television system to Mediacom - not to exceed

\$24,500, including costs. **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.**

01-1273 1. Approving contract with Van Hauen & Associates, Inc., for emergency sanitary sewer repair - Vermont Street Sanitary Sewer Repair, 1400 block, \$42,000. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-1274 2. Approving Class "E" Liquor License to Hy-Vee, Inc., Ronald Pearson, President dba Hy-Vee Food Store #2, 2540 E. Euclid Avenue; Renewal - Expires 5-4-01 (With Sunday Sales) - Application submitted 4-18-01. SPONSOR: McPherson **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

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

### **BOARD OF HEALTH**

**April 23, 2001**

01-1275 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

## **AUTHORIZING**

1. Engineering Department to remove the following structures:

01-1276 (A) 1204 Clinton Avenue; titleholder, Merlyn Hammond. **Moved by McPherson to continue sixty (60) days, and ask the owner for a renovation action plan. Motion Carried 6-1. Absent: Coleman.**

01-1277 (B) 219 College; titleholder, Pyramid Group. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-1278 (C) 1027 Pennsylvania; titleholders, Nauyen Ly and Oanh Hoang. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-1279 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 6:10 P.M. Motion Carried 6-1. Absent: Coleman.**

***DES MOINES-CITY OF SKYWALKS***