

[See approved Roll Calls from this meeting](#)

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**August 19, 2002**

CLOSED SESSION - 3:30 P.M.

REGULAR SESSION - 4:30 P.M.

02-2003 I. 3:30 - Roll Call. **Present: Brooks, Coleman, Cownie, Hensley, and Vlassis. Absent: Daniels and McPherson. Council Member McPherson entered the meeting at 3:48 P.M.**

02-2004 (a) Recess, and reconvene in closed session pursuant to Section 21.5 of the Code of Iowa. **Moved by Brooks to adopt. Motion Carried 3-2-2. Yeas: Coleman, Brooks and Vlassis. Nays: Cownie and Hensley. Absent: Daniels and McPherson.**

02-2005 (b) Closed Session.

02-2006 (c) Terminate closed session and reconvene in open session. **Moved by Cownie to adopt. Motion Carried 6-1. Absent: Daniels.**

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

(a) Recognition of Mathri Thannikkotu - Miss Iowa National Preteen

(b) Welcoming visitors from China

**INVOCATION:** Pastor John Chadwick, Grace Lutheran Church

02-2011 1. ROLL CALL: **Present: Brooks, Coleman, Cownie, Hensley, McPherson, and Vlassis. Absent: Daniels.**

02-2012 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2013 3. APPROVING CONSENT AGENDA - items 3 through 60: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 6-1.**

**LICENSES AND PERMITS:**

Approving

02-2014 4. The following Beer/Liquor Applications: **Moved by McPherson to adopt. Motion**

**Carried 6-1.**

**NEW APPLICATIONS**

- (1) Garibaldi Mexican Restaurant, 1246 E 14th Street, B Beer.
- (2) TNT Vietnamese Restaurant, 3452 Martin Luther King Jr. Pkwy., B Beer.
- (3) Blue Ridge Diner, 5418 Douglas Avenue, C Liquor.
- (4) Jazzy Willys, 5715 Douglas Avenue, C Liquor.
- (5) La Casita Taco, 2327 Euclid Avenue, C Liquor.
- (6) Polk County Convention Center, 501 Grand Avenue, C Liquor.

02-2015 6-I Phillips 66, 3625 Ingersoll, C Beer. **Moved by McPherson to adopt. Motion Carried 6-1.**

**RENEWAL APPLICATIONS**

- (7) Tobacco Outlet Plus, 4821 SW 9th Street, C Beer.
- (8) Number 1 Chinese Restaurant, 2414 University Avenue, C Beer/Wine.
- (9) AMF Des Moines Lanes, 3839 E 14th Street, C Liquor.
- (10) Antlers Lounge and Grill, 414 E 6th Street, C Liquor.
- (11) Coyotes, 900 E Army Post Rd., C Liquor.
- (12) Des Moines Club, 666 Grand Avenue, C Liquor.
- (13) Fraternal Order of Eagles, 6567 Bloomfield Rd., C Liquor.
- (14) Pal Joeys, 6224 Grand Avenue, C Liquor.
- (15) Pd's Pub, 3801 SW 9th Street, C Liquor.
- (16) Suds on 2nd, 2801 2nd Avenue, C Liquor.
- (17) Waveland Coffee Shop, 4704 University Avenue, C Liquor.
- (18) Yo Yo's Bar & Grill, 2400 Dean Avenue, C Liquor.

(19) Des Moines Club, 666 Grand Avenue, B Wine.

### **TRANSFER TO NEW LOCATION**

(20) Blues on Grand, Temporary transfer of C Liquor License from 1501 Grand Avenue to 400 4th Street, Kirkwood Civic Center Hotel, on September 1, 2002 for a Blues Fest. Pending Building and Fire inspections.

### **OUTDOOR SERVICE APPLICATIONS**

(21) Cockeyed Corner, 2301 Hubbell Avenue, C Liquor, Temporary Outdoor Service area on September 14, 2002 for a barbecue. Pending Building, Electrical, Zoning and Fire inspections.

