

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**August 21, 2000 4:30 P.M.**

**INVOCATION:** George E. Flagg, Council Member at Large

00-3419 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

00-3420 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3421 3. APPROVING CONSENT AGENDA - items 3 through 71: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

00-3422 4. Communication from Legal Department regarding August 21, 2000 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

00-3423 5. Los Laureles, Inc., EuFracio Mayorga, President dba Los Laureles, 1518 E. Grand Avenue; Renewal (With Sunday Sales) - Expired 7-29-00 - Application submitted 6-23-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3424 6. Classic Food & Beverage Inc., David Stone, President dba Waveland Cafe, 4708 University Avenue; Renewal - Expires 8-25-00 - Application submitted 7-3-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

00-3425 7. Norstores, Inc., David Nordstrom, President dba Merle Hay Handimart, 4151 Merle Hay Road; Renewal (With Sunday Sales) - Expires 9-13-00 - Application submitted 7-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3426 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #560, 2300 M.L. King Parkway; Renewal (With Sunday Sales) - Expires 9-25-00 - Application submitted 7-24-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3427 9. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #527, 1215 6th Avenue; Renewal (With Sunday Sales) - Expires 9-20-00 - Application submitted 7-27-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

00-3428 10. No. 1 Chinese Restaurant, Inc., Kwang Cheung, President dba No. 1 Chinese Restaurant, 2414 university Avenue; Renewal (With Sunday Sales) - Expires 9-6-00 - Application submitted 8-7-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "C" Liquor Licenses

00-3429 11. AMF Bowling Centers, Inc., Michael Bardaro, President dba AMF Des Moines Lanes, 3839 E. 14th Street; Renewal (With Sunday Sales)- Expires 8-16-00 - Application submitted 6-7-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3430 12. Alfred N. Foggia dba Antlers Lounge & Grille, 414 E. 6th Street; Renewal - Expires 9-6-00 - Application submitted 7-18-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3431 13. City of Des Moines, dba Blank Park Zoo, 7401 SW 9th Street; Renewal (With Sunday Sales and Outdoor Service)- Expired 7-31-00 - Application submitted 8-4-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3432 14. Croatian Fraternal Slavic Center, Charles Padavich, President dba Croatian Fraternal Slavic Center, 6575 Indianola; Renewal (With Sunday Sales) - Expires 8-24-00 - Application submitted 7-3-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3433 15. Court Avenue Brewing Company, L.L.C., Christopher Klocke, Manager dba Court Avenue Brewing Company, 309 Court Avenue; Renewal (With Sunday Sales and Outdoor Service) - Expires 9-3-00 - Application submitted 8-3-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3434 16. Maxmin Enterprises, Inc., Jiu Xian Wang, President dba Dragon House East Chinese Restaurant, 2470 E. Euclid; Renewal (With Sunday Sales) - Expires 8-25-00 - Application submitted 7-21-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3435 17. Los Compadres Inc., Raymond Quijano, President dba Los Compadres, 1440 SE Maury; Renewal (With Sunday Sales) - Expired 8-15-00 - Application submitted 7-7-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3436 18. FJY, Inc., Frank Yacavona, President dba Pal Joey's, 6224 Grand Avenue; Renewal (With Outdoor Service) - Expires 8-31-00 - Application submitted 7-24-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3437 19. B.D.U.Y. Foodservices, Inc., Richard Murillo, President dba Stella's Blue Sky Diner, 400 Locust Street, Suite 235; Renewal (With Sunday Sales) - Expires 8-24-00 - Application submitted 7-24-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3438 20. Suds On 2nd Inc., Maria Varvel, President dba Suds On 2nd, 2801 2nd Avenue; Renewal (With Sunday Sales) - Expires 8-31-00 - Application submitted 7-20-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3439 21. Hawkeye Highlife, LTD., Larry Strickler, President dba Waveland Coffee Shop, 4704 University Avenue; Renewal (With Sunday Sales) - Expires 9-10-00 - Application submitted 7-18-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3440 22. YoYo's Bar & Grill Inc., Yolanda Muniz dba YoYo's Bar & Grill, 2400 Dean Avenue; New Application (With Sunday Sales) - Application submitted 7-21-00. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

