

SUMMARY OF DES MOINES CITY COUNCIL MEETING

August 20, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Des Moines Lincoln High Girls Softball State Champions
- (b) Des Moines Eagles Day
- (c) Mercury Mountaineer Drive For Literacy Day "First Book"

INVOCATION: Pastor Tony Thurston, College Avenue Christian Church

01-2483 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-2484 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2485 3. APPROVING CONSENT AGENDA - items 3 through 97: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-2486 4. Communication from Legal Department regarding August 20, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-2487 5. Alvarez Corporation, Eliaz Alvarez, President dba Acapulco Mexican Restaurant, 1246 E. 14th Street; Renewal (With Sunday Sales) - Expires 8-7-01 - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Beer Licenses

01-2488 6. Casey's Marketing Company, Robert J. Hood, President dba Casey's General Store #2314, 3527 Indianola Avenue; Renewal (With Sunday Sales) - Expires 9-17-01 - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2489 7. Drake Texaco, Inc., Rick Gamble, Owner dba Drake Texaco, Inc., 3401 University; Renewal (With Sunday Sales) - Expires 9-12-01 - Application submitted 7-17-01. **Moved by**

Hensley to adopt. Motion Carried 7-0.

01-2490 8. Phillips Petroleum Company, James J. Mulva, President dba Phillips 66 Company #2077, 4402 Douglas Avenue; Renewal (With Sunday Sales) - Expires 8-31-01 - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2491 9. Phillips Petroleum Company, James J. Mulva, President dba Phillips 66 Company #5673, 2849 E. Euclid; Renewal (With Sunday Sales) - Expires 8-31-01 - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2492 10. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #553, 101 SW Army Post Road; Renewal (With Sunday Sales) - Expires 8-28-01 - Application submitted 7-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN01-2493 11. Krueger Enterprises, Inc., Donald Krueger, Owner dba Kruegers Amoco Food Shop #5, 5120 NE 14th Street; New Application (With Sunday Sales) - Application submitted 8-13-01.

01-2494 12. Kwik Trip, Inc., Donald Zietlow, President dba Tobacco Outlet Plus #510, 3413 SW 9th Street; Renewal (With Sunday Sales) - Expires 9-8-01 - Application submitted 7-20-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-2495 13. Nordstrom Oil Company, David Nordstrom, President dba Merle Hay HandiMart, 4151 Merle Hay Road; Renewal (With Sunday Sales) - Expires 9-13-01 - Application submitted 7-31-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2496 14. Nordstrom Oil Company, David Nordstrom, President dba NE 14th HandiMart, 5150 NE 14th Street; New Application (With Sunday Sales) - Application submitted 7-23-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

01-2497 15. American Drug Stores, Inc., Kevin H. Tripp, President dba Osco Drug #5007, 3151 SE 14th Street; Renewal (With Sunday Sales) - Expires 9-24-01 - Application submitted 8-3-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-2498 16. Number 1 Chinese Restaurant, Inc., Kwan Y. Cheung, Owner dba #1 Chinese Restaurant, 2414 University Avenue; Renewal (With Sunday Sales) - Expires 9-6-01 - Application submitted 8-8-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Liquor Licenses