(22) Michaels Restaurant & Lounge, 4041 Urbandale Avenue, C Liquor, Temporary Outdoor Service area in conjunction with the Beaverdale Fall Festival on September 20, 21 and 22, 2002. Pending Building and Fire inspections.

### **SPECIAL EVENT APPLICATIONS**

(23) Brewfest, 410 Court Avenue, B Beer, Five Day application for the Brewfest on August 31, 2002 and September 1, 2002. Pending Building inspection.

(24) Science Center of Iowa, 4500 Grand Avenue, C Liquor, Five Day application for fundraising event on August 23, 2002. Pending Building inspection.

02-2016 5. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **PUBLIC IMPROVEMENTS**

02-2017 6. Approving submission of applications to the Iowa Department of Transportation for Traffic Safety Funds to cover a portion of construction costs for the following, [\(Council Communication No. 02-455\)](#): **Moved by McPherson to adopt. Motion Carried 6-1.**

(1) SE 14th street (US 69) and East Indianola Avenue Right Turn Lane and Traffic Signal Modifications.

(2) Arterial Street Traffic Signal Visibility Improvements.

(3) Merle Hay Road and Aurora Avenue Signal Upgrade.

02-2018 7. Approving Conceptual Design Report on Crawford Creek Watershed, prepared by Stanley consultants Inc. [\(Council Communication No. 02-448\)](#). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2019 8. Approving Change Order No. 2 with Western Waterproofing Co., Inc. for minor

masonry repair work at City Hall, Armory, and Police Station to be completed by change order to the Court Avenue Bridge over Des Moines River Railing Repairs Contract, in the amount of \$24,745. ([Council Communication No. 02-453](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

9. Approving extensions of time in conjunction with the demolition of 401 SE 6th Street (former Irwin Chemical Building) from the following:

02-2020 (A) Hydro-Klean (Wayne Shaw, Vice President, DSM) for additional chemical removal and disposal. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2021 (B) Pro Environmental Abatement (Robert Jorgenson, President, DSM) for delay of asbestos removal work due to additional chemical removal and disposal. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2022 (C) Wicker Demolition (Linda Wicker, Owner, DSM) for delay of demolition work due to additional chemical removal and disposal. **Moved by McPherson to adopt. Motion Carried 6-1.**

10. Approving the following items in conjunction with the Blank Park Zoo Gift Shop Addition and Remodeling Contract:

02-2023 (A) Change Order No. 1 with Downing Construction, Inc. (D. Robert Downing, President, Indianola) for additional work in an amount not to exceed \$57,650.00. ([Council Communication No. 02-438](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2024 (B) Request for extension of time. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2025 (C) Permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2026 11. Approving Iowa Department of Transportation Preconstruction Agreement for the 2nd Avenue and 3rd Street Bridge Reconstruction. ([Council Communication No. 02-451](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

12. Resolution Ordering Construction of the following:

02-2027 (A) 2002 Traffic Signal Modifications, Receiving of Bids, (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - \$50,000.00). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2028 (B) University Avenue Median Modifications at 2nd Avenue and 6th Avenue, Receiving of Bids, (8-27-02), and Setting Date of Hearing, (9-9-02). (Construction Estimate - \$38,000.00). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2029 13. Approving Private Construction Contract for construction of Street Improvements for a bus drop-off lane and sidewalk at west side of 37th Street to service Greenwood Elementary School at 316 37th Street between Double T Asphalt Co., Inc. (Katheleen B. Burris, Pres, Pleasant Hill), Contractor and Des Moines Public Schools, (Duane Van Hemert, Executive Director-Facilities, DSM), Owner. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2030 14. Communications from J. F. Edwards Construction Co. and Corell Contractor, Inc. requesting permission to sublet certain items on public improvement projects. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2031 15. Approving partial payments on seventeen public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2032 15-I Approving request from Taylor Construction Group, L.L.C., for extension of time - to September 10, 2002, to complete the Masonic Temple Sidewalk Reconstruction Project. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **SPECIAL ASSESSMENTS**