#### Transfers

00-3441 23. Platipus Productions, Inc., Jeff Wagner dba Blues On Grand, 1501 Grand Avenue, requesting transfer of Class "C" Liquor License to Kirkwood Civic Center Hotel, 400 Walnut for special event (Central Iowa Blues Festival) on September 3, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3442 24. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #559, 5701 Fleur Drive, requesting permanent transfer of Class "C" Beer and Class "B" Wine License effective August 23, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Outdoor Service

00-3443 25. Temporary outdoor service for R.M. Baier Investments, Inc., Michael Baier, President dba Michael's Restaurant & Lounge, 4041 Urbandale Avenue; September 23, 2000 to September 24, 2000 for Beaverdale Fall Festival - Application submitted 7-26-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3444 26. Temporary outdoor service for Nacho Business, Inc., Jim Stevens dba Nacho Mamma's, 216 Court Avenue; September 3, 2000 to September 4, 2000 for Central Iowa Blues Festival - Application submitted 7-27-00. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Name Change

00-3445 27. Communication from I-80 Spaghetti Work Corp, Brent Lambi dba Spaghetti Works/Julios, 308-310 E. Court Avenue, advising of name change to Spaghetti Works/Charles' BBQ Shack. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Authorizing

00-3446 28. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3447 29. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3448 30. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

00-3449 31. Agreement for Professional Services, for the Drake Municipal Observatory Restoration, Phase 1, with RDG Bussard Dikis (303 Locust Street, Al Oberlander, President) - \$22,870. ([Council Communication No. 00-375](#)). **Moved by Vlassis to adopt. Council requested a history of Drake's activity regarding this building in the past. Motion Carried 7-0.**

00-3450 32. Professional Services Agreement with Camp Dresser and McKee, Inc., (Tom Furman, Chief Executive Officer, Kansas City, MO) for services to upgrade City's Stormwater Utility billing database for compensation not to exceed \$47,020. ([Council Communication No. 00-381](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

00-3451 33. Authorization to request proposals for pump equipment and services standardization at storm, sanitary and wastewater reclamation authority pump stations. ([Council Communication No. 00-383](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

34. Authorizing Engineering Department to take action to demolish or remove public nuisance properties at the following locations:

00-3452 (A) 1400 E. 9th Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3453 (B) 1348 Buchanan. **Moved by McPherson to adopt. Council requested a status report on burned property in the 1200 block of Penn Avenue. Motion Carried 7-0.**

35. Resolution Ordering Construction of the following:

00-3454 (A) Glendale Cemetery Storm Sewer and Roads Rehabilitation, Receiving of Bids, (8-29-00), and Setting Date of Hearing, (9-11-00), (Construction Estimate - \$137,700). **Moved by Vlassis to adopt. Motion Carried 7-0.**

00-3455 (B) Des Moines Metropolitan Wastewater Reclamation Facility Grit Handling System Improvements, Receiving of Bids (10-10-00), and Setting Date of Hearing, (10-16-00), (Construction Estimate - \$3,444,300). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3456 36. Communication from M. Peterson Construction Co. requesting permission to sublet public improvement project Martin Luther King Jr. Parkway Paving SW Second Street to SW Seventh Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3457 37. Approving partial payments on eight (8) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

00-3458 38. Authorizing acquisition of excess property south of the proposed ML King Jr. Parkway, between SW 9th and SW 11th, for a shuttle parking area. ([Council Communication No. 00-388](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3459 39. Authorizing acquisition of seven properties between 10th and 13th, and Grand and Locust Street, for the Western Gateway Project. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3460 40. Approving purchase agreements in conjunction with the Allied Gateway Campus Project from National By-Products, Inc. (1020 Locust Street and Parking Lot in 1100 Block of Walnut) and Margie A. Joynt and David T. Joynt and Estate of Charles D. Shramek, Kathryn Shramek, Executrix, (1016 Walnut Street) - \$1,165,000. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3461 41. Approve and accept offer to sell from Ronald E. King and Charm A. King for property located at 2600 Dean Avenue (El Paso Lounge), to the City of Des Moines, \$50,000. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