01-2499 17. Alfred Foggia dba Antler's Lounge and Grill, 414 E. 6th Street; Renewal - Expires 9-6-01 - Application submitted 8-6-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2500 18. Croatian Fraternal Slavic Center, Charles Padavich, President dba Croatian Fraternal Slavic Center, 6575 Indianola Road; Renewal (With Sunday Sales) - Expires 8-24-01 - Application submitted 8-13-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-2501 19. Maxmin Enterprises Corporation, JiuXian Wang, President dba Dragon House East, 2470 E. Euclid Avenue; Renewal (With Sunday Sales) - Expires 8-25-01 - Application submitted 7-12-01. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-2502 20. FJY Inc., Frank J. Yacavona, President dba Pal Joeys, 6224 Grand Avenue; Renewal (With Outdoor Service) - Expires 8-31-01 - Application submitted 8-2-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2503 21. Polk County Iowa, Gene Phillips, Board of Supervisors dba Polk County Convention Complex, 501 Grand Avenue; New Application (With Sunday Sales) - Application submitted 7-26-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2504 22. Fraternal Order of Eagles Aerie No. 109, Steve Marshman, President dba Fraternal Order of Eagles Aerie No. 109, 6567 Bloomfield Road; Renewal (With Sunday Sales) - Expires 8-28-01 - Application submitted 7-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2505 23. South Beach Nightclub, LLC, Kurt Just, Owner dba Party Cove, 900 E. Army Post Road; Renewal (With Sunday Sales and Outdoor Service) - Expires 9-7-01 - Application submitted 7-24-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2506 24. Suds On 2nd, Inc., Maria Varvel, Owner dba Suds On 2nd, 2801 2nd Avenue; Renewal (With Sunday Sales) - Expires 8-31-01 - Application 7-20-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 01-2507 25. Hawkeye Highlife, Ltd., Larry Strickler, Owner dba Waveland Coffee Shop, 4704 University Avenue; Renewal (With Sunday Sales) - Expires 9-10-01 - Application submitted 8-8-01.

Class "C" Liquor/"B" Wine Licenses

01-2508 26. Des Moines Club Management, Inc., Douglas T. Howe, President dba Des Moines Club, 666 Grand Avenue, 33rd and 34th Floors; Renewal (With Sunday Sales) - Expires 9-14-01 - Application submitted 8-2-01. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

Special Event Licenses

01-2509 27. The Science Center of Iowa, Mary Sellers, Executive Director dba The Science Center of Iowa, 4500 Grand Avenue; New Application for a Five Day Class "C" Liquor License

for event held on August 24, 2001. Application submitted 8-9-01. Subject to submission of acceptable building, electrical and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

Transfer

01-2510 28. Temporary Transfer of Class "C" Liquor License for Blues On Grand from 1501 E. Grand Avenue to 400 Walnut Street for event on September 2, 2001. Application submitted 8-3-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

01-2511 29. Communication from City Manager regarding authorization to proceed with preliminary work on 2002 Street Permanent Paving Program, included in the 2001-02 Capital Improvements Program. ([Council Communication No. 01-444](#)) **Moved by Hensley to adopt. City Manager to report on sidewalk installation policy as it relates to paving and school routes. Motion Carried 7-0.**

30. Resolution Ordering Construction of the following:

01-2512 (A) E. University Avenue at Avenue F.M. Hubbell-Median Island Modification, Receiving of Bids, (9-4-01), and Setting Date of Hearing, (9-10-01), (Construction Estimate - \$79,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2513 (B) Ewing Park Parking Improvements, Receiving of Bids, (9-4-01), and Setting Date of Hearing, (9-10-01), (Construction Estimate - \$75,800). **Moved by Coleman to adopt. Staff to follow-up on signage near BMX track. Motion Carried 7-0.**

01-2514 (C) Weld Shop Reroofing, Receiving of Bids, (9-4-01), and Setting Date of Hearing, (9-10-01), (Construction Estimate - \$50,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2515 (D) Botanical Center Exhaust Dampers Replacement, Receiving of Bids, (9-4-01), and Setting Date of Hearing, (9-10-01), (Construction Estimate - \$51,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2516 (E) Gray's Lake Resource Center - Phase 2, Receiving of Bids, (9-4-01), and Setting Date of Hearing, (9-10-01), (Construction Estimate - \$656,100). ([Council Communication No. 01-454](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

31. NUMBER NOT USED.

01-2517 32. Approving Professional Services Agreement with Schuck-Britson, Inc., (Robert A. Britson, President, Des Moines) for Phase 1-Structural Evaluation Report for S.W. 9th Street Bridge over Raccoon River for compensation of \$38,200. ([Council Communication No. 01-448](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

33. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

01-2518 (A) 823 Walnut Street Asbestos Abatement, Pro Environmental Abatement, \$2,838.85 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2519 (B) IA 28 & McKinley Avenue/Brown Woods Drive Traffic Signalization, \$3,236.25 remaining balance payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2520 34. Approving request from KRI Co. to sublet certain items on the 7th Ward Ditch Wooden Box Replacement Phase 2 project. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2521 35. Approving Electric Distribution System Agreement with MidAmerican Energy Company for removal of overhead primary distribution line and replacement with a below ground primary distribution line located at intersections of proposed Martin Luther King, Jr. Parkway and S.W. 8th, S.W. 11th, and S.W. 16th Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2522 36. Approving partial payments on eleven (11) public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2523 37. Approving private construction contract between McAninch Corporation (Douglas D. McAninch, President, West Des Moines) and ABC Partners, L.P. (Richard Margulies, Treasurer of General Partner, West Des Moines) for construction of Sanitary Sewer Improvements in Airport Business Park Plat 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2524 38. Approving private construction contract between Chas. W. Goering, Inc., Contractor (Kenneth R. Goering, President) and Des Moines Public Schools, Owner (Chris Van Meter, Chief Financial Officer) for construction of Storm Sewer Intake Improvements, between Wade Street and Amos Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2525 39. Approving private construction contract between McAninch Corporation (Douglas D. McAninch, President, West Des Moines) and ABC Partners, L.P. (Richard Margulies, Treasurer of General Partner, West Des Moines) for construction of Storm Sewer Improvements in Airport Business Park Plat 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2526 40. Approving Private Construction Contract for construction of sanitary sewer improvements for relocation of a sanitary sewer main north of Grand Avenue and east of 62nd Street for McDonalds Restaurant Development at 6125 Grand Avenue, Rhiner's Plumbing Co., Inc., (Contractor) and Koester Construction Co., Paul Koester, (Owner). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

01-2527 41. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility fees for the month of July, 2001 for certification to Polk County, Schedule 2001-27. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2528 42. Authorizing Engineering Department to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental charges for the month of July, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-2529 43. Approve and accept Offer To Purchase Real Estate and Acceptance and Warranty Deed from Margaret Levy (1909 Cottage Grove Avenue) for Martin Luther King, Jr. Parkway Project-North/South Segment - \$87,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2530 44. Approve and accept forms of Offer to Purchase Real Estate and Acceptance, Warranty Deed, and Temporary Easement for constructions and leases from and for Des Moines Independent Community School District for Martin Luther King, Jr. Parkway Project-North/South Segment. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

01-2531 45. Establishing Fair Market Value for two properties (Paul A. Harkin, Trust-1221-1223 Locust, and The Graham Group, Inc.-1024 Grand Avenue) and authorizing acquisition by gift, negotiation, or condemnation of properties for Western Gateway Project in the Metro Center Urban Renewal Development Area, \$1,343,000. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

01-2532 46. Approving Final Subdivision Plat entitled Hillsboro Plat 1, located in vicinity of East Indianola Avenue and East Pine Avenue. ([Council Communication No. 01-429](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2533 47. Approving Final Subdivision Plat entitled THREE LAKES ESTATES PLAT 4 located in vicinity of SE 27th Street and East Pine Avenue. ([Council Communication No. 01-431](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2534 48. Approve and accept right-of-way documents from American National Red Cross for property located at 2116 Grand Avenue for the Martin Luther King, Jr. Parkway Project-North/South Segment. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2535 49. Approve and accept Quit Claim Deed from Polk County Tax Sale for the Martin Luther King, Jr. Parkway Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2536 50. Approving and accepting documents for acquisition of 1525 East Walnut Street (Alfredo Bernardino and Veva Campbell) for the Capitol East Urban Renewal Project - \$54,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2537 51. Approve and accept right-of-way documents for 3325 Hubbell Avenue from Iowa Mobile Home Communities, LLC for Avenue F.M. Hubbell widening at East 33rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