02-2033 16. Authorizing the Engineering Department Staff to correct delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for July 2002. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2034 17. Approving delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of July 2002 for certification to the Polk County Treasurer. **Moved by McPherson to adopt. Motion Carried 6-1.**

18. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) of the following:

02-2035 (A) Schedule No. 2002-07. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2036 (B) Schedule No. 2002-29. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2037 (C) Schedule No. 2002-54. **Moved by McPherson to adopt. Motion Carried 6-1.**

### **LAND/PROPERTY TRANSACTIONS**

**WITHDRAWN** 02-2038 19. Establishing Fair Market Value and authorizing acquisition of property located at 200 SW 16th Street (DICO) for the Martin Luther King, Jr. Parkway Project by gift, negotiation, or condemnation.

02-2039 20. Approve and accept real estate documents for 2814 Chicago Avenue, 2935 Mahaska Avenue, 2940 State Avenue, and 2801 Cleveland for the 7th Ward Ditch Project, (closing costs only). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2040 21. Approve and accept real estate documents for the property located at 3014 East 35th Street (James H. Osborn, Sr.) for the Gay Lea Wilson Recreational Trail Project, \$3,785 plus costs. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2041 22. Approve and accept real estate documents for 3600 - 30th Street (Veterans Administration) for the 2001 Intermediate Paving Project, \$600 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2042 23. Approve and accept real estate documents for corner of East 18th Street and Easton Boulevard for the I-235 Sanitary Sewer Relocation Project - Group 3, (closing costs only). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

02-2043 24. Approve and accept real estate documents for property located at 950 - 17th Street (Iowa Methodist Medical Center) for the I-235 Day Street Sanitary Sewer Relocation Project, \$6,321 plus closing costs. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

02-2044 25. Approve permanent easement for storm sewer right of way in and across McHenry Park as a part of the 8th Street Intake Removal-South of Euclid Project. ([Council Communication No. 02-443](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2045 26. Approving Lease ending March 31, 2005, with Court Avenue Brewing Company, 309 Court Avenue, for use of City-owned property for a sidewalk cafe. ([Council Communication No. 02-440](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2046 27. Approval of final subdivision plat entitled Airport Business Park Plat 2, located in vicinity of Register Drive and Gannett Avenue. ([Council Communication No. 02-456](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

02-2047 28. Communication from Paulette Wiley advising of her resignation from the City-County Consolidation Charter Commission. **Moved by McPherson to receive, file and accept resignation with appreciation for service. Motion Carried 6-1.**

02-2048 (A) Recommendation of Council Member Mike McPherson to appoint Ronnene Harris to vacated seat of Paulette Wiley on the City-County Consolidation Charter Commission. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2049 29. Recommendation of Mayor Preston Daniels to appoint Rose A. Vasquez to Seat 3 on the Water Works Board of Trustees for a six year term commencing April 1, 2001 to expire April 1, 2007. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2050 30. Communication from Richard Seely advising of his resignation from the Architectural Advisory Committee, (Seat #2) effective August 15, 2002. **Moved by McPherson**

**to receive, file and accept resignation with appreciation for service. Motion Carried 6-1.**

## **STREET CLOSURES**

02-2051 31. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by McPherson to adopt. Motion Carried 6-1.**

**WITHDRAWN** (1) Kimberly Billings, representing Cockeyed Corner Bar, requesting permission to close Elizabeth Street from E 23rd Street to the alley on Saturday, September 14, 2002 from 3:00 PM to 12:00 AM for barbecue party with band.

(2) Brenda Geier, representing Beaverdale Fall Festival, requesting permission to close Fagen Drive from Beaver Avenue to 2nd Drive of First American Bank from 6:00 PM September 20th to 10:00 PM September 21st for the Beaverdale Fall Festival.

(3) Sheila Bormann, representing 39th Street Neighborhood, requesting permission to close 39th Street from Urbandale to 40th on Monday, September 2, 2002 from 3:00 to 7:00 PM for a neighborhood block party.