00-3462 42. Approve and accept warranty deed, four permanent easements for sanitary sewer right-of-way, and four temporary easements for construction from Hubbell Realty Company, Phase 12 Southwest Outfall Relief Sewer Segment 1 in vicinity of 700 SW 9th street and 920 Morgan Street - \$26,961. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3463 43. Approving Noise and Avigation Easements for four properties in connection with Airport Noise Compatibility Program Phase II, (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

00-3464 44. Recommendation of City Council Member Tom Vlassis for reappointment of Scott Stouffer to the Architectural Advisory Committee for a three-year term to expire February 15, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3465 45. Recommendation of City Council Member Archie Brooks for appointment of Daniel R. Sloan to the Architectural Advisory Board for a three-year term commencing in 1999 to expire February 15, 2002 to fill vacancy of James Lynch. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3466 46. Recommendation of Council Member George Flagg for appointment of John Alan Temple to the Electrical Board of Examiners for a two-year term commencing in 1999 to expire

April 2, 2001 to fill vacancy of Robert Saf. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **STREET CLOSINGS/STREET USE**

00-3467 47. Approving closure of the following City Streets. **Moved by McPherson to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

(1) Bonnie Green, 620 44th Street, requesting permission to close 44th Street from Harwood Drive to Woodland Avenue and Woodland Avenue from 44th Street to Harwood Drive on Sunday, September 3, 2000 (Raindate of September 4, 2000) from 4:00 to 10:00 P.M. for a neighborhood block party.

(2) Sonja Hansen, 712 SE Pleasantview Drive, requesting permission to close Pleasantview Drive from 704 to 712 Se Pleasantview Drive on Thursday, September 7, 2000 from 5:00 to 11:00 P.M. for a neighborhood meeting.

(3) Jan Weiberg, 4101 Ashby, requesting permission to close Wallace Lane from 4038 to 4110 Wallace Lane on Saturday, September 9, 2000 from 5:00 to 11:00 P.M. for a neighborhood block party.

(4) 44th Street Neighbors, Melody Nelson, 1068 44th Street, requesting permission to close 44th Street from University Avenue to Kingman Boulevard on Saturday, September 9, 2000 (Raindate of September 16, 2000) from 4:00 to 10:00 P.M. for a neighborhood block party.

(5) Drake Neighborhood, Eldon McAfee, 3000 School Street, requesting permission to close Kingman Boulevard from 24th Street to 25th Street on Saturday, September 9, 2000 from 3:00 to 8:00 P.M. for a neighborhood block party.

48. Approving exception regarding length of time request for Street Closure, from the following;

00-3468 (A) Becky Knutson, 2430 Maryland Pike, requesting permission to close Maryland Pike from 2430 to 2511 Maryland Pike on Saturday, September 2, 2000 from 2:00 P.M. to 12:00 Midnight for a neighborhood block party. **Moved by McPherson to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

00-3469 (B) Jim Stevens representing Nacho Mammias, 216 Court Avenue, requesting permission to close Court Avenue from 2nd Street to 3rd Street on Sunday, September 3, 2000 from 4:00 P.M. to 12:00 Midnight for the Court Avenue Summer Blues Festival. **Moved by McPherson to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 7-0.**

## **CITY PLAN COMMISSION RECOMMENDATIONS**

00-3470 49. Regarding request for Council-initiated rezoning of residentially developed property in vicinity of SW 42nd Street and Park Avenue, from "C-1" (Neighborhood Retail Commercial) to "R-3" (Multiple Family Residential). **Moved by Flagg to initiate rezoning of the subject property and to refer the matter back to the Plan and Zoning Commission for public hearing. Motion Carried 7-0.**

00-3471 50. Regarding request from Kenneth J. Tjaden, 3727 Chicago, for vacation and conveyance of the dead-end portion of Chicago Avenue, north of Dubuque Avenue east of E. 37th Street, to the western edge of 3730 Chicago, with retention of required utility easements and provision for a turnaround. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department to implement. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

