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July 8, 2002

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SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 8, 2002 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

South Des Moines Girls Amateur Softball Association

(a) Jr. JT's

(b) Royals

(c) Wolverines

SPECIAL PRESENTATIONS - 4:00 P.M.:

Central Iowa Water Garden Association

INVOCATION: Mike McPherson, Ward 2 Council Member

02-1636 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis.**

02-1637 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1638 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

Approving

02-1639 4. The following Beer/Liquor Applications: **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (1) Concession Spot 23, 3000 E Grand Avenue, B Beer.
- (2) AG Food and Gas Mart II, 1516 SE 1st Street, C Beer.
- (3) AG Food and Gas Mart III, 2110 Guthrie Avenue, C Beer.
- (4) H & A Mini Mart, 4503 Fleur Drive, C Beer.
- (5) H & A Mini Mart, 145 University Avenue, C Beer.
- (6) Amicis Restaurant and Sports Bar, 1760 Beaver, C Liquor.
- (6-I) Phat Boyz, 2102 Indianola , Class B Beer

RENEWAL APPLICATIONS

- (7) Amanas on the Hill, 3000 E Grand Avenue, B Beer.
- (8) Stockmans Inn, 3000 E Grand Avenue, B Beer.
- (9) Dell Oil, 5800 SW 9th Street, C Beer.
- (10) Git-N-Go Store # 26, 2140 E Park Avenue, C Beer.
- (11) Git-N-Go Store # 7, 1829 6th Avenue, C Beer.
- (12) QuikTrip # 523, 850 Army Post Rd, C Beer.
- (13) AH Blank Golf Course, 711 County Line Rd., C Liquor.
- (14) Applebees, 3900 Merle Hay Rd., C Liquor.
- (15) Applebees, 6301 SE 14th Street, C Liquor.
- (16) Chucks Restaurant, 3608 6th Avenue, C Liquor.
- (17) Creative Croissants, 5800 Fleur Drive, C Liquor.
- (18) Des Moines Amvets Post 2, 2818 5th Avenue, C Liquor.
- (19) Embassy Club, 400 Locust Street, C Liquor.

- (20) Generations, 319 Court Avenue, C Liquor.
- (21) Hot Box Sports Club, 5914 SE 14th Street, C Liquor.
- (22) House of Bricks, 3839 Merle Hay Rd., C Liquor.
- (23) Johnnys Hall of Fame, 302 Court Avenue, C Liquor.
- (24) Kelleys, 3606 Beaver Avenue, C Liquor.
- (25) Koffee Korner, 1030 E 9th Street, C Liquor.
- (26) Locust Tap, 434 E Locust Street, C Liquor.
- (27) Richards Extra Innings Lounge, 1500 SE 1st Street, C Liquor.
- (28) Splash Seafood Bar & Grill, 303 Locust Street, C Liquor.
- (29) Veterans Memorial Auditorium, 833 5th Avenue, C Liquor.
- (30) Wide Open Bar & Grill, 3801 Easton Boulevard, C Liquor.
- (31) Beaverdale VFW Club, 4029 Urbandale Avenue, A Liquor.
- (32) Embassy Club, 801 Grand Avenue, A Liquor.
- (33) Wakonda Club, 3915 Fleur Drive, A Liquor.
- (34) Airport Holiday Inn, 6111 Fleur Drive, B Liquor.
- (35) Holiday Inn Downtown, 1050 6th Avenue, B Liquor.
- (36) Embassy Club, 801 Grand Avenue, B Wine.
- (37) Git-N-Go Store # 7, 1829 6th Avenue, B Wine.
- (38) QuikTrip #523, 850 Army Post Rd., B Wine.

OUTDOOR SERVICE APPLICATION

- 4. (39) Texas Cattle Company, 4020 Merle Hay Rd., adding permanent outdoor service area to existing license. Pending Building, Zoning and Fire inspections.

SPECIAL EVENTS APPLICATIONS

(40) Chucks Restaurant, 3612 6th Ave., Five Day B Beer application for Chuck's Annual Street Party on August 3, 2002.

(41) Des Moines Jaycees, Five Day B Beer application for Booth A for Taste of Des Moines on July 19 and 20, 2002. Pending Building and Electrical inspections.