52. Recommendations of Mayor Preston Daniels to appoint the following to the Urban Renewal Board:

01-2538 (A) Doug Sharp to Seat #1 - Term to expire January 18, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2539 (B) James Christopher Wine to Seat #9 - Term to expire January 19, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2540 53. Recommendation of Council Member At-Large, George Flagg to appoint Shirley May Shaw to the Historic District Commission, Seat #5 for a three-year term commencing March 28, 2001 to expire March 28, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2541 (A) Recommendation of Council Member At-Large George Flagg to appoint Joseph Lee Grandanette to the Park and Recreation Board, Seat 4, to expire June 30, 2003. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2542 54. Communication from Chair of Access Advisory Board advising of resignation of Arlo Monthei effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

01-2543 55. Communication from Chair of Neighborhood Revitalization Board advising of resignation of Richard Ball. **Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSURES

01-2544 56. Approving recommendation of Street Use Team (SUT) to approve exception of length of time request from JoAnn Mackey, representing Department of Human Rights, Division of Latino Affairs, Lucas State Office Building, requesting permission to close Court Avenue and Walnut Street Bridges from 1st Street to E. 1st Street, and 1st Street and E. 1st Street from Court Avenue to Walnut Street, from Thursday, September 13, at 6:00 P.M. to Sunday, September 16, 2001 at 12:30 A.M. for The Latino Heritage Festival. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2545 (A) Approving Five-day class "B" Beer License for Marriott Hotel, September 13-16, 2001, for the Latino Festival, (Walnut and E. 1st). **Moved by Hensley to adopt. Motion**

Carried 7-0.

01-2546 (B) Approving Five-day class "B" Beer License for Marriott Hotel, September 13-16, 2001, for the Latino Festival, (Court Avenue and E. 1st). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2547 57. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Elizabeth Stamper, 1124 44th Street, requesting permission to close 44th Street from University Avenue to Kingman Boulevard on Saturday, September 8, 2001 from 4:00 P.M. to 10:00 P.M. for a neighborhood block party.

(2) Cecilia Benetti, 1079 46th Street, requesting permission to close 46th Street from Kingman Boulevard to University Avenue on Saturday, September 8, 2001 from 5:30 P.M. to 10:00 P.M. for a neighborhood block party.

(3) Bob Cochran, 4034 Ardmore Road, requesting permission to close Ardmore Road from Aurora Avenue to Shawnee Place on Saturday, August 8, 2001 from 4:00 to 9:00 P.M. for a neighborhood block party.

(4) Robert Barker, representing Valley High Manor Neighborhood Association, 1005 Winegardner Road, requesting permission to close Winegardner Road from approximately 125 feet south of Knob Hill to approximately 150 feet north of Valley Circle on Saturday, September 15, 2001 from 12:00 Noon to 6:00 P.M. for a neighborhood barbecue.

(5) Pat McGoldrick, 4106 Ovid, requesting permission to close Ovid Avenue from 4000 Ovid to 4100 Ovid on Sunday, September 23, 2001 from 12:00 Noon to 6:00 P.M. for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

01-2548 58. Regarding preliminary approval of subdivision plat entitled "Three Lakes Estates Phase II", 3000 block south of East Army Post Road, subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2549 59. Regarding preliminary approval of subdivision plat for "Lakewood Cove Plat 1", located in vicinity of SE 34th Street and Evergreen Drive. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2550 60. Regarding request from Beckley Properties, LLC (Owner) 905 - 8th Street for vacation and conveyance of subsurface rights for 0.5 feet of the north side of Crocker Street between 8th Street east to the north/south alley. **Moved by Hensley to adopt and refer to the City Manager and Legal Department to implement. Motion Carried 7-0.**

01-2551 61. Regarding request from Thomas Heston (Owner) 701 SE 26th Court for vacation

and conveyance of North/South alley between East 26th Court and East 27th Street running north of Maury Street and dead ending at the railroad right-of-way. **Moved by Hensley to adopt and refer to the City Manager and Legal Department to implement. Motion Carried 7-0.**