00-3472 51. On conveyance of right-of-way adjoining 425 E. Sheridan, to Shannon R. Viers, \$100, and to Chad and Kiesha Dykstra, \$50, (8-28-00). **Moved by McPherson to adopt. Motion Carried 7-0.**

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

00-3473 52. Approving payment of \$5,812.42 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. v. City of Des Moines. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3474 53. Approving payment of \$180.50 to Thomas H. Burke of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman. **Moved by McPherson to approve payment. Motion Carried 7-0.**

00-3475 54. Approving payment of \$16,000.09 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C., with respect to Series 2000D and 2000E General Obligation Bonds. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3476 55. Approving payment of \$6,936.38 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. with respect to Series 2000F General Obligation Capital Loan Note for Allied Insurance Campus Project. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

00-3477 56. Approving payment of \$1,079.33 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee Law Firm for professional services in field of environmental law associated with acquisition of properties for Martin Luther King, Jr. Parkway Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3478 57. Approving payment of \$148.50 to Lawrence McLellan of Sullivan & Ward, P.C. for representation, regarding environmental issues in conjunction with East 14th Street and East

Euclid Avenue Sanitary Sewer Project. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3479 58. Approving payment of \$6,926.53 to Proctor Mechanical Corporation for a claim filed as result of damage to a sewer line at 1000 42nd Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3480 59. Approving payment of \$35,000 to Gregory Stith and his Attorney, Richard Schmidt for workers' compensation claim by compromise special case settlement upon approval of Workers' Compensation Commissioner. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **CITY MANAGER COMMUNICATIONS**

00-3481 60. Submitting out-of-state travel requests for John Jones, Jeff Cronin, David Seybert, Michael Leeper, William Moulder, Joedy VanZelzen, Shelley Nurse, Susan Low, Rocky Craig, Tom Vlassis, Ben Montijo, Christine Kirkman, Cynthia Steidl, and Lisa Dickerson. ([Council Communication No. 00-389](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3482 61. Submitting traffic regulation changes as follows, ([Council Communication No. 00-372](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation and proper legislation. Motion Carried 7-0.**

(1) A) Stop Sign on Dixon Street at Garfield Avenue.

B) "Corner Clearance" parking restriction on Garfield Avenue at Dixon Street.

(2) Modification of Parking Restriction--North Side of Grand Avenue East of 42nd Street.

(3) Corner Clearance Parking Restriction--West Side of 48th Place North of Urbandale Avenue.

(4) Placement of five-way stop on 60th Street at Cummins Parkway and Clark Street.

### **APPROVING**

00-3483 62. Execution and delivery of supplement No. 2, to the Governmental Lease-Purchase Master Agreement, with Banc of America Leasing and Capital, LLC, for purchase of an Airport Rotary Snowblower, \$359,738. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3484 63. Contract with Rock In Prevention, for reimbursement for their part in a drug education project, from the Edward Byrne Memorial State and Local Law Enforcement Assistance Project Grant. ([Council Communication No. 00-374](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3485 64. Non-Competitive acquisition and training of three canines from Top Dogs K-9 Academy for implementation of Patrol Canine Unit in the Police Department, \$25,500 (Municipal Code Section 2-725). ([Council Communication No. 00-385](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**



00-3486 65. Extension of agreement with Capital Resources, (Nicole Schlinger, President, Brooklyn IA), for services as a fund-raising coordinator for Gray's Lake Park. ([Council Communication No. 00-379](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3487 66. Parking Lot License Agreement with Principiant Hotel Company, L.C., (Hotel Ft. Des Moines), for property in the Allied Gateway Campus Project. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

**WITHDRAWN**00-3488 67. Second Amendment to the contract with Nationwide, for redevelopment of Allied Gateway Campus.

00-3489 68. Approving request from Beaverdale Fall Festival Committee to place "Burma Shave" type signs on Urbandale Avenue medians starting September 9 and ending September 24. **Moved by McPherson to receive, file and grant the request, as more specifically outlined in the communication. Motion Carried 7-0.**