(42) Des Moines Jaycees, Five Day B Beer application for Booth B for Taste of Des Moines on July 19 and 20, 2002. Pending Building and Electrical inspections.

02-1640 (43) Don Pablos, Five - Day C Liquor application for Taste of Des Moines on July 19 and 20, 2002. Pending Building, Electrical, Zoning, Fire and Vice Inspections. **Moved by Vlassis to adopt; pending Building, Electrical, Zoning, Fire and Vice Inspections. Motion Carried 7-0.**

02-1641 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

02-1642 6. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:

02-1643 (A) Ashby Park Water Playground, Receiving of Bids, (7-23-02), and Setting Date of Hearing, (8-5-02). (Construction Estimate - \$300,000). ([Council Communication No. 02-360](#))
Moved by Coleman to adopt. Motion Carried 7-0.

02-1644 (B) 11th/12th Streets Connector Traffic Signals, Receiving of Bids, (7-23-02), and Setting Date of Hearing, (8-5-02). (Construction Estimate - \$429,655).**Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1645 (C) Traffic Signal Interconnect on Grand, Ingersoll and University Avenues, joint project with IDOT, Setting Date of Hearing, (7-22-02). (Construction Estimate - \$1,023,410).
Moved by Coleman to adopt. Motion Carried 7-0.

02-1646 7. (D) Traffic Signal Interconnect (Northeast Area) on East Grand Avenue, Hubbell Avenue, Easton Boulevard, and East Euclid Avenue, joint project with IDOT, Setting Date of Hearing, (7-22-02). (Construction Estimate - \$602,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1647 (E) Traffic Signal Interconnect (Northwest Area) on Beaver Avenue, Douglas Avenue, Martin Luther King Jr. Parkway, Lower Beaver, and Hickman Road, joint project with IDOT, Setting Date of Hearing, (7-22-02). (Construction Estimate - \$374,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1648 (F) Traffic Signal Interconnection on 2nd and 6th Avenue Corridors, joint project with IDOT, Setting Date of Hearing, (7-22-02). (Construction Estimate - \$540,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1649 8. Canceling supplemental agreement No. 18 with Earth Tech, Inc. (Diane Creel, CEO, Long Beach, CA) of which \$1,187,000 is still remaining unspent and approving supplemental agreement No. 20 with Earth Tech, Inc. in the amount of \$2,365,000 for the redesign of Martin Luther King Jr. Parkway for a net increase of \$1,178,000. ([Council Communication No. 02-372](#)). **Moved by Vlassis to adopt. Motion Carried 4-3. Nays: Coleman, McPherson and Brooks.**

02-1650 9. Approving supplemental agreement No. 1 with Snyder & Associates, Inc. (Stephen P. Rowe, President) for construction services of Easter Lake Retention Basins Phase 2, not to exceed \$59,485. ([Council Communication No. 02-370](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1651 10. Authorizing execution of Iowa Department of Transportation Agreement for SW 9th Street Viaduct over M.L. King, Jr. Parkway Rehabilitation. ([Council Communication No. 02-369](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1652 11. Approving Amendment No. 1 to the Professional Services Agreement with Howard R. Green Company (Dan Lovett, Chief Operating Officer) for design and property acquisition of I-235 Group 1 Sanitary Sewer Relocation, \$81,000. ([Council Communication No. 02-366](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1653 12. Approving Professional Services Agreement with Pulley & Associates, (John Pulley, Managing Principal, West Des Moines), for professional services in conjunction with the Police Dispatch Center Renovation, \$62,500. ([Council Communication No. 02-371](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1654 13. Approving private construction contract for storm sewer improvements in Hillsboro Phase 2 between McAninch Corporation (Douglas D. McAninch, President), contractor and Jerry's Homes (Gerald D. Grubb, President), owner - \$36,414.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1655 14. Approving private construction contract for sanitary sewer improvements in Hillsboro Phase 2 between McAninch Corporation (Douglas D. McAninch, President), contractor and Jerry's Homes (Gerald D. Grubb, President), owner - \$134,951. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1656 15. Approving private construction contract for sanitary sewer improvements to service proposed Parkside East Apartments located at 3550 E. Douglas Avenue between McAninch Corporation (Douglas D. McAninch, President), contractor and Parkside East L.P. (James C. Conlin, General Partner), owner - \$5,250. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1657 16. Approving private construction contract for sanitary sewer improvements to service proposed home at 2900 Southern Hills Circle between McAninch Corporation (Douglas D.