01-2552 62. Regarding preliminary approval of subdivision plat for "Airport Business Park Plat 2" located in vicinity of Army Post Road and SW 42nd Street. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-2553 63. On request from Pearl Homes, Inc. (Owner), Gerald Grubb (Officer) to rezone property located at 3009 East Payton Avenue from "A-1" and "R1-80" to "PUD" and on approval of the "Pearl Lake" Concept Plan, (9-10-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2554 64. On Supplement No. 18 to the FAA Master Site Lease to allow installation, operation and maintenance of navigational aids for lengthened Runway 05, (9-10-01). ([Council Communication No. 01-439](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2555 65. On Proposed First Amendment to Urban Renewal Plan for Airport Business Park Urban Renewal Project, (9-24-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2556 66. On Eleventh Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area, (9-24-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2557 67. On License Agreement to convey E/W alley between Locust Street, Grand Avenue, E. 1st and E. 2nd Streets, to Embassy Suites, for egress from parking lot, \$1.00 (9-10-01). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-2558 68. Approving payment of \$6,540.20 to Tasty Tacos, Inc. for property damage claim as a result of misinformation regarding installation of a trench drain. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2559 69. Approving payment of \$3,116.35 to Hall & Associates for legal services in conjunction with issuance of a National Pollution Discharge Elimination System permit for the Wastewater Reclamation Authority Treatment Plant. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2560 70. Approving payment of \$2,052.29 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2561 71. Approving payment of \$1,282.20 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2562 72. Approving payment of \$9,216.15 to Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2563 73. Approving payment of \$2,279.99 to Ahlers, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services in conjunction with Supplement Nos. 3 and 4 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2564 74. Approving payment of \$2,692.23 to Myers & Jenkins and \$610.86 to Phillips, Goldman & Spence, P.A. for representation of the City in the Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2565 75. Approving payment of \$3,113.64 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. vs. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2566 76. Approving payment of 285 weeks in Workers' Compensation benefits, to Jerry D. O'Connor for permanent injury sustained during the course and scope of his employment with the City. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-2567 77. Submitting out-of-state travel requests for Bridget Carberry, Cindy Fausch, Kathy Cross, Don Tripp, Douglas Romig, Christine Page, Brian Becker, Larry Edris, Suzette Jensen, Gay Wilson, Preston Daniels, and Richard Clark. ([Council Communication No. 01-441](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2568 78. Regarding submission of applications to Iowa DOT for Traffic Safety Funds to cover a portion of construction costs for the following, ([Council Communication No. 01-436](#)): **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Park Avenue Widening between SW 42nd and SW 56th Streets.

(2) 42nd Street Lane Restriping and traffic signal improvements at Ingersoll and Grand Avenues.

(3) Ingersoll Avenue Lane Restriping and traffic signal improvements at 28th, 31st, and 35th Streets.

(4) 30th Street/Hickman Road Traffic Signal Upgrade.

APPROVING

01-2569 79. Receipt of the City of Des Moines 2000-01 Equal Opportunity Report and Affirmative Action Annual Work Plan. (On file in Clerk's Office). ([Council Communication No.](#)

01-435). Moved by Coleman to receive, file and adopt. City Manager to report on our work force's ability to deal with a very growing and diverse population base in Des Moines. Motion Carried 7-0.

01-2570 80. Quarterly Financial Reports for twelve months ended June 30, 2000, three months ended September 30, 2000, six months ended December 31, 2000 and nine months ended March 31, 2001. (On file in Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2571 81. Forms of Agreements and Support Documents for Community Development Neighborhood Conservation Services (NCS) Division Home and Community Development Block Grant (CDBG) Housing Programs. **(Council Communication No. 01-453). Moved by Hensley to adopt. Motion Carried 7-0.**

01-2572 82. Authorization of cash election in lieu of stock from Principal Financial Group Stock Offering - \$563,103. **(Council Communication No. 01-430). Moved by Coleman to adopt. Motion Carried 7-0.**

01-2573 83. Submission of Categorical Assistance Progress Report for the period of January 1, 2001 to June 30, 2001 to the US Department of Justice/Executive Office for Weed & Seed. **(Council Communication No. 01-432). Moved by Hensley to adopt. Motion Carried 7-0.**