69. Bids for the following:

00-3490 (A) Pomeroy Computer Resources, (1408 Locust Street, Dave Pomeroy, President) for Compaq computer equipment to be used by the Police Department (Criminal Investigation Division). State of Iowa Contract No. CT254. (Municipal Code section 2-725 (c), \$35,601. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3491 (B) Motorola, Inc., (Shaumburg, IL,) for replacement of portable radio equipment to be used by the Police Department. State of Iowa Contract No. 1199F. (Municipal Code section 2-725 (c), \$63,743.04. **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3492 (C) RFP awarded to Kustom Signals, Inc., (Lenexa, KS, John Kusek, President) for portable radar trailers to be used by the Police Department and Traffic and Transportation Division, \$23,726. (Fourteen bids mailed, four received). ([Council Communication No. 00-373](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

00-3493 70. Authorizing Finance Director to draw checks on registers of August 18, 2000 and August 25, 2000 and for bills of the Des Moines Municipal Housing Agency for the weeks beginning August 14, 2000 and August 21, 2000, and to draw checks for biweekly payroll due on August 25, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **ORDINANCES - SECOND CONSIDERATION**

00-3494 71. On amendment to the Zoning Ordinance to remove limitation on the Maximum Floor Area Ratio on buildings. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

00-3495 72. Amending Chapter 18 of the Municipal Code regarding fee for placing a microchip in any animal for voluntary identification purposes, and required placement of microchip in vicious dogs and dangerous animals prior to release from the City Animal Shelter. ([Council Communication No. 00-384](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Vlassis.**

00-3496 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,854](#). Motion Carried 6-1. Nays: Vlassis.**

00-3497 73. Amending various sections of Chapter 114 of the Municipal Code, in conjunction with renaming a portion of Keosauqua Way extending east from 7th Street to Grand, as Watson Powell, Jr. Way, provided by Ordinance No. 13,845. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

00-3498 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,855](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

00-3499 74. From Ed Fallon, representing 1000 Friends of Iowa, 3524 Sixth Avenue requesting to speak. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager and staff for review and recommendation. Motion Carried 7-0.**

**\*\*Council considered Item 87 and Extra Item #1 next\*\***

00-3500 75. From East Village Neighborhood Association and Council Member Brooks, to discuss City's support of Project Main Street Program application. **Moved by Brooks to support the project. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3501 76. From Steve Addy, 1802 Sixth Avenue, requesting an extension of time to remove a vision obstruction on his property. **Moved by Vlassis to receive, file and grant request to speak; and deny the request for an extension of time. Parks will offer advice in the removal or relocation process. Motion Carried 5-2. Absent: Flagg and Hensley.**

**\*\*Council considered items 79 and 81 next\*\***

**HEARINGS (Opened at 5:40 P.M.) (Items 77 thru 84)**

00-3502 77. On authorization and issuance of not to exceed \$5,000,000 Subordinate Airport Commercial Paper Revenue Notes, Series C. ([Council Communication No. 00-344 of 7-24-00](#)). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3503 (A) Instituting Proceedings to take additional action. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3504 (B) Provision for issue, securing payment and approving related documents. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3505 78. On vacation and conveyance of a portion of the North/South alley right-of-way located between 2nd Avenue and 2nd Place between Clark Street and College Avenue, to Commonwealth Investments, LLC-\$2,100, and MidAmerican Energy Company-\$1,050. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3506 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Flagg and Hensley.**

**WITHDRAWN**00-3507 (B) Final consideration of ordinance above, (waiver requested by Commonwealth Electric), requires 6 votes.

00-3508 79. On recommended DENIAL of request from Successful Resource Management, represented by Terry Vrieze, to rezone property at 1235 63rd Street north of University Avenue, from R1-60 (One Family Low Density Residential) to a Limited C-1 (Neighborhood Retail Commercial). **Moved by Vlassis to refer back to the Plan and Zoning Commission for further study and consideration at its meeting of September 21, 2000. Motion Carried 7-0.**

00-3509 (A) Request from Terry Vrieze, to refer the rezoning issue back to the City Plan and Zoning Commission for further consideration. **Moved by Vlassis to receive, file and grant the request. Motion Carried 7-0.**