McAninch, President), contractor and James C. Conlin, owner - \$6,300. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1658 17. Approving private construction contract for street improvements for widening of west side of SW 9th north of Loomis Avenue to provide additional bus drop off area for Lincoln High School between Double T Asphalt (Kathleen Burris, President), contractor and Des Moines Independent School District (Duane Van Hemert, Executive Director), owner - \$15,950. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1659 18. Approving private construction contract for street improvements for widening of south side of Capitol Avenue, East of E. 15th Street to provide additional parking for Capitol View Elementary School between Elder Corporation (Jared R. Elder II, Vice President), contractor and Des Moines Independent School District (Duane Van Hemert, Executive Director), owner - \$32,556. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

02-1660 19. Approving private construction contract for storm sewer improvements for 200 and 204 McKinley Avenue between Detrick Excavating, Inc. (Mark Detrick, President), contractor and R.M. Madden Construction Inc. (Rick Madden, Vice President), owner - \$10,155. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1661 20. Approving partial payments on eleven public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1662 21. Approving the following Change Order with Western Waterproofing Co., Inc. for additional work in conjunction with the 4th & Grand Garage Renovation-Phase 2 - not to exceed \$17,770.00. ([Council Communication No. 02-373](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1663 22. Approving agreement with the City of Norwalk for the sale and transfer of conveyance capacity in the Wastewater Reclamation Authority Southern Tier Interceptor and the Southside Des Moines River Interceptor sewers. ([Council Communication No. 02-367](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

SPECIAL ASSESSMENTS

23. Approving deletion of NAC Emergency Order Assessments for the following:

02-1664 (A) Schedule No. 2002-04 for 2623 Logan Avenue, an administrative hearing was held and the charges were waived, \$355.96. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1665 (B) Schedule No. 2002-27 for 1216 Fremont Street, the assessment had already been paid in full, \$145. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1666 (C) Schedule No. 2002-52 for 1514 32nd Street, the assessment had already been paid in full, \$95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1667 24. Authorize Engineering Department to correct delinquent solid waste/stormwater utility and/or sewer rental credits schedule for June 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1668 25. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for the month of June 2002 for certification to Polk County. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

02-1669 26. Establishing fair market value and authorizing acquisition of property at 2617 Easton Boulevard for the Easton Detention Basin Project by gift, negotiation or condemnation, \$116,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1670 27. Approve, execute and record Special Warranty Deed in satisfaction of real estate contract to Kathleen Shinn N/K/A Van Pilsum for 1322 Washington Avenue, for re-conveyance to an owner-occupant. ([Council Communication No. 02-354](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1671 28. Approve and accept real estate documents for property located at 3300 E. 35th Street for the Gay Lea Wilson Recreation Trail Project, \$1,100 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1672 29. Approve and accept real estate documents for property located at 31 E. Creston Avenue for the Crawford Creek Watershed Improvement Project, \$70,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1673 30. Approve and accept real estate documents for property located at 2485 E. Pine Avenue for the Easter Lake Retention Basin Project-Phase 2, \$1,860 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1674 31. Approving Donation of land from Universal Outdoor at 6th and University to the City for the 6th and University Avenue Development Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1675 32. Approving partial release of subdivision bond from Merchants Bonding Company reducing the amount to \$3,600 as security for the satisfactory completion of the remaining improvement for Three Lakes Estates Plat 2. ([Council Communication No. 02-355](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

02-1676 33. Recommendation from the Neighborhood Development Corporation Board to reappoint Leslie Gearhart (neighborhood representative) to the NDC Director Position #6 for a one-year term commencing June 30, 2002 to expire June 30, 2003 and to appoint Jeffrey Morgan

(architect and/or designer) to NDC Director Position #9. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1677 34. Communication from George A. Peterson advising of his resignation from the Zoning Board of Adjustment (Seat 4), effective immediately. **Moved by Vlassis to accept resignation with appreciation for service. Motion Carried 7-0.**

02-1678 35. Communication from A. Joyce Smith advising of her resignation from the Sister City Commission (Seat 10), effective immediately. **Moved by Vlassis to accept resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSURES

02-1679 36. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Linda Bisignano, representing Parks Area Foundation, requesting permission to close 6th Avenue from Euclid Avenue to Douglas Avenue on Saturday, August 3, 2002 from 2:00 PM to 10:00 PM for an annual street party.

