

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 21, 2001 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

Excellence in Historic Preservation Awards

PROCLAMATIONS:

National Association of Insurance Women (NAIW) Week

INVOCATION: Council Member George Flagg

01-1455 1. ROLL CALL: **Present: Brooks, Coleman, Flagg, and Hensley. Absent: Daniels, McPherson, and Vlassis.**

01-1456 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1457 3. APPROVING CONSENT AGENDA - items 3 through 97: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 4-3.**

LICENSES AND PERMITS:

Approving

01-1458 4. Communication from Legal Department regarding May 21, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 4-3.**

Class "B" Beer Licenses

01-1459 5. S A O C C, Inc., Calvin Campbell, President dba The Depot, 3000 East Grand - Fairgrounds; Renewal - Expires 5-24-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-16-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1460 6. NPC International, Inc., James K. Schwartz, President dba Pizza Hut, 1435 Army Post Road; Renewal - Expires 6-7-01 (With Sunday Sales) - Application submitted 4-24-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1461 7. NPC International, Inc., James K. Schwartz, President dba Pizza Hut, 3704 NE 14th Street; Renewal - Expires 6-7-01 (With Sunday Sales) - Application submitted 5-1-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1462 8. Krane Specialty, Inc., George Kranovich, President dba Steer & Stein, 3000 East Grand - Fairgrounds; Renewal - Expires 6-4-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-16-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1463 8-I Colima Restaurant LTD., Maria G. Flores, Owner, dba Colima Restaurant, 1704 E. Grand - Renewal - Expires 6-1-01 (With Sunday Sales) - Application submitted 5-15-01. **Moved by Hensley to adopt. Motion Failed 3-1-3. Nays: Flagg.**

Class "C" Beer Licenses

01-1464 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #31, 2601 SW 9th Street; Renewal - Expires 6-15-01 (With Sunday Sales) - Application submitted 6-15-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1465 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #3, 100 SW Watrous; Renewal - Expires 6-4-01 (With Sunday Sales) - Application submitted 4-9-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

Class "C" Beer/"B" Wine Licenses

01-1466 11. K Mart Corp., Mark S. Schwartz, President dba Big K Mart, 2535 Hubbell; Renewal - Expires 6-1-01 (With Sunday Sales) - Application submitted 4-25-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1467 12. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #516, 1000 E. University; Renewal - Expires 6-16-01 (With Sunday Sales) - Application submitted 4-24-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

Class "C" Beer/Wine Licenses

01-1468 13. Tong Tak Hing Wong dba King Ying Low Restaurant, 223 4th Street; Renewal - Expires 6-4-01 (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1469 14. Lowell M. Coil dba University Library Cafe, 3506 University; Renewal - Expires 6-2-01 (With Sunday Sales) - Application submitted 4-9-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

Class "B" Liquor Licenses

01-1470 15. Ackerman Investment Company, James R. Bocken, President dba Best Western Starlite Village, 929 3rd Street; Renewal - Expires 6-1-01 (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

Class "C" Liquor Licenses

01-1471 16. Hattie Wilcox dba Brew Haus, 830 SW McKinley; Renewal - Expires 6-1-01 (With Sunday Sales and Outdoor Service) - Application submitted 4-20-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1472 17. P.M.J. Inc., James E. Daughenbaugh, President dba Carl's Place, 1620 Woodland; Renewal - Expires 6-5-01 (With Sunday Sales) - Application submitted 4-24-01. **Moved by Hensley to defer to June 4, 2001 Council meeting. Staff to meet with the Sherman Hill Neighborhood Association prior to the June 4th meeting. Motion Carried 4-3.**

01-1473 18. Civic Center of Greater Des Moines, Jeffrey Chelesvig, Manager dba Civic Center of Greater Des Moines, 221 Walnut; Renewal - Expires 6-5-01 (With Sunday Sales) - Application submitted 5-7-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1474 19. Donna's Lounge, Ltd., Donna Kuel, President dba Donna's Lounge, 4424 SE 14th Street; Renewal - Expires 5-30-01 (With Sunday Sales) - Application submitted 5-30-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1475 20. Estrada's Inc., Bjelica Zdenko, President dba Estrada's Restaurant, 3029 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Failed 3-1-3. Nays: Flagg.**