00-3510 80. On recommended approval of amendments to the Zoning Ordinance, regarding allowed size and location of off-premises advertising signs (billboards). **Moved by Vlassis to continue the Hearing to August 28, 2000 at 5:30 P.M. Motion Carried 5-2. Absent: Flagg and Hensley.**

**WITHDRAWN** 00-3511 (A) First consideration of ordinance above.

00-3512 (B) Communication from attorney Douglas Gross, representing Eller Media Company, requesting the hearing be continued until the 8-28-00 meeting. **Moved by Vlassis to receive, file**

**and grant the request. Motion Carried 5-2. Absent: Flagg and Hensley**

**\*Council Members Hensley and Flagg left the meeting at 5:50 P.M.\***

00-3513 81. On Administrative Hearing Officer's decision regarding sound ordinance variance for Des Moines Auto Racing Association event at the State Fair Grounds. **Moved by Coleman to reverse the decision of the Administrative Hearing Officer, and grant the variance. Motion Carried 4-1-2. Nays: Daniels. Absent: Flagg and Hensley.**

00-3514 82. On Building Official's determination that the structure at 711-16th Street, constitutes a public nuisance. ([Council Communication No. 00-376](#)). **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and Hensley.**

00-3515 83. On Blank Park Zoo Wallaby Fencing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Midwest Fence and Gate Co., (Leif O. Glesne, President, Fort Dodge), \$13,000. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3516 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3517 84. On Court Avenue Entertainment Parking Lot: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt and Paving Co., (Robert G. Horner, President, 903 SE 22nd Street, DM), \$874,227.75. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3518 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

**\* \* END HEARINGS at 6:50 P.M. \* \***

**\*Council considered Items 75 and 76 next\*\***

#### **CITY MANAGER RECOMMENDATIONS**

00-3519 85. Regarding impact to projects and accounts identified as having funds transferred to the Fleur Drive Paving Project - Army Post Road to the new Iowa 5 Beltway. **Moved by Coleman to receive and file. Motion Carried 5-2. Absent: Flagg and Hensley.**

#### **APPROVING**

00-3520 86. Changing Council Policy to increase the City's General Obligation Debt Limit, from 70 to 80 percent of the Constitutional Debt Limit. ([Council Communication No. 00-378](#)). **Moved**

**by Vlassis to defer consideration to August 28, 2000. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3521 87. Authorizing staff to negotiate with City of Altoona, for lease of City of Des Moines Waste Water Treatment and Transportation capacity, on an interim basis. [\(Council Communication No. 00-382\)](#). **Moved by Flagg to adopt; refer to City Manager and staff to negotiate appropriate 28E Agreements with Altoona and other suburbs to allow annexation up to relocated 65 and to the north. Motion Carried 4-1-2. Nays: Brooks. Absent: Coleman and Vlassis.**

00-3522 88. Community Development Block Grant (CDBG) Reprogrammed Funding for Agribusiness Park, in amount of \$200,000. [\(Council Communication No. 00-386\)](#). **Moved by Brooks to approve the reprogramming of \$200,000 in CDBG funds to the Des Moines Agribusiness Park Project. Motion Carried 4-1-2. Nays: Coleman. Absent: Flagg and Hensley.**

00-3523 89. Sale of lots in the Frisbie Park Area, for infill housing to Barnes Realty and R. M. Madden. [\(Council Communication No. 00-377\)](#). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3524 (A) Setting Date of Hearing on sale of excess City-owned Frisbee Park properties, to nine area residents, (8-28-00). **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3525 90. Receipt of communication from City Engineer, outlining process used for award of contract for construction of public improvements when the estimated cost is less than \$25,000. [\(Council Communication No. 00-380\)](#). **Moved by Coleman to receive and file. Motion Carried 5-2. Absent: Flagg and Hensley.**

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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.**

00-3526 1. Approving Preliminary Agreement with Wells Fargo Financial, for proposed redevelopment of property in the Metro Center Urban Renewal Project. SPONSOR: Mayor Daniels. [\(Council Communication No. 00-390\)](#). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and Hensley.**

00-3527 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:37 P.M. Motion**

**Carried 7-0.**

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