01-2574 84. Weatherization Assistance Contract No. O/C-02-07J for weatherization and energy related assistance for low-income persons from August 1, 2001 to March 31, 2002 in the amount of \$18,993. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2575 85. Project and activity funded from the Homeless Shelter Pool for Collaborative Projects as part of the 2001 HUD Consolidated Plan - \$33,208. **(Council Communication No. 01-433). Moved by Coleman to adopt. Motion Carried 7-0.**

01-2576 86. Authorizing execution of fiscal year 2001 Federal Annual Certification Report related to the Police Department's participation in sharing federal asset forfeiture funds. **(Council Communication No. 01-442). Moved by Hensley to adopt. Motion Carried 7-0.**

01-2577 87. Approval of additional extension of transition assistance period for compliance with lead-based paint regulations to allow grantees more time for compliance with HUD requirements. **(Council Communication No. 01-447). Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

01-2578 88. Approving and authorizing execution of Federal Aviation Administration AIP Grant 30 for South Cargo Apron Expansion-Phase 1. **(Council Communication No. 01-445). Moved by Hensley to adopt. Motion Carried 7-0.**

01-2579 89. Approving Amendment of the UDAG Loan Agreement and Mortgage with Hubbell Realty Company for the Kaleidoscope to provide for amortization of the balloon payment over ten years. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2580 90. Civil Service Entrance Lists for Communications Specialist, Computer Workstation Operator, Housing Services Housing Inspector, Neighborhood Inspector, and Promotional Lists for Senior Police Officer, Senior Fire Medic, and Fire Medic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2581 91. Authorizing Acting Finance Director to draw checks on registers of August 24, 2001 and August 31, 2001 and for the bills of the Des Moines Municipal Housing Agency for the weeks of August 20, 2001, August 27, 2001 and September 4, 2001; and to draw checks for biweekly payroll due on August 24, 2001 and September 7, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-2582 92. Amending Chapter 42 of the Municipal Code regarding distribution of handbills and newspapers at private premises, as amended. **Moved by Flagg that this ordinance do now pass, [#13,980](#). Motion Carried 6-1. Nays: McPherson. Previous motion to withdraw this ordinance failed on a 6 no, 1 yes vote.**

01-2583 93. On request from Plymouth Congregational Church (Owner), represented by Paul Johnson, to rezone property at 4126 Ingersoll Avenue, from "R-3" (Multiple Family Residential District) to "PUD" (Planned Unit Development District) and to approve the "Plymouth Congregational Church" concept plan to allow for future addition of an educational wing, fellowship hall and parking structure with conditions. **Moved by Hensley that this ordinance do now pass, [#13,981](#). Motion Carried 5-1-1. Nays: McPherson. Pass: Flagg.**

01-2584 94. On request from National Housing & Neighborhood Development Corporation, represented by Jack Hatch, to rezone property at 1500 Woodland Avenue, from "RHD" (Residential Historic District) to "NPC" (Neighborhood Pedestrian Commercial District) to allow redevelopment of the site as 51 rental units and 7,668 square feet of commercial/office space. **Moved by Hensley that this ordinance do now pass, [#13,982](#). Motion Carried 7-0.**

01-2585 95. On proposed Des Moines City Code amendment adding and enacting the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to said sewer. **Moved by Flagg that this ordinance do now pass, [#13,983](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-2586 96. Amending Chapter 114 of the Municipal Code regarding excessively dark or reflective windshields and windows on motor vehicles; code update to comply with State Law. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-2587 97. Amending Chapter 114 of the Municipal Code regarding City truck routes and penalty for violation, to allow payment by mail as opposed to a court appearance. **Moved by**

Brooks that this ordinance be considered and given second vote for passage, as amended to increase the penalty for violation to \$100. Motion Carried 7-0.

01-2588 (A) Final consideration of ordinance above. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,984](#). Motion Carried 7-0.**

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

****Council considered Hearing Items 104 thru 117 next****

ORDINANCES - FIRST CONSIDERATION

01-2589 98. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Handicapped Parking Meter Changes.

(2) Corner Clearance--West Side of Colfax Avenue South of East Aurora Avenue.