01-1476 21. NJB, Inc., Tommy Tyler, Jr., President dba Hickman Pub, 2335 Hickman Road; Renewal - Expires 6-2-01 (With Sunday Sales) - Application submitted 5-7-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1477 22. Connie Derry dba Hideaway Lounge, 4845 Merle Hay Road; Renewal - Expires 5-30-01 - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1478 23. Principiant Hotel Company LC., E. Jeffrey Hunter, President dba Hotel Fort Des Moines/Raccoon River Brewing Company, Walnut Bridge at 1st Street; New five (5) day application for June 29, 30 and July 1, 2001 for Arts Festival. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1479 24. S & R Anderson, Inc., Ronald W. Anderson, Owner dba Hull Avenue Tavern, 834 Hull Avenue; Renewal - Expires 6-5-01 (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1480 25. R and F Mac Ltd, Robert Mac Manus, Owner dba Melrose Bar and Grill, 422 Indianola Road; Renewal - Expires 5-31-01 (With Sunday Sales) - Application submitted 5-3-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

WITHDRAWN01-1481 26. Mercy Hospital Medical Center, David H. Vellinga, President dba Mercy Hospital Medical Center, 1111 6th Avenue; Renewal - Expires 5-31-01 - Application submitted 4-27-01.

01-1482 27. DCI Des Moines #2, Inc., Dave Crimmins, President dba Texas Cattle Company, 4020 Merle Hay Road; New Application submitted 3-19-01. **Moved by Hensley to adopt. Motion Carried 4-3.**

Outdoor Service

01-1483 28. Kurt Just dba South Beach, 900 East Army Post Road; Request for permanent outdoor service from May 22 thru September 7, 2001. Subject to acceptable building and electrical inspections. **Moved by Hensley to adopt. Motion Carried 4-3.**

Transfers

01-1484 29. S A O C C, Inc., Calvin Campbell, President dba The Depot, 3000 East Grand - Fairgrounds requests permission for temporary transfer of Class "B" Beer License to Midway - Fairgrounds on June 20, 2001 for Golden Circle Games. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1485 30. Toad Holler, Inc., Lou McCormick, President dba Toad Holler, 1820 Army Post Road request permission to transfer Class "C" Liquor License to Waterworks Park, 2201 Valley Drive on May 27, 2001 for a concert. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Hensley to deny. Motion Carried 3-3-1. Nays: Coleman.**

Authorizing

01-1486 31. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1487 32. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 4-3.**

PUBLIC IMPROVEMENTS

01-1488 33. Approving a professional engineering services agreement with Howard R. Green for Des Moines Wastewater Reclamation Facility Digester Gas Piping System Improvements, not to exceed \$23,500. ([Council Communication No. 01-274](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1489 34. Approving Iowa State University Center for Transportation Research and Education (CTRE) Agreement for Iowa Pavement Management Program (IPMP) Data Collection and GIS Database Development, not to exceed \$55,000. ([Council Communication No. 01-275](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1490 35. Approving professional service agreement with DataStream (Larry Blackwell, President, Greenville, SC) for Wastewater Reclamation Facility Computer Maintenance Management System, not to exceed \$244,732. ([Council Communication No. 01-276](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1491 36. Authorizing City Manager to proceed with E. University at Hubbell Median Island Modification, and Merle Hay Road Widening at University projects. ([Council Communication No. 01-273](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1492 37. Supplemental Agreement No. 18 with Earth Tech, Inc. for Final Design Services for two Arch Bridges over Raccoon River; Viaduct Intersection structure at Fleur Drive & Bikeway Bridge over Raccoon River in conjunction with the Martin Luther King, Jr., Parkway Project, not to exceed \$2,089,200. ([Council Communication No. 01-277](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

38. Resolution Ordering Construction of the following:

01-1493 (A) E. Locust Street Sanitary Sewer Repair, 600 Block, Receiving of Bids, (5-29-01), and Setting Date of Hearing, (6-4-01), (Construction Estimate - \$50,000). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1494 (B) Gannett Avenue Sanitary Sewer Extension, 4100 Block, Receiving of Bids, (6-12-01), and Setting Date of Hearing, (6-18-01), (Construction Estimate - \$53,430). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1495 (C) Durable Pavement Markings-2001, Receiving of Bids, (6-12-01), and Setting Date of Hearing, (6-18-01), (Construction Estimate - \$87,905.30). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1496 (D) Park Avenue Widening at SW 42nd Street, Receiving of Bids, (6-12-01), and Setting Date of Hearing, (6-18-01), (Construction Estimate - \$277,406). **Moved by Coleman to adopt. Refer to City Manager to seek funding for improvements to the bike trail intersection at Park Avenue. Staff to work with Southwestern Hills Traffic Committee. Motion Carried 4-3.**