(2) Kerri Gearhart, representing E. Rose Avenue Block Party, requesting permission to close E. Rose Avenue from SE 19th Street to SE 20th Street on Saturday, July 13, 2002 from 12:00 PM to 11:00 PM for a block party.

(3) Jim Wallace, representing Central Presbyterian Church, requesting permission to close the south half of 39th Street between Grand Avenue and Ingersoll Avenue on Thursday, July 25, 2002 from 6:30 PM to 8:30 PM for Jazz In July.

(4) Gaynell Narcisse, representing Burns UMC Sunday School, requesting permission to close Crocker Street from 8th Street to 9th Street on Saturday, July 20, 2002 from 9:00 AM to 9:00 PM for Church activities of games, music and food.

02-1680 (A) Cathy Erickson, representing Citicasters Company, requesting permission to close various streets in the downtown area for Taste of Des Moines. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

CITY PLAN COMMISSION RECOMMENDATIONS

02-1681 37. Regarding the "S-O" Study Overlay District zoning in the Four Mile basin, recommending continuing the study pending completion of the Corps of Engineers' study. **Moved by Vlassis to receive, file and adopt. Motion Carried 7-0.**

02-1682 38. Regarding request from Tom Akers, to vacate and convey a 460.3' X 40' segment of right-of-way from the north side of Army Post Road between SW 5th and SW 6th, subject to reservation of necessary easements for utilities. **Moved by Vlassis to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

02-1683 39. On proposal to sell and convey property at 11th and Cherry to Wells Fargo Financial, Inc., in consideration of the exchange of land owned by Wells Fargo, (7-22-02).

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

02-1684 40. On request from Family Video Movie Club, to rezone property at 2301 E. 42nd from "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial) to allow for redevelopment for a new video rental and sales store, subject to conditions, (7-22-02). **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1685 41. On request from Noble Homes, Inc., to rezone property at 2750 Cottage Grove, from "R1-60" (One Family Low Density Residential) to "R-3" (Multiple Family Residential), to allow renovation of a 5-Plex conversion dwelling that has lost legal non-conforming status, subject to conditions, (7-22-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1686 42. On Application from Thomas A. Baldwin, for Certificate of Public Convenience and Necessity to operate Limousine Service, (7-22-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN02-1687 43. On Class C Liquor Application for S & R Anderson Inc., Scott Sargent, Owner dba Hull Avenue Tavern, 834 E. Hull Avenue, (07-22-02).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

02-1688 44. Approving payment of \$415.43 to Ahlers Law Firm for legal services in conjunction with the acquisition of environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1689 45. Approving payment of \$70.13 to Ahlers Law Firm for assistance in addressing environmental concerns in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1690 46. Approving payment of \$22,182.60 to James Hines for settlement of workers' compensation claim arising from injuries sustained during course and scope of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1691 47. Approving payment of \$18,429.60 to Billy G. Meyers for settlement of workers' compensation claim arising from injuries sustained during course and scope of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1692 48. Approving payment of \$7,696.26 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

02-1693 49. Submitting various traffic regulations as follows, [\(Council Communication No. 02-347\)](#). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--East Side of SW 13th Street, North of Park Avenue.

(2) Reversal of Loading Zone and Handicapped Loading Zone--3rd Street, North of Vine Street.

(3) Corner Clearance--South Side of Lynner Drive, East and West of Oakshire Road.

(4) Parking Restriction--West Side of E. 27th Court, South of Easton Boulevard.