(3) Two-Sided Parking Restriction--Creston Avenue from SW 63rd Street East to and including the Cul-de-sac.

01-2590 99. Amending Chapter 102 regarding the minimum width of skywalk corridors; Bridge 8C-9C over 8th Street alley to EMC Building. ([Council Communication No. 01-434](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage Motion Carried 6-1. Absent: Vlassis.**

01-2591 99-I Amending the Municipal Code regarding initiation of the hearing process for junk and debris appeals. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(Council Member Coleman left the meeting at 6:15 P.M.)

COUNCIL REQUESTS

01-2592 100. Communication from Council Member Chris Hensley regarding the gap in pricing of insurance premiums between West Des Moines and Des Moines for private company's employee health insurance. **Moved by Hensley to support the complaint filed with the insurance commissioner. Motion Carried 6-1. Absent: Coleman.**

COMMUNICATIONS/REPORTS

01-2593 101. From Jerry Grimes, 2539 Onawa regarding a complaint, inspection and removal of various items from his property and subsequent charges. **Moved by Flagg to receive, file and refer to City Manager and Legal for review. Motion Carried 6-1. Absent: Coleman.**

01-2594 102. From Mark R. White, 2926 SE 5th requesting permission to speak regarding trucks not utilizing truck routes. **Moved by Brooks to receive, file and grant request to speak; refer to City Manager for a report on enforcement. Motion Carried 6-1. Absent: Coleman.**

WITHDRAWN01-2595 103. From Ryan Hanser, 2900 State Avenue, requesting to speak regarding modification of intersection of State Avenue with East 29th and East 30th Street.

HEARINGS (Opened at 5:38 P.M.) (Items 104 thru 117)

01-2596 104. On request from QuikTrip Corporation (Developer), represented by Greg McWhorter, to rezone property at 1518 Capitol Avenue from "R1-60" One Family Low Density Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District to allow for extension of parking area for existing convenience store. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-2597 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

01-2598 (B) Final consideration of ordinance above, requested by applicant, requires six 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, [#13,985](#). Motion Carried 6-1. Absent: Flagg.**

01-2599 105. On designation of "Boyd Cottage" at 304 - 42nd Street, as a local landmark. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

01-2600 106. On conveyance of City owned property in vicinity of 2600 Dean to Community Housing Development Corporation for rehabilitation for resale to an owner occupant, \$1.00. [\(Council Communication No. 01-452\)](#). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

01-2601 107. On conveyance of City-owned property in vicinity of 3401 Martin Luther King Jr. Parkway to Jacobson Investment Co., L.C., \$1,470.22. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-2602 108. On proposed sale and conveyance of City-owned property in vicinity of 1346 Stewart Street, to Ben's Keystone Construction, \$262.50. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

01-2603 109. On authorization of a Lease Agreement between the City and Drake University in

principal amount of \$1.00 per year for a five (5) year lease of Drake property located at 3110 Forest Avenue for use by the Des Moines Police Department Traffic Unit. ([Council Communication No. 01-443](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

01-2604 110. On First Consideration of ordinance amending Chapter 10 of the Municipal Code regarding Precinct and Ward boundaries. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-2605 (A) Final consideration of ordinance above, waiver requested by Council Member Vlassis, requires six votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,986. Motion Carried 7-0.**

01-2606 111. On vacation and conveyance of rights-of-way to Polk County for incorporation within the site of the Iowa Events Center Project. **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

01-2607 (A) First consideration, vacating a portion of 3rd Street between School and Crocker Streets and between Crocker and Center Streets. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

01-2608 (B) First consideration, vacating a portion of Center Street between 3rd Street and 5th Avenue. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

01-2609 (C) First consideration, vacating a portion of 4th Street between Center Street and Park Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

01-2610 (D) First consideration, vacating a portion of the air rights over and the subsurface rights under 2nd Avenue between Crocker and Center Streets, and a portion of the subsurface rights under 3rd Street between Center and Park Streets. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