01-1497 (E) Waveland Clubhouse Window and Door Replacement, Receiving of Bids, (6-12-01), and Setting Date of Hearing, (6-18-01), (Construction Estimate - \$71,000). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1498 (F) 2001 City-Wide PCC Pavement Restoration Program, Receiving of Bids, (6-12-01), and Setting Date of Hearing, (6-18-01), (Construction Estimate - \$201,900). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1499 39. Approving private construction contract for street improvements, installation of an east-bound left turn lane in Army Post Road, to serve Army Post Plaza Shopping Center, 1000 E. Army Post Road, between The Concrete Company (Dwayne Burkhardt, President) Contractor and Army Post Plaza, L.L.C. (Ted Franson, Owner). **Moved by Hensley to adopt. Motion Carried 4-3.**

40. Approving completion and recommending acceptance of the following private construction

contracts:

01-1500 (A) PCC Paving Improvements for proposed Easter Lake Estates #4 between Eco-Tech Contractors, Inc. (Steve Gillotti, President) and The Legacy Group, Ltd. (Randy Walters, Managing Partner). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1501 (B) Sanitary Sewer Improvements for Easter Lake Estates #4 between McAninch Corporation (Dwayne McAninch, President) and The Legacy Group, Ltd. (Randy Walters, Managing Partner). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1502 (C) Storm Sewer Improvements for Easter Lake Estates #4 between McAninch Corporation (Dwayne McAninch, President) and The Legacy Group, Ltd. (Randy Walters, Managing Partner). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1503 (D) Storm Sewer Improvements for Woods on the River #3 between McAninch Corporation (Dwayne McAninch, President) and Clarke Company, Ltd. (John J. Clarke, Partner). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1504 (E) Sanitary Sewer Improvements for Woods on the River #3 between McAninch Corporation (Dwayne McAninch, President) and Clarke Company, Ltd. (John J. Clarke, Partner). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1505 (F) Street Improvements for median modifications at the intersection of Guthrie Avenue and Dixon Street between Nuckolls Concrete Services, Inc. (Scott Temple, President) and O'Reilly Auto Parts (Charlie O'Reilly, Chief Operating Officer). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1506 (G) Sanitary Sewer Improvements for SW 23rd Street Approximately 100-ft. south of Bell Avenue between R. G. Elder & Son Co. (Jared R. Elder, President) and American Institute of Business (Keith Fenton, President). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1507 (H) Paving Improvements for Woods on the River #3 between Sternquist Construction, Inc. (Britt Sternquist, President) and Clarke Company, Ltd. (John J. Clarke, Partner). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1508 (I) Storm Sewer Improvements for north border area of E. Army Post Road, west of Indianola Avenue to serve Casey's between Kenyon Construction (Greg Kenyon, Owner) and Casey's Marketing Company (Eli J. Wirtz, Secretary). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1509 41. Approving partial payments on (11) eleven public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 4-3.**

SPECIAL ASSESSMENTS

42. Notice to levy assessments for costs of Nuisance Abatement-NAC Emergency Orders

(Community Development):

01-1510 (A) Schedule No. 2001-09. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1511 (B) Schedule No. 2001-29. **Moved by Hensley to adopt. Motion Carried 4-3.**

43. Notice to levy assessments for costs of Nuisance Abatement-2000 Sidewalk Repair Program:

01-1512 (A) Schedule No. 2001-33. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1513 (B) Schedule No. 2001-34. **Moved by Hensley to adopt. Motion Carried 4-3.**

WITHDRAWN01-1514 44. Notice levying assessments for costs of Nuisance Abatement-NAC Snow Removal, Schedule No. 2001-35.

01-1515 45. Authorizing Engineering Department to correct NAC Emergency Order Assessment Schedule No. 2001-26, an administrative hearing was held, and charges against the property at 2805 E. 38th Street, in the amount of \$125 were waived. **Moved by Hensley to adopt. Motion Carried 4-3.**