(4) Lori Smith, representing Lawnwoods Neighborhood, requesting permission to close Lawnwoods from Madison to Fleming on Saturday, September 14, 2002 from 6:00 to 10:00 PM for a neighborhood block party.

(5) Bonnie Green, representing Gilmar Park Neighborhood, requesting permission to close 44th Street from Ingersoll to Harwood and Woodland from Harwood to 44th Street on Sunday, September 1, 2002, raindate of Monday, September 2, 2002, from 4:00 to 10:00 PM for a neighborhood block party.

(6) Ali Brackett, representing Hoyt Sherman Place Foundation, requesting permission to close Woodland Avenue from 15th Street to 16th Street on Monday, September 2, 2002 from 1:00 to 8:00 PM for a fundraiser for Hoyt Sherman Place Theater.

(7) Shirley Brunk, representing Maryland Pike Neighborhood, requesting permission to close Maryland Pike from Beavercrest to Holland Drive on Saturday, September 7, 2002 from 12:00 to 10:00 PM for a neighborhood block party.

(8) Nancy Dunbar, representing 46th Street Neighbors, requesting permission to close 46th Street from Urbandale Avenue to New York on Saturday, September 14, 2002, raindate of Sunday, September 15, 2002, from 4:00 to 9:00 PM for a neighborhood block party.

(9) Elizabeth Stamper, representing 44th Street Neighborhood, requesting permission to close 44th Street from University to Kingman on Saturday, September 7, 2002 from 4:00 to 10:00 PM for a neighborhood block party.

(10) Joan Hall, representing SW 33rd Street Neighborhood, requesting permission to close SW 33rd Street from Park Avenue to Wolcott on Saturday, September 21, 2002 from 6:00 to 11:00

PM for a neighborhood block party.

(11) Bridget Montgomery, representing Wallace Lane Neighborhood, requesting permission to close 4030 to 4116 Wallace Lane on Saturday, September 7, 2002 from 10:00 AM to 12:00 AM for a neighborhood block party.

(12) Doug Olson, representing 45th Street Neighborhood, requesting permission to close 45th Street from Kingman Boulevard to University Avenue on Sunday, September 8, 2002 from 4:00 to 7:35 PM for a neighborhood ice cream social.

(13) April Ackelson, representing Boston Neighborhood, requesting permission to close Boston Avenue from 5th Avenue to 6th Avenue on Sunday, September 1, 2002, raindate of Saturday, September 21, 2002, from 2:00 to 8:00 PM for a neighborhood block party.

02-2051 31-I Approving street closures for the following. **Moved by McPherson to adopt. Motion Carried 6-1.**

(1) Michael Marasco, representing Partners In Charity Inc., requesting permission to close 4th Street from Court Avenue south to second alley from 12:00 PM on August 31, 2002 to 1:00 AM on September 2, 2002 for The Brewfest.

(2) Cathy Schnieder, representing 40th Place Neighborhood, requesting permission to close 40th Place from Rollins Avenue to Crocker Street on Saturday, September 7, 2002 from 5:00 PM to 11:00 PM (Raindate of September 14, 2002) for a neighborhood block party.

## **CITY PLAN COMMISSION RECOMMENDATIONS**

02-2053 32. On Council-initiated request for vacation and conveyance of the north/south alley between 24th and 25th, from School to Kingman, subject to completion of the improvements by the IDOT on Kingman and Cottage Grove, and release of the excess right-of-way along Kingman Blvd to the City. **Moved by Hensley to defer to September 23, 2002. Motion Carried 6-1.**

## **SETTING DATE OF HEARINGS**

02-2054 33. On Notice of offering and intent to accept Developer-Initiated Development Proposal from Neighborhood Development Corporation to develop portions of Disposition Parcel No. 97-A (6th and University) in Metro Center Urban Renewal Project, (9-23-02)([Council Communication No. 02-454](#)). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: Daniels.**