01-2611 (E) Authorizing execution of a Chapter 28E Agreement with Polk County for construction and funding of the Iowa Events Center Project including construction of the Third Street Realignment Project. ([Council Communication No. 01-451](#)) **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

01-2612 112. Closing the Hearing on City Council initiated proposal to rezone property between Court Avenue and Tuttle Avenue and between SW 1st Street and SW 7th Street from "C-3" Central Business District Commercial District and "C-3A" Central Business District Support

Commercial District to "C-3R" Central Business District Mixed Residential District to encourage a downtown residential neighborhood south of the Court Avenue entertainment district. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2613 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-2614 (B) Final consideration of ordinance above, waiver requested by Community Development Director, requires six 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, [#13,987](#). Motion Carried 7-0.**

01-2615 113. On resolution of necessity for Milton Avenue Paving; E. 21st Street to 320' East. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2616 (A) On Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President), \$54,624.50. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2617 (B) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2618 114. On College Avenue Storm Sewer Improvements Arlington Avenue to 7th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Vice President/CEO, Clive), \$512,000. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2619 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2620 115. On E. University Avenue at E. 29th Street Intersection Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President, Urbandale), \$64,942. **Moved by McPherson to adopt. Staff to investigate possible traffic calming for this area, and provide a report on the problem of speeding throughout the City. Motion Carried 7-0.**

01-2621 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2622 116. On Northeast Four Mile Trunk Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KRI Company (Warren Rognes, President, Ames), \$1,246,713. **Moved by**

McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.

01-2623 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

01-2624 (B) Approving Supplemental Agreement No. 2 with Snyder and Associates, Inc. for construction phase services, not to exceed \$90,000. ([Council Communication No. 01-446](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

01-2625 117. On Blank Park Zoo Gift Shop Addition and Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Downing Construction, Inc. (D. Robert Downing, President, Indianola), \$299,950. **Moved by Coleman to adopt. Staff to consider City resident discount for this facility. Motion Carried 7-0.**

01-2626 (A) Approving contract and bond, and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:07 P.M. * *

****Council considered Items 98 through 103 next****

APPROVING

WITHDRAWN01-2627 118. Agreement for Professional Services with History Pays! (James Jacobsen, Principal, 4411 Ingersoll) for survey and identification of historic district in Eastern Gateway, \$37,665. ([Council Communication No. 01-440](#))

WITHDRAWN01-2628 119. License Agreement between the City and Nationwide Mutual Insurance Company to obtain possession prior to conveyance for construction staging area for Allied Gateway Campus Office Building and parking structure. ([Council Communication No. 01-450](#))

WITHDRAWN01-2629 120. Approving award of bid and authority to negotiate an agreement with Control Installations of Iowa (Wayne Hansen, President) for installation of a security system in City Hall and the Armory. ([Council Communication No. 01-449](#))

A G E N D A

BOARD OF HEALTH August 20, 2001

01-2630 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

AUTHORIZING

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

01-2631 (A) 1824 Hickman Road (vacant) Titleholder: Nina J. Daily; and Heirs of Clarence W. Crede: Gladys Crede. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2632 (B) 1617 Mondamin Avenue (vacant) Titleholders: Budget Racing Company, Inc., Attn: Frank Ince, Registered Agent; and Contract Buyers: Patricia Properties, Attn: Scott Thomas, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2633 (C) 1435 4th Street (vacant) Titleholders: Kim J. and Martha A. Thomas. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2634 (D) 1024 59th Street (vacant) Titleholders: Stanley J. and Joan A. Reynolds; and Legal Interest Holders: Bankers Trust Company, Attn: Gary Hermann, Vice President. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

2. Authority for the Engineering Department to remove the following structures:

01-2635 (A) 1117 Creston, Titleholders: Dan Richard and Laurie Richardson. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2636 (B) 1711 Williams, Titleholder: Craig Mikesell. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2637 (C) 1416 E. 21st Street: Titleholders: Brian Vogt and Vicki Vogt. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

01-2638 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:30 P.M. Motion Carried 6-1. Absent: Coleman.**

DES MOINES-CITY OF SKYWALKS