LAND/PROPERTY TRANSACTIONS

01-1516 46. Authorize payment of Condemnation Award for acquisition of various properties for the Douglas Avenue widening at Beaver Avenue project, \$21,515 plus Sheriff's fees and jury expenses.(Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1517 47. Establishing fair market value and authorizing acquisition of property for the Northeast Four Mile Sanitary Sewer Project by gift, negotiation, or condemnation (Lorene D. Williams, 4310 NE 42nd Street), \$12,509 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1518 48. Approve and accept right-of-way documents from various property owners for the Northeast Four Mile Sanitary Sewer Project by gift, negotiation, or condemnation (Shirley A. Brown, Gary G. Gray and Rose S. Gray), \$7,365.00 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1519 49. Approve and accept right-of-way documents from various property owners (Patricia J. McVeigh, Mary McGrew, Mark A. McGrew, Mary Ellen Collyer Connolly and Bernard J. Connolly) in conjunction with Douglas Avenue Widening at Beaver Avenue Project - \$176,467 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1520 50. Approve and accept documents for acquisition of 2814 Chicago Avenue from Chone Thepkome and Kham Thepkome for 7th Ward Ditch Flood Control Phase II improvement project, \$72,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1521 51. Approve and accept Offer to Purchase Real Estate and form of Warranty Deed from Randolph Investment Company (1004 Grand Avenue) for Western Gateway Project in The Metro Center Urban Renewal Development Area, \$515,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1522 52. Approve and accept temporary easement for construction from Frank Paxton Company for a portion of 1400 Market Street in conjunction with Martin Luther King, Jr. Parkway Project, \$3,521.00. **Moved by Hensley to adopt. Motion Carried 4-3.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-1523 53. Formal Recognition of Salisbury Oaks Neighborhood Association according to the Neighborhood Recognition Policy. ([Council Communication No. 01-251](#)). **Moved by Hensley to adopt, subject to the Association conforming to the conditions recommended by the Neighborhood Revitalization Board. If the conditions recommended by the Neighborhood Revitalization Board are not timely satisfied, the matter shall be brought back to the attention of the City Council. Motion Carried 4-3.**

01-1524 (A) From Bob King, Chair of Neighborhood Revitalization Board recommending to grant recognized neighborhood status to Salisbury Oaks Neighborhood Association. **Moved by Hensley to receive and file. Motion Carried 4-3.**

01-1525 54. Communication from Dusty Isaacson, Chair Citizen Odor Board requesting that seat 21 be declared vacant. **Moved by Hensley to receive, file and declare the seat vacant. Motion Carried 4-3.**

01-1526 55. Recommendation of Council Member Mike McPherson to appoint Carolyn J. Mehl to seat 19 on the Citizen Odor Board for a three-year term commencing April 2, 2001 to expire April 5, 2004. **Moved by Hensley to adopt. Motion Carried 4-3.**

WITHDRAWN01-1527 56. Recommendation of Mayor Preston Daniels to appoint C. Arthur Wittmack to Seat 8 on the Urban Renewal Board for a three-year term commencing January 18, 2000 to expire January 18, 2003.

01-1528 57. Recommendation of Mayor Preston Daniels to appoint Doug R. Sharp to Seat 1 on the Urban Renewal Board for a three-year term commencing January 18, 2001 to expire January 18, 2004. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1529 58. Recommendation of Mayor Preston Daniels to reappoint Joseph Quinn to Seat 5 on the Civil Service Commission for a four-year term commencing April 1, 2001 to expire April 4, 2005. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1530 59. Recommendation of Council Member Archie Brooks to appoint Rebecca Sue Danilson to Seat 15 on the Access Advisory Board for a four-year term commencing June 15, 1999 to expire June 15, 2003. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1531 60. Recommendation of Council Member Tom Vlassis to appoint Patrick William O'Brien to Seat 12 on the Access Advisory Board for a four-year term commencing June 15, 1998 to expire June 15, 2002. **Moved by Hensley to adopt. Motion Carried 4-3.**

STREET USE TEAM RECOMMENDATIONS

01-1532 61. Approving exception regarding length of time request from Mo Dana, representing Des Moines Art Festival, 400 Locust Street, request to close Court Avenue from 2nd Avenue to E. 1st Street from 8:30 A.M. on Wednesday, June 27, to 6:00 A.M. on Monday, July 2; Walnut Street from 2nd Avenue to E. 2nd Street from 10:00 A.M. on Wednesday, June 27, to 6:00 A.M. on Monday, July 2; Locust Street from 2nd Avenue to E. 1st Street from 9:00 A.M. on Thursday, June 28, to 6:00 A.M. on Monday, July 2; 1st Street from Market Street to Walnut Street, from 7:00 A.M. on Thursday, June 28, to 6:00 A.M. on Monday July 2; E. 1st Street from Court Avenue to Walnut Street from 7:00 A.M. on Thursday, June 28, to 6:00 A.M. on Monday, July 2; and W. Riverside Drive from 1st Street to Court Avenue from 9:00 A.M. on Thursday, June 28, to 6:00 A.M. on Monday, July 2, for the Des Moines Art Festival. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1533 61. (A) Construction Services Agreement, to construct a sidewalk and other structural improvements on the levee, in the vicinity of 1st between Court and Walnut, in conjunction with the Des Moines Arts Festival. ([Council Communication No. 01-278](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1534 62. Approving exception regarding length of time request from Bill Wheeler, representing Highland & Oak Park Neighbors Associations & The Parks Area Foundation, 3613 6th Avenue, request to close 6th Avenue (parking lanes only), from Euclid Avenue to Douglas Avenue every Tuesday, beginning June 12, 2001 and ending September 26, 2001 from 4:00 P.M. until 8:00 P.M. for a Farmers Market. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1535 63. Corrected request from Downtown Community Alliance, to extend all street closures for Downtown Farmers Market - May 26 through October 7, 2001 from 7:00 A.M. to 1:00 P.M. to allow for cleanup activities. **Moved by Hensley to approve. Motion Carried 4-3.**