02-1694 50. Submitting out-of-state travel requests for Kristin Tuttle, Eric Nevins, Steve Schinkel, Stew Drake, Floyd Jones, Cynthia Nahas Wadell, Joedy VanVelzen, Camden Moran, Keith Hoferman, Michael McBride, David Ness, and Dennis O'Donnell. [\(Council Communication No. 02-350\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

02-1695 51. Tax Abatement Applications for additional value added by improvements made during 2002. (141 applications on file in Clerk's Office). [\(Council Communication No. 02-356\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1696 52. Amended financing documents for the Vine Street Lofts Apartment Project. [\(Council Communication No. 02-376\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1697 53. Iowa Community Cultural Matching Grant from Iowa Department of Cultural Affairs to conduct archaeological research on site for Science Center of Iowa, 400 MLK Jr. Parkway. [\(Council Communication No. 02-351\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1698 54. Application to Bureau of Justice Assistance for a 2002 Local Law Enforcement Block Grant to fund procurement of equipment and technology directly related to support of basic law enforcement functions. [\(Council Communication No. 02-348\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1699 55. Community Services Block Grant (CSBG) FY2003 Community Action Plan application to Iowa Department of Human Rights/Division of Community Action Agencies for City of Des Moines Community Services Program for low income persons for the period of October 1, 2002 to September 30, 2003. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1700 56. Supportive Housing Grant (SHG) Agreement with U.S. Department of Housing and Urban Development (HUD) for supplemental funding to be used for implementation of YMCA-Transitional Housing Project to assist homeless residents. [\(Council Communication No. 02-361\)](#).

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

02-1701 57. Social Service Block Grant (SSBG) Contract with Community Housing Development Corporation (CHDC) for Enterprise Community Youth Build Project to provide a job training program in the housing skills trade for the period of July 1, 2002 to March 30, 2003. [\(Council Communication No. 02-357\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1702 58. Railroad Crossing Improvement Project Agreement with Iowa Interstate Railroad Company for SW 15th to SW 16th Street Connector Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1703 59. Annual License and Areaway Permits for Tran-Sit Bench Company to maintain its two-hundred and nine (209) benches in public right-of-way at various locations. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

02-1704 60. Authorizing use of a Request for Proposals, to develop an ADA Transition Plan for the City's public facilities and spaces. [\(Council Communication No. 02-365\)](#). **Moved by Vlassis to approve. Motion Carried 7-0.**

02-1705 61. Civil Service Entrance List for Sewer Maintenance Worker and Promotional Lists for Fire Lieutenant and Park Construction Technician. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-1706 62. Civil Service Entrance Lists for Guest Services Coordinator and Civil Engineer I; and Promotional Lists for Senior Police Officer and Promotional for Senior Engineering Technician. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

02-1707 63. Contract with Public Technologies/EER Systems for Seat Management pilot program. [\(Council Communication No. 02-374\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

64. Bids for the following:

02-1708 (A) Chas W. Goering (Kenneth Goering, President) for water service stop box relocations for the Portland Cement Concrete Curb Replacement Program to be used by the Public Works Department, \$26,281. (Ten bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1709 (B) Lubemaster (Levy Brothers, President) as primary supplier and Specialized Wholesale and Technology (Jeff French, President, Waukee) as secondary supplier for an annual contract with two one year renewal options for fuel additives to be used by the Aviation Department and Fleet Maintenance Center, \$50,000. (Nine bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

(C) NUMBER NOT USED.

02-1710 (D) Electrical Engineering and Equipment Company (J. Stroud, President, Windsor Heights) as primary supplier and Graybar Electric (Robert Reynolds, President) as secondary supplier for an annual contract with two one year renewal options to furnish electrical supplies, \$125,000. (Five bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1711 65. Authorizing Finance Director to draw checks on registers of July 12 and 19th, 2002; and for the bills of the Municipal Housing Agency for weeks of July 8 and 15, 2002; and to draw checks for biweekly payroll due employees on July 12, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

02-1712 66. On rezoning of property in the vicinity of 907 SW 62nd Street and 5701 Winona Avenue, from "U-1" (Floodplain) to "R1-60" (One Family, Low Density Residential) for area protected by levee, and to "FW" (Floodway) for area not protected by levee, subject to conditions. **Moved by Vlassis that this ordinance do now pass, [#14,113](#). Motion Carried 7-0.**