02-2055 34. On request from Tulip Hill Designs, to amend the "R-6" Preliminary Plan and Final Development Plan, for the "Southern Hills" development, 2950 SW 30th Street, to allow development of 3 bi-attached single-story ranch style townhome structures, (9-9-02) **Moved by McPherson to adopt. Motion Carried 6-1.**



02-2056 35. On amendment to the PUD Conceptual Plan titled "Grandview Plaza", 3325 E. Douglas, changing plan title to "Timberbrook Terrace" and to amend the proposed development for a portion of the property from a retail center to a hospice care facility, (9-9-02). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2057 36. On recommended DENIAL of request from Dan Tollenaar, to rezone property at 4405 University from "R-3" (Multiple Family Residential) to "C-0" (Commercial-Residential District), (9-9-02). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2058 37. On Supplement No. 8 to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital LLC, \$934,722, for acquisition of nine recycling vehicles, (9-9-02). ([Council Communication No. 02-429](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

38. On vacation of the following City property, (9-9-02):

02-2059 (A) Grand to Locust, 11th to 12th, for the Library. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2060 (B) Grand to Locust, 12th to 13th, for the Higher Education and Learning Center. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2061 39. On conveyance of 9 properties in the Frisbie Park area, to RM Madden Construction Inc., to be used for single family infill housing, \$69,480, (9-9-02). ([Council Communication No. 02-437](#)). **Moved by Hensley to adopt. City Manager to look at all infill lots throughout the City. Motion Carried 5-2. Absent: Daniels and Coleman.**

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

02-2062 40. Approving payment of \$1,189.73 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2063 41. Approving payment of \$926 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for environmental law services in connection with the acquisition and litigation regarding environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project (DICO). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2064 42. Approving payment of \$1,335.02 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal counsel on various issues regarding the Des Moines International Airport, including bond matters and issues involving the Meredith Corporation loan agreement. **Moved by McPherson to adopt. Motion Carried 6-1.**

#### **CITY MANAGER COMMUNICATIONS**

02-2065 43. Submitting out-of-state travel requests for Carl Elshire, Eric Anderson and Elly Walkowiak. ([Council Communication No. 02-427](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2066 44. Submitting various traffic regulations as follows, ([Council Communication No. 02-436](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

(1) Corner Clearance-West Side of SW 60th Street North of Muskogee Avenue.

(2) Repeal 20-Ton Load Limit-SW 9th Street Viaduct over Martin Luther King, Jr. Parkway.

### **APPROVING**

02-2067 45. Approving Federal Aviation Administration AIP Grant Agreement, for Airport Security Enhancement, \$820,000. ([Council Communication No. 02-452](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2068 46. Receipt of Notice from the Airport Board regarding proposed amendment to Airport Regulation No. 02-38, Revision to Employee Parking Fees effective November 1, 2002. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2069 47. Twentieth (20th) Annual Boards and Commissions Appreciation Dinner, Thursday, May 8, 2003 at the Airport Holiday Inn, 6111 Fleur Drive, and authorizing staff to sign an agreement. **Moved by McPherson to approve and appoint Council Member Vlassis to assist with funding solicitation. Motion Carried 6-1.**

02-2070 48. West Des Moines State Bank Grant Application for Federal Home Loan Bank Affordable Housing Program to fund construction component of the Owner-Occupied Minor Rehabilitation Program. ([Council Communication No. 02-460](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2071 49. Bankers Trust Company, N.A. Grant Application for Federal Home Loan Bank Affordable Housing Program to fund construction component of the Owner-Occupied Minor Rehabilitation Program. ([Council Communication No. 02-461](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2072 50. Request to issue a Request for Proposals (RFP) to obtain proposals for employer and employee paid life insurance and Accidental Death and Dismemberment Insurance. ([Council Communication No. 02-428](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2073 51. Cooperative Agreement with the U.S. Environmental Protection Agency to access \$45,000 in Federal Funds related to Incorporate Smart Growth in the Des Moines Agrimergent Technology Park. ([Council Communication No. 020-435](#)). **Moved by McPherson to approve. Motion Carried 6-1.**