01-1536 64. Corrected request from Dam To Dam Race, to close Locust Street from 3rd to 4th on Saturday, June 2, 2001 from 6:30 A.M. to 11:30 A.M. for the finish area and medical tent. **Moved by Hensley to approve. Motion Carried 4-3.**

01-1537 65. Approving closure of the following streets: **Moved by Hensley to adopt. Motion Carried 4-3.**

(1) Cheryl Tillinghast, representing Christ the King School, 701 Wall Avenue, requesting permission to close SW 7th Street from Wall Avenue to the drive at north end of the school building on Friday, June 1, 2001 from 10:00 A.M. to 1:00 P.M. for school relay events.

(2) Lynelle Scheidel, 1305 41st Street, requesting permission to close 41st Street from University

Avenue to Forest Avenue on Saturday, June 2nd from 5:00 P.M. to 11:00 P.M. for a neighborhood block party.

(3) Rebecca Lyons, 3600 Brook Ridge Court, requesting permission to close Pond View Circle at the intersection of Pond View and Brook Ridge Court on Saturday, June 9, 2001 (Raindate of June 10, 2001) from 3:00 P.M. to 7:00 P.M. for a neighborhood block party.

(4) Steve S. Gude, representing 40th Place/Adams Neighbors, 3111 40th Place, requesting permission to close 40th Place from Adams Avenue to Ashby Avenue on Saturday, June 23, 2001 (Raindate of June 24, 2001) from 3:30 P.M. to 8:45 P.M. for a neighborhood block party.

65. (5) Margaret Durbala, 2501 Kenway Drive, requesting permission to close Kenway Drive from Beavercrest Drive to Maryland Pike on Saturday, June 23, 2001 from 4:00 P.M. to 10:00 P.M. for a neighborhood block party.

SETTING DATE OF HEARINGS

01-1538 66. On appeal of the decision of the Historic District Commission, from Earthgrains Company, regarding removal of the "Colonial Bread" sign at 1225 Second Avenue, (11-5-01). **Moved by Flagg to adopt. Motion Carried 4-3.**

01-1539 67. On conveyance of City property, 1541 13th Street, to Floyd Loggins, \$2,600, (6-4-01). ([Council Communication No. 01-267](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1540 68. On conveyance of City property, 2 lots north of 638 SE 27th Street Court, to Earl and Opal Thompson \$2,300, (6-4-01). ([Council Communication No. 01-268](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

69. On conveyance of City property, to Community Housing Development Corporation, (6-4-01):

01-1541 (A) 1403 Forest Avenue, \$3,800. ([Council Communication No. 01-270](#)) **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1542 (B) 1407 Forest Avenue, \$8,200. ([Council Communication No. 01-269](#)) **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1543 (C) 1417 Forest Avenue, \$6,600. ([Council Communication No. 01-271](#)) **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1544 70. On vacation of 11th Street right-of-way between Cherry and Vine Streets, and all remaining alleys in the block west of 11th between Cherry and Vine, (6-4-01). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1545 71. On 10th Amendment to the Restated Urban Revitalization Plan for City-wide Urban Revitalization Area, to encourage industrial and commercial development within the existing and