02-1713 67. On Council-initiated request to rezone property in the 500 block of North Valley Drive, from "FW" (Floodway) to "U-1" (Floodplain). **Moved by Vlassis that this ordinance do now pass, [#14,114](#). Motion Carried 7-0.**

02-1714 68. On Connection Fee Ordinance for Southeast Airport Area Trunk Sewer System Benefited District. **Moved by Vlassis that this ordinance do now pass, [#14,115](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

02-1715 69. On Zoning Ordinance amendment to revise the Entertainment Sign Overlay regulations to increase allowances for building signs that project over the public rights-of-way. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

02-1716 70. On amendment to the Zoning Ordinance, to clarify language regarding the vision clearance requirements for private driveways. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Item 103 and Hearing Items next****

ORDINANCES - FIRST CONSIDERATION

02-1717 71. Amending Chapter 114 of the Municipal Code removing maximum load limit for the eastbound E. Hubbell Avenue Bridge over the Four Mile Creek. ([Council Communication No. 02-359](#)). **Moved by McPherson that this ordinance be considered and given first vote**

for passage. Motion Carried 7-0.

02-1718 (A) Final consideration of ordinance above, (waiver requested by Traffic 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, [#14,116](#). Motion Carried 7-0.**

02-1719 72. Amending Chapter 2 of the Municipal Code establishing position of Deputy City Clerk. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

02-1720 73. From Council Member Archie Brooks regarding tax abatement for the property at 2 Hartford Avenue (Washington School). **Moved by Brooks to receive, file and refer to City Manager and Planning and Zoning, for a recommendation at the meeting of August 5, 2002. Motion Carried 7-0.**

02-1721 74. From Council Member Christine Hensley to discuss creation of residential parking district in vicinity of Grand and Locust at 13th Street. **Moved by Hensley to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

02-1722 74-I Request from Council Member Chris Coleman, to discuss City-sponsored activities for September 11, 2002. **Moved by Coleman to receive, file and refer to City Manager for a recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

02-1723 75. From Danelle Stamps, representing The Wallace House Foundation, 756 16th Street, regarding architectural pieces salvaged from the Wallace Building. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager and Legal for a recommendation. Motion Carried 7-0.**

02-1724 76. From Mary Alice Brown regarding paving of Grandview from Bowdoin to Sheridan and other issues. **Moved by McPherson to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

02-1725 77. Petition from area property owners, requesting paving of the North/South alley from Pennsylvania to E. 8th and Buchanan Street to Fremont. **Moved by McPherson to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

02-1726 78. From Carol Bower, Neighborhood Development Corporation, requesting consideration for condemnation of Roberts Dairy parking lot at 6th and University for the Urban Renewal Project. **Moved by Vlassis to receive, file and refer to City Manager and staff.**

Motion Carried 7-0.

02-1727 79. Request from Larry James, attorney for titleholder, to speak requesting a 60-day extension for the demolition of 3308 6th Avenue. **Moved by McPherson to receive, file and grant the request to speak; grant a sixty (60) day extension from this date to identify a buyer who can finish rehabilitation of the property. Motion Carried 7-0.**

****Council considered items 96 through end of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 80 thru 95)

02-1728 80. On request from Stan Holt, d/b/a Des Moines Feed Company, to rezone property at 2009 & 2015 Hubbell Avenue, from "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "M-1" (Light Industrial), to allow for expansion of the existing feed mixing and packaging operation, subject to conditions. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

02-1729 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1730 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,117](#). Motion Carried 7-0.**

02-1731 81. On Zoning text amendment to the Entertainment Sign Overlay District Standards, to prohibit roof mounted signs. **Moved by Coleman to adopt and approve, subject to final passage of the enacting ordinance. Motion Carried 6-1. Pass: Vlassis.**

02-1732 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Vlassis.**

02-1733 (B) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,118](#). Motion Carried 6-1. Nays: Vlassis.**

02-1734 82. On renaming of a segment of 1st Street and SW 1st Street, between Walnut Street and SE 1st Street, south of the Raccoon River, to Water Street and SW Water Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1735 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1736 (B) 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, [#14,119](#). Motion Carried 7-0.**