02-2074 52. Fiscal Year 2002-2003 Investment Agreement for Community Development Outreach Program with United Way of Central Iowa for period of July 1, 2002 to June 30, 2003 - \$17,384. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2075 53. Fiscal Years 2001/2002 and 2002/2003 Iowa Department of Cultural Affairs Cultural Enrichment Grant (CEG) Contracts and an addendum to Fiscal Year 2001/2002 to be used to further support educational and horticultural programs at the Des Moines Botanical Center, ([Council Communication No. 02-442](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2076 54. Grant Applications submitted to the Prairie Meadows Racetrack and Casino Community Betterment Awards program to be used for replacement, restoration and renovation of the Woodland Cemetery fencing, the Woodland Cemetery Receiving Vault and the Fort Des Moines Cabin. ([Council Communication No. 02-444](#)). **Moved by McPherson to approve. Motion Carried 6-1.**

02-2077 55. Development Agreement with Woodland Avenue Partners, L.P. and U.S. Bancorp Community Development Corporation for development of Woodland Avenue Brickstone Apartment Project for at least fifty-four (54) dwelling units in vicinity of 15th and Woodland Avenue. ([Council Communication No. 02-446](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2078 (A) Execution of Home Investment Partnerships Program Project Agreement for Woodland Avenue Brickstone Development Project.. **Moved by McPherson to adopt. Motion Carried 6-1.**

02-2079 56. Second amendment to the Development Agreement with Airport Commerce Park West, L.C. for City funds of \$1.5 million over three years for reimbursement to Principal to locate back-office service operations at 6200 Park Avenue (McLeod Facility). ([Council Communication No. 02-433](#)). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Cownie and McPherson. Absent: Daniels.**

02-2080 57. Submission of Quarterly Treasurer's Report as of June 30, 2002. **Moved by McPherson to receive and file. Motion Carried 6-1.**

58. Bids for the following:

02-2081 (A) American Electronics Appliances (Steve Archer, Contract Manager, Johnston) and second low compliant bidder, Stogdills TV & Appliance (James Stogdill, President) for an annual contract with two additional one year renewal options to furnish refrigerator and freezer replacement and removal services to the Community Services Division. (Seven bids mailed, two bids received; See Roll Call for prices). ([Council Communication No. 02-445](#)). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: Daniels.**

02-2082 (B) O'Halloran International (Jim O'Halloran, President) for nine recycling vehicles for use by the Solid Waste Division, \$934,722. (Eleven bids mailed, three bids received). **Moved by**

**McPherson to adopt. Motion Carried 6-1.**

02-2083 59. Civil Service Entrance Lists for Airport Environmental Manager, Engineering Laboratory Operations Technician, Client Server Application Developer, and Promotional List for Fire Medic. **Moved by McPherson to receive and file. Motion Carried 6-1.**

02-2084 60. Authorizing Finance Director to draw checks on register of August 23, August 30, September 6, 2002; bills of the Des Moines Municipal Housing Agency for the weeks of August 19, August 26, and September 2, 2002 and biweekly payroll due employees of the City on August 23 and September 6, 2002. **Moved by McPherson to adopt. Motion Carried 6-1.**

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

**ORDINANCES - FIRST CONSIDERATION**

02-2085 61. Updating Chapter 26 of the Municipal Code, adopting the 2002 National Electrical Code. ([Council Communication No. 02-430](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

02-2086 62. Amending Chapters 2, 82 and 102 of the Municipal Code to create a new Urban Design Review Board and Skywalk Committee, to perform the duties formerly held by the Architectural Advisory Committee, Urban Development Board and Skywalk Committee. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Cownie and Vlassis. Absent: Daniels.**

02-2087 (A) Amending Chapter 58 of the Municipal Code regarding designation and alteration of landmarks and landmark sites. ([Council Communication No. 02-457](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Cownie. Absent: Daniels.**