expanded Airport Commerce Park sub-area, to allow tax abatement, (6-18-01). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1546 72. On First Amendment to the Urban Renewal Plan for the Airport Commerce Park South Urban Renewal Project, to add additional land southwest of the existing area, (6-18-01). **Moved by Hensley to adopt. Motion Carried 4-3.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-1547 73. Approving payment of \$7,810.43 to William Jenkins of Myers & Jenkins for representation of City in the Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1548 74. Approving payment of \$7,374.22 to Jack Phillips of Phillips, Goldman & Spence, P.A. for representation of City in Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1549 75. Approving payment of \$1,982.75 to Miller & Van Eaton, P.L.L.C. to assist in review of application for sale of Heritage Cablevision, Inc. d/b/a AT&T Broadband to Mediacom Communications Corporation. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1550 76. Approving payment of \$6,263.16 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts, Co., Inc. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1551 77. Approving payment of \$3,700.19 to Randy Duncan of Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters involving the airport parking garages. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1552 78. Approving payment of \$971 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation of John Mihalovich in case entitled Kathryn Blom v. City of Des Moines and John Mihalovich. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1553 79. Approving payment of \$7,541.89 to Des Moines Community Playhouse and Charles W. Goering, Inc. for property damage regarding an improper excavation backfill. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1554 80. Approving payment of \$20,000 to Ronald Peters and wife, Diane Peters, and their attorneys in settlement of law suit of Ronald and Diane Peters v. City of Des Moines and Karen Carter, Polk County CL No. 81881. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1555 81. Approving payments of \$12,633.16 to Diane Tvrdik and her attorney, and \$241 to the Clerk of District Court (Total \$12,874.16) for award in negligence lawsuit against the City for a fall in City owned parking lot. **Moved by Hensley to adopt. Motion Carried 4-3.**

CITY MANAGER COMMUNICATIONS

01-1556 82. Submitting out-of-state travel requests for Matt Rosen, David Brown, Scott Baker, Keith Hoferman, Karon Booth, Lynette Collins, Eric Nevins, Scott Raudabaugh, William Johnson, Bruce Elrod, and George Flagg. ([Council Communication No. 01-245](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1557 83. Recommendation to review lowering speed limit on Grand Avenue between 56th Street and 63rd Street, from 35 to 30 mph. ([Council Communication No. 01-262](#)). **Moved by Hensley to receive and files. Motion Carried 4-3.**

01-1558 84. Submitting various traffic regulation changes as follows: ([Council Communication No. 01-261](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 4-3.**

- (1) Convert Capitol Avenue to One-Way Eastbound - Between East 15th and East 16th Streets.
- (2) Install Four-Way Stop--East 16th Street and East Walnut Street and Remove Midblock Traffic Signal--1500 Block of East Walnut Street.
- (3) Install Traffic Signal--East 16th Street and East Grand Avenue.
- (4) Corner Clearance--South Side of Leland Avenue West of Southwest 12th Street.
- (5) Corner Clearance--South Side of Lally Street East of Southwest 9th Street.
- (6) Parking Restriction Revisions--Vicinity of Public Works Department, 216 SE 5th Street.
- (7) Removal of Parking Restriction on Non-School Days--South Side of Walker Street from East 14th Street to Johnson Court.
- (8) One-Sided Parking Restriction--Woodside Park and Wood's Edge Plat II.
- (9) One-Sided Parking Restriction--Easter Bay Colony Plats I and II.

APPROVING

01-1559 85. Continuum of Care Program application to U.S. Department of Housing & Urban Development (HUD) for Supportive Housing Program (SHP) and Shelter Plus Care (S+C) supplemental funding for local homeless programs to address service gaps. ([Council Communication No. 01-248](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1560 86. Competitive Progress Report for the third quarter of Fiscal Year 2000-2001 of the Des Moines Metropolitan (WRA) Wastewater Reclamation Facility. ([Council Communication No. 01-255](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1561 87. Approving \$40,585 allocation - 2001 CDBG funding - to the Microenterprise Training/Technical Assistance Program project. ([Council Communication No. 01-249](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1562 88. Approval of the Oakridge Neighborhood's Certification of Consistency with the City's 2001 HUD Consolidated Plan for HUD Multifamily Housing Drug Elimination funding. ([Council Communication No. 01-247](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1563 89. Recommendation Budget Revisions for 1998 Municipal Housing Agency Drug Elimination Grant. ([Council Communication No. 01-253](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1564 90. Revision of the Municipal Housing Agency's Family Self-Sufficiency Action Plan. ([Council Communication No. 01-252](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1565 91. Submission of Renewal of Service Coordinator Grant, to the US Dept. of Housing and Urban Development. ([Council Communication No. 01-254](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1566 92. Request from Des Moines Arts Festival to hang banners over the Amphitheater arch starting June 26 -July 1, 2001 and to hang banners on scaffolding at Locust, Walnut and Court Avenue Bridges, also East and West First Streets June 29 - July 1, 2001. **Moved by Hensley to receive, file and grant the requests to hang banners for the 2001 Arts Festival. Motion Carried 4-3.**

01-1567 93. Bid awarded to Miller Mechanical Specialities, Inc., (618 - 3rd Street, Craig Miller, President) for valve actuators to be used by the Engineering Department (WRA), \$54,570. (Six bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1568 94. Civil Service Entrance Lists for Neighborhood Inspections Supervisor, Laboratory Analyst II, and promotional lists for Fire Prevention Inspector, Senior Police Officer and Senior Case Manager. **Moved by Hensley to receive and file. Motion Carried 4-3.**