02-1737 83. On proposal from MidAmerican Energy to obtain a license for property at SW 9th and Thomas Beck Road, for use as a gas regulator valve station, \$3,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1738 84. On request from Stanbrough/Walters Land Development Company, to rezone property at 5646 SE 36th Street, from "R1-90" (Large Lot One-Family Residential) to "PUD" (Planned Unit Development), for Shoreline at Easter Lake, with a maximum of 47 single-family lots at a minimum width of 70', 52 townhome units and 72 condominium apartment units. **Moved by Brooks to continue to the August 5, 2002 Council meeting at 5:30 P.M. Motion Carried 7-0.**

WITHDRAWN02-1739 (A) First consideration of ordinance above.

WITHDRAWN02-1740 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

02-1741 (C) Communication from Plan and Zoning Commission, finding amendment to the Des Moines 2020 Community Character Land Use Plan in conformance--revise the future land use description from Low Density to Low/Medium Density. **Moved by Brooks to continue to the August 5, 2002 Council meeting, at 5:30 P.M. Motion Carried 7-0.**

02-1742 85. On conveyance of property at 2814 Chicago, to Brian J. LeFleur, \$51,500, to be owner-occupied for a minimum of 5 years, (continued from 6-3-02).([Council Communication No. 02-363](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1743 86. On vacation of subsurface rights of Crocker Street, south of 905 8th Street, and granting a permanent easement, to Beckley Properties, L.C., \$158.50. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1744 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

02-1745 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,120](#). Motion Carried 7-0.**

02-1746 87. On proposal to execute an option to sell and convey property in the vicinity of the Hubbell Tract, to Iowa Primate Learning Sanctuary, \$210,000. ([Council Communication No. 02-375](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1747 88. On Easter Lake Retention Basins - Phase 2,: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Reilly Construction Co., Inc. & Affiliates, (Robert R. Reilly, President, Ossian, IA), \$797,119.55. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

02-1748 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

02-1749 89. On 2002 PCC Pavement Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President, Grimes, IA), \$460,952,50. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1750 (A) Approving contract and bond, and permission to sublet. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1751 90. On Former Diller Battery Site Clean Up: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Environmental Contractors of Illinois, Inc., (M. W. Rafferty, President, Loves Park, IL), \$148,335. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1752 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1753 91. On 8th Street Intake Removal South of Euclid Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, West Des Moines), \$316,657. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1754 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1755 92. On Fort Des Moines Cabin Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hooyer Construction, Inc., (Curt Hooyer, President, Pella, IA), \$47,290. ([Council Communication No. 02-364](#)) **Moved by Vlassis to adopt. City Manager and staff to work with the Polk County Historical Society, to develop a maintenance agreement. Motion Carried 7-0.**

02-1756 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

02-1757 93. On 2002 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co., \$204,200. **Moved by Coleman to adopt.**

Motion Carried 7-0.

02-1758 (A) Approving contract and bond; and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**

02-1759 94. On Durable Pavement Markings - 2002: 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, Des Moines), \$131,387. **Moved by Cownie to adopt. Motion Carried 7-0.**

02-1760 95. On 2002 Sidewalk Replacement Program-Designated Neighborhoods: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete and Petroleum Construction Inc., (Robert L. Johnson, President), \$150,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1761 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:38 P.M. * *

****Council considered Item 78, and Items 71 through 79 next****

APPROVING

02-1762 96. East Village Study Block Development Plan and Guidelines with amendment including redevelopment of entire Betts and Sons True Value Hardware property at East 4th and Locust Street. ([Council Communication No. 02-362](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

02-1763 97. Preliminary Terms of Agreement with Airport Commerce Park, L.C. (Gerard Neugent, 5000 Westown Parkway, WDSM) for retention of back-office operation of Principal to relocate employees from Downtown to 620 Park Avenue. ([Council Communication No. 02-352](#)) **Moved by Hensley to receive and file, and direct the City Manager to proceed with negotiations with Airport Commerce Park, L.C. consistent with the terms set forth in Council Communication No. 02-352. Motion Carried 5-2. Nays: Cownie and McPherson.**