**COUNCIL REQUESTS**

02-2088 63. From Mayor Daniels to discuss user fees for the Stoner Theater in the Civic Center and use of Nollen Plaza facilities. **Moved by Hensley to receive, file and refer to City Manager. Motion Carried 6-1.**

02-2089 64. From Council Member Archie Brooks regarding the intersection of E. 5th and Des Moines Street. **Moved by Brooks to receive, file and refer to Traffic Safety Committee for a recommendation. Motion Carried 6-1.**

02-2090 65. From Council Member Chris Coleman regarding the Youth Advisory Coordinating Board. **Moved by Coleman to receive and file; refer to City Manager. Motion Carried 6-1.**

02-2091 66. From Council Member Chris Coleman regarding The Citizen Initiated Performance Assessment (CIPA) project team. **Moved by Coleman to receive and file, with appreciation to**

**the participants. Motion Carried 6-1.**

## **COMMUNICATIONS/REPORTS**

02-2092 67. From Kent Sovern, 700 Locust, Suite 100, regarding Greater Des Moines Partnership's annual trip to Washington, D.C. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1.**

**\*\*Council considered Extra Items 1, 2 & 3 next\*\***

02-2093 68. Request from Chesterfield Neighborhood Association, to speak regarding bio-solids storage facility in the Chesterfield Neighborhood. **Moved by Brooks to receive, file and grant the request to speak; direct the City Manager to implement recommendations contained in his letter to Council of 08-16-02. Motion Carried 5-2. Absent: Daniels and McPherson.**

**\*\*Council considered Items 65, 74, 72 and 68 next\*\***

**\*\*Council Member McPherson left the meeting\*\***

## **HEARINGS (Opened at 5:40 P.M.) (Items 69 thru 76)**

69. On sale of City-property to the following, ([Council Communication No. 02-439](#)):

02-2094 (A) State of Iowa Department of Transportation, southern boundary of Botanical Center, at 909 E. Riverside Drive along I-235, \$11,493. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2095 (B) Hallmark Homes, 6104 and 6108 Tonka Avenue, \$15,000. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2096 (C) Larry Schlepforth, 813-23rd Street, \$4,500. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2097 70. On conveyance of a permanent easement on city property in the vicinity of Botanical Center--E. Riverside Drive, from I-235 to E. 6th, and east through Burke Park to E. 7th, to MidAmerican Energy, for underground gas line \$4,500. ([Council Communication No. 02-441](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2098 71. On conveyance of City-owned property to Dick and Peggy Herweh, 536 SE 27th Ct., \$4,600. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2099 72. On request from 2300 University Avenue LLC, represented by Larry James Jr., for rezoning of property in the 2300 block of University and in the 1100 block of 23rd, north of

1154-23rd, from the Ltd "C-1" (Neighborhood Retail Commercial) and Ltd "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial)  
**Moved by McPherson to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

02-2100 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

02-2101 (B) Final consideration of ordinance above, (waiver requested by applicant), 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, [#14,134](#). Motion Carried 6-1.**

02-2102 73. Change Order No. 5 with Corell Contractor, for additional work in conjunction with the Martin Luther King, Jr. Parkway Paving - Ingersoll Avenue to Center Street, \$27,405. ([Council Communication No. 02-450](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2103 (A) On resolution to REJECT all bids and close the hearing on the 2007/09 Pleasant Street Sanitary Sewer Service Relocation, (work will be performed in conjunction with Change Order No. 5 above). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

74. Items regarding the Sec Taylor Stadium Field Replacement:

02-2104 (a) Resolution approving plans, specifications, form of contract documents, Engineer's estimate and submission bids. **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

02-2105 (b) Receive and file bid protest submitted by Corell Contractor Inc. **Moved by Vlassis to receive and file. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

02-2106 (c) Concurrence in City Engineer's denial of Corell bid protest. **Moved by Vlassis to receive, file and reject. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

02-2107 (d) Approving contract and bond, and permission to sublet with Corell Contractor, Inc., (Steve Corell, President, WDM), \$994,496. **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