01-1569 95. Authorizing Acting Finance Director to draw checks on registers of May 25, 2001 and June 1, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks of May 21, 2001 and May 29, 2001; and to draw checks for biweekly payroll due on May 18, 2001. **Moved by Hensley to adopt. Motion Carried 4-3.**

ORDINANCES - FINAL CONSIDERATION

01-1570 96. Amending Chapter 42 of the Municipal Code regarding distribution of handbills and newspapers at private premises, as amended. **Moved by Hensley that final consideration of this ordinance be held on June 4th. Motion Carried 4-3.**

ORDINANCES - SECOND CONSIDERATION

01-1571 97. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-3.**

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

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

(3) Speed Limit Reduction--Park Avenue between Fleur Drive and Valley Drive, from 35 to 30 mph.

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

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

ORDINANCES - FIRST CONSIDERATION

01-1572 98. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes: **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 4-3.**

(1) One-Sided Parking Restrictions--Easter Lake Park Subdivision.

(2) One-Sided Parking Restrictions--Brook Run Village Subdivision.

(3) Corner Clearance--North Side of Garfield Avenue, West of East 30th Street.

COUNCIL REQUESTS

01-1573 99. From Council Member Flagg to discuss dog problem in the vicinity of 1215 E. 35th Street. **Moved by Hensley to receive and file. Motion Carried 4-3.**

COMMUNICATIONS/REPORTS

01-1574 100. Receipt of petition from Willowmere Drive residents regarding paving Willowmere Drive from Fleur Drive to SW 23rd Street. **Moved by Hensley to receive, file and refer to the City Engineer for review and recommendation. Motion Carried 4-3.**

01-1575 101. From Iowa State Fair regarding conveyance of real estate adjacent to Fairgrounds area to used for additional parking. **Moved by Brooks to receive, file and refer to City**

Manager, Legal and Plan and Zoning to expedite; and, that the City Manager be authorized to enter into a lease in the interim to allow the Fair to use the area for additional parking this year. Motion Carried 4-3.

01-1576 102. From Greater South Side Neighborhood Association requesting to place temporary signs on both sides of Fleur Drive two weeks prior to All American Fourth of July event at Gray's Lake. **Moved by Hensley to receive, file and grant the request for temporary placement of signs along Fleur Drive, with the understanding they will be removed immediately following the event. Motion Carried 4-3.**

****Council considered Items 111- Board of Health next****

HEARINGS (Opened at 5:15 P.M.) (Items 103 thru 110)

01-1577 103. On application from Richard Margulies (officer) on behalf of ABC Partners, L.P. (owner) to amend the "PBP" conceptual plan for a portion of the Airport Business Park south of Relocated Army Post Road to establish a site containing approximately 28 acres for the proposed facility. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1578 104. On vacation of a segment of SW 6th Street between a point 32.76 feet north of Market Street to Elm Street, for proposed M.L. King Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1579 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-3.**

WITHDRAWN01-1580 105. On conveyance of City-owned property at 202 E. Fulton Drive, to GiDon, L.C., to be used as a site for historical home to be moved from 3 Columbus Avenue, \$6,450. ([Council Communication No. 01-272](#)).

01-1581 106. On request from Midwest Office Tech, for rezoning of property at 1810 High Street, from "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-3A" (Central Business District Support Commercial), subject to applicant agreeing that issuance of a building permit is subject to approval of exterior design elevations and materials by the Planning Director. **Moved by Hensley to adopt; refer to City Manager to arrange a meeting with the Sherman Hill Neighborhood Association prior to second consideration of ordinance. Motion Carried 4-3.**

01-1582 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-3.**

01-1583 (B) Communication from City Plan Commission regarding amendment to the 2020 Community Character Land Use Plan, - Sherman Hill Neighborhood Action Plan Element, to revise the text to include Warehouse as an allowable use in the Support Commercial limited form future land use designation. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1584 107. On request from St. Andrew's Group to rezone property at 5405 E. Indianola Avenue at Easter Lake Drive, from "R1-80" and "R1-90" to PUD, and to continue hearing to June 4, 2001, at request of applicant. **Moved by Brooks to continue the public hearing until June 4, 2001, at 5:30 P.M. Motion Carried 4-3.**