02-1764 98. Two Rivers Task Force Report regarding development of master plan for Des Moines and Raccoon Rivers addressing development, recreational opportunities, and environmental and historic preservation of the rivers. ([Council Communication No. 02-378](#)) **Moved by Hensley to receive, file and refer to the City Manager for review as part of the proposed Riverwalk Plan currently being undertaken by Principal Financial Group. Motion Carried 7-0.**

02-1765 99. Transfer to City of interests in Child Care Center at 555-5th Street. ([Council](#)

[Communication No. 02-368](#)) Moved by Hensley to adopt and ensure that any funds that have been collected from the tenants for capital improvements, that would still have a balance with the church, that this would be included in the transfer of the air rights as well. **Motion Carried 7-0.**

02-1766 (A) Approving operational agreement designating Drake University as the operator of the Child Care Center until June 30, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1767 100. Receipt of final report for the Downtown Traffic Study as prepared by Snyder & Associates. ([Council Communication No. 02-358](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

02-1768 101. Intergovernmental 28E Agreement with Neighborhood Finance Corporation and Polk County to provide necessary housing finance programs to implement a variety of City neighborhood revitalization programs for the period of July 1, 2002 to June 30, 2007. ([Council Communication No. 02-353](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

02-1769 (A) Communication from Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 7-0.**

02-1770 102. Agreement for Brownfield Project Financial Assistance in the amount of \$500,000 with the Iowa Department of Economic Development for land assemblage in the Des Moines Agrimergent Technology Park. ([Council Communication No. 02-346](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1771 103. Preliminary approval of Economic Development assistance for A-Dong Restaurant, 1511 Woodland. ([Council Communication No. 02-377](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

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EXTRA ITEMS

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

02-1772 1. Approve and Accept Permanent Easement for Storm Sewer and Surface Water Flowage Easement for 200 McKinley Avenue Storm Sewer Extension at 200 & 204 McKinley Avenue, Developer, R. M. Madden Construction. **Moved by Brooks to adopt. Motion Carried 7-0.**

02-1773 2. Request from Melissa Hill to speak regarding enforcement of fireworks law. SPONSOR: McPherson. **Moved by McPherson to receive, file and grant the request to**

speak; refer to Police Chief for a report on enforcement and for recommendation. Motion Carried 7-0.

02-1774 3. Communication from Gary Shields, 801 Hart, requesting City assistance in removing storm debris. SPONSOR: Brooks **Moved by Brooks to receive, file and refer to City Manager to authorize the work. Motion Carried 6-1. Absent: McPherson.**

02-1775 4. Communication from Dale Carter, 4218 SE 23rd Court, regarding street parking in 3 areas - Evergreen, SE 22nd and Marion Street. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 6-1. Absent: McPherson.**

A G E N D A

BOARD OF HEALTH July 8, 2002

02-1776 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

WITHDRAWN02-1777 (A) 1800 7th Street (occupied) Titleholder: Michael Edwards, Lois A. Ousley a/k/a Lois A. Edwards.

02-1778 (B) 6000 SW 9th Street (vacant) Titleholder: Shirley Medical Clinic, PC, Attn: William G. Shirley, Registered Agent. **Moved by Cownie to adopt. Motion Carried 7-0.**

WITHDRAWN02-1779 (C) 1521 10th Street (vacant) Titleholder: Edward G. Moss d/b/a Midwest Housing.

02-1780 2. Engineering Department to remove the structure at 1408 Hutton, Titleholder: Vera Rowland, Contract Buyer, American Dream Corporation. **Moved by Cownie to defer action to August 5, 2002. American Dream Corporation to provide a funding commitment and a plan to complete restoration in 60 to 90 days at that meeting. Motion Carried 6-1. Absent: McPherson.**

02-1781 3. Release of demolition cost reserve escrowed under claim number 14P95134 regarding property known as 2620 Cambridge owned by Aaron Michael. **Moved by Cownie to adopt. Motion Carried 7-0.**

01-1782 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:13 P.M. Motion**

Carried 6-1. Absent: McPherson

Des Moines - City of Skywalks