02-2108 (e) Approving Change Order with Reilly Construction Company, Inc, to reduce the contract cost, ([Council Communication No. 02-458](#)). **Moved by Vlassis to reject. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

02-2109 (f) Approving Supplemental Agreement No. 1 with HOK Sports, Inc. (Rick Martin,

Senior Principal, Kansas City, MO) for construction phase services, not to exceed \$5,968. [\(Council Communication No. 02-449\)](#) **Moved by Vlassis to adopt. Motion Carried 4-2-1. Nays: Coleman and Cownie. Absent: Daniels.**

02-2110 75. On resolution to REJECT all bids and close hearing on the WRA Wastewater Reclamation Facility at 3000 Vandalia Road, (one bid received-over estimate), will be rebid at a later date. **Moved by Cownie to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

76. On items regarding the Masonic Temple Project, Downtown Preservation Partners, LLC.

02-2111 (A) On vacation and lease of a portion of 10th Street, north of Locust, to be used for a Sidewalk Cafe, 5-year lease, \$1,000 per year. **Moved by Hensley to continue the public hearing until September 9, 2002 at 5:30 PM in the Council Chambers. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2112 (B) On lease Agreement for previously vacated North/South alley, north of Locust, between 10th and 11th, to be used for an Outdoor Patio Cafe, \$1,356 per year. **Moved by Hensley to continue the public hearing until September 9, 2002 at 5:30 P.M. in the Council Chambers. Motion Carried 5-2. Absent: Daniels and McPherson.**

\* \* END HEARINGS at 6:45 P.M. \* \*

## **APPROVING**

02-2113 77. Receipt of the status report from the Des Moines Public Art Program and a funding allocation of \$250,000. [\(Council Communication No. 02-447\)](#). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2114 78. Amendment to Loan Agreement with Principiant Hotel Company, L.C. for the Raccoon River Brew Pub. [\(Council Communication No. 02-434\)](#). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

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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.**

02-2115 1. Approving recommendations from the Ingersoll Planning Committee regarding short-term traffic improvements. SPONSOR: Hensley. ([Council Communication No. 02-459](#)). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: McPherson and Brooks. Absent: Daniels.**

02-2116 2. Communication from Downtown Community Alliance, requesting approval of a banner design for the Public Library of Des Moines Foundation, banners to be displayed downtown in September 2002. SPONSOR: Hensley. **Moved by Hensley to receive, file, and approve the banner design as submitted, for the Library Foundation, to be displayed in downtown Des Moines in September 2002. Motion Carried 6-1. Absent: Daniels.**

02-2117 3. Communication from Council Member Brooks, regarding filing an Amicus Curiae Brief in Master Builders of Iowa, Inc., et al v. Polk County Iowa et al and Central Iowa Building and Construction Trades Council. SPONSOR: Brooks. **Moved by Brooks to direct Corporation Counsel to file an Amicus Curiae brief for the City of Des Moines, supporting local autonomy and the right of local government to do business in the manner that best suits their needs, this brief to be the same as filed by the other public entities. MOTION FAILED 3-3-1. Yeas: McPherson, Brooks and Vlassis. Nays: Coleman, Cownie and Hensley. Absent: Daniels.**

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

### **BOARD OF HEALTH**

**August 19, 2002**

02-2118 MOTION TO CONVENE. **Moved by Hensley that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and McPherson.**

#### **AUTHORIZING**

1. Engineering Department to remove the structure at the following location:

02-2119 (A) 1211 21st Street, Titleholders: Anthony Trimnell and Sandra Trimnell. **Moved by Vlassis to grant a thirty (30) day extension of time; necessary permits to be pulled this week for the work. Provide Community Development with a time schedule to complete the renovation and proof of financing ability; this property to remain on track to demolish in the interim. Motion Carried 5-2. Absent: Daniels and McPherson.**

02-2120 MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:55 P.M. Motion Carried 5-2. Absent: Daniels and McPherson.**

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