01-1585 108. On issuance of not to exceed \$6,500,000 General Obligation Hotel and Motel Tax Refunding Bonds, Series 1992A. ([Council Communication No. 01-258](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1586 (A) Instituting Proceedings to take additional action. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1587 (B) Resolution directing advertisement for sale of \$6,005,000 General Obligation Hotel and Motel Tax refunding Bonds, Series 2001E. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1588 109. On Douglas Avenue Widening at Beaver Avenue, (IDOT Project): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Coleman to adopt. Motion Carried 4-3.**

01-1589 110. On M.L. King Jr. Parkway Paving SW 16th Street to SW 7th Street: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Hensley to adopt. Motion Carried 4-3.**

* * END HEARINGS at 5:27 P.M. * *

****Council recessed briefly, then adjourned at 5:30 P.M.****

APPROVING

01-1590 111. Authorizing the Building Official to issue a demolition permit, to Metro Wrecking and Excavation Inc. (Kurt Pagliai, President) and Controlled Demolition Incorporated (J. Mark Loizeaux, President, Phoenix, Maryland) for property located at 812 Mulberry Street. ([Council Communication No. 01-246](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1591 112. Approving Economic Development Loan and collateral documents related to a \$15,000 loan to Lynner Real Estate Investment, L.L.C. for renovation and relocation to 2930 Bell Avenue. ([Council Communication No. 01-265](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1592 113. Authorization to submit grant application to the U.S. Department of Commerce Economic Development Administration for storm sewer improvements in the proposed Des Moines Agribusiness Park. ([Council Communication No. 01-263](#)). **Moved by Brooks to adopt. Motion Carried 4-3.**

114. Actions regarding Walnut Creek Trail:

01-1593 (A) Professional Services Agreement with Brian Clark and Associates, for preliminary and final design of Phase 1, Part B. ([Council Communication No. 01-264](#)). **Moved by Hensley to adopt. Council requests that Parks Department supply an updated trail map as soon as possible. Motion Carried 4-3.**

01-1594 (B) Award of Federal Recreational Trails Grant from the Iowa DOT, \$300,000. ([Council Communication No. 01-266](#)). **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1595 115. Purchase of 1421 Locust Street and the block bounded by Grand, Locust, 11th and 12th Streets (except the NE Quarter block), in the Western Gateway, from Neighborhood Improvement Corporation, \$1,760,000 and demolition and asbestos abatement \$215,417.20. ([Council Communication No. 01-260](#)). **Moved by Coleman to defer consideration to the next Council meeting. Motion Carried 4-3.**

01-1596 116. Request for Proposals (RFP) for National Register of Historic Places survey and nomination for Eastern Gateway Historic District, \$15,000. ([Council Communication No. 01-259](#)). **Moved by Brooks to adopt; assuring all stakeholders and associations are involved. Motion Carried 4-3.**

01-1597 117. One-year Lease Agreement (renewable for four additional terms) for property at 117 Arthur Avenue, to be used for a Des Moines Municipal Housing Agency Authority Maintenance Facility, \$26,400 for the first year. **Moved by Coleman to adopt. Motion Carried 4-3.**

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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.

01-1598 1. Communication from Council Member At-Large George Flagg requesting addresses of buildings presently scheduled for demolition and future removal of properties within two years for the entire Gateway Project. SPONSOR: Flagg. **Moved by Brooks to receive, file and refer to City Manager. City Manager to assure relocation expenses are paid to the Masons and tenants of the Masonic Temple. Motion Carried 4-3.**

2. Authorizing and accepting the following on the Martin Luther King, Jr. Project, SW 16th and Market Street: SPONSOR: Brooks.

01-1599 (A) Execution of License Agreement with Iowa Interstate Railroad, Ltd. for underground crossing for the Martin Luther King Outlet Storm Sewer. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1600 (B) Accept Deed of Permanent Easement from Hawkeye Land Company for the Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 4-3.**

01-1601 3. Recommendation of Council Member Chris Hensley to appoint Rose Scarpino to Seat 12 on the Sister Cities Commission for a five-year term commencing April 28, 2001 to expire April 28, 2006. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 4-3.**

A G E N D A
BOARD OF HEALTH
May 21, 2001

01-1602 MOTION TO CONVENE. **Moved by Coleman that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-3.**

AUTHORIZING

01-1603 1. Court authority to abate the public nuisance at 1310 13th Street (vacant) Titleholder: Robert Edmonds. **Moved by Coleman to adopt. Motion Carried 4-3.**

01-1604 2. Engineering Department to remove 3740 Indianapolis, Titleholder, Shelly Sholley. **Moved by Coleman to adopt. Motion Carried 4-3.**

****Council considered Hearing Items 103-110 next, then adjourned****

01-1605 MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:30 P.M. Motion Carried 4-3.**

DES MOINES-CITY OF SKYWALKS