

SUMMARY OF DES MOINES CITY COUNCIL MEETING

**September 24, 2001
Regular Meeting - 4:30 P.M.
Closed Session - 3:00**

3:00 P.M.

01-2808 Roll Call: **Present: Daniels, Brooks, Flagg, Hensley, and Vlassis. Absent: McPherson. Council Member Coleman entered the meeting at 3:35 P.M.**

01-2809 I. (a) Recess, and reconvene in closed session, to discuss matters of pending litigation. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

01-2810 (b) Closed Session.

01-2811 (c) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

01-2812 (1) Approving payment of \$7,500 for settlement of claims to each patron of Cafe' Di Vang who was detained as the result of an assault investigation on June 24, 2001. (Call City Clerk's Office for list) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

01-2813 (d) Motion to adjourn. **Moved by Brooks to adjourn at 3:58 P.M. Motion Carried 6-1. Absent: McPherson.**

PROCLAMATIONS - 4:15 P.M.:

White Cane Safety Day in Iowa

Italian Heritage Month

Alpha Delta Kappa Month

SPECIAL PRESENTATIONS - 4:15 P.M.:

(a) Presentation of Spirit of Des Moines Award to the Weitz Company

(b) Presentation of Certificates for National Register of Historic Places to 5 neighborhoods

INVOCATION: Pastor Roland Zamany, Luther Memorial Church

01-2818 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-2819 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2820 3. APPROVING CONSENT AGENDA - items 3 through 85: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-2821 4. Communication from Legal Department regarding September 24, 2001 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-2822 5. John Munoz dba Breadeaux Pizza, 1901 Beaver; Renewal - Expires 9-28-01 (With Sunday Sales) - Application submitted 9-12-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2823 6. Fall Foods, Inc., Peter M. Harding President dba Godfather's Pizza, 3022 Southeast 14th Street; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-27-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2824 7. Fall Foods, Inc., Peter M. Harding President dba Godfather's Pizza, 4119 University; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-27-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2825 8. Long John Silver's Inc., Kevin W. Armstrong, President dba Long John Silvers Seafood Shop, 4500 Fleur Drive; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-22-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2826 9. Long John Silver's Inc., Kevin W. Armstrong, President dba Long John Silvers Seafood Shop, 3514 NE 14th Street; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-22-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

01-2827 10. Casey's Marketing Company, Robert J. Hood, President dba Casey's General Store, 4560 E. 14th Street; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-13-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2828 11. Git N Go Convenience Store, Inc., Dennis Flora, President dba Git N Go #33, 865 42nd Street; Renewal - Expires 10-31-01 (With Sunday Sales) - Application submitted 8-30-01.

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

01-2829 12. One Stop Food Mart Inc., Kulwinder Singh, Owner dba One Stop Food Mart, 1800 SE 14th Street; Renewal - Expires 10-07-01 (With Sunday Sales) - Application submitted 8-13-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

01-2830 13. Wal Mart Stores, Inc., H. Lee Scott, Jr., President dba Wal Mart Supercenter #1723, 5101 SE 14th Street; New Application (With Sunday Sales) - Application submitted 7-30-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

01-2831 14. Marriott Hotel Services, Inc., William T. Petty, President dba Des Moines Marriott Hotel, 700 Grand; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-28-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2832 15. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 E. Locust; Renewal - Expires 9-26-01 (With Sunday Sales and Outdoor Service) - Application submitted 8-29-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-2833 16. The Des Moines Chapter of The Izaak Walton League of America, Earl Mincks, President dba Des Moines Izaak Walton League, 4343 Valley Drive; Renewal - Expires 9-28-01 (With Sunday Sales and Outdoor Service) - Application submitted 8-28-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2834 17. J.A.H., Inc., Jason A. Haes, President dba Hard Times Again, 2515 Wedgewood; Renewal - Expires 9-28-01 (With Outdoor Service) - Application submitted 8-20-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2835 18. Donald J. Quinn, Jr. dba Helen & Pat's Restaurant & Lounge, 209-211 Euclid Avenue; Renewal - Expires 9-30-01 - Application submitted 9-4-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2836 19. Tonic, Inc., Anthony Trimmell, President dba IBIZA, 101 4th St.; Renewal - Expires 10-7-01 (With Outdoor Service) - Application submitted 9-7-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2837 20. Purple Cow Players, Ltd., Charles Carnes, President dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-4-01 (With Sunday Sales) - Application submitted 9-7-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2838 21. Olsen Recreation Inc., Donald O. Olsen. President dba Merle Hay Lanes, 3800

Merle Hay Road; Renewal - Expires 9-28-01 (With Sunday Sales) - Application submitted 8-28-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2839 22. Cy Corp, Inc., L S Scales, President dba Smokey's Triangle Tap, 2506 Post; Renewal - Expires 9-30-01 (With Sunday Sales) - Application submitted 8-23-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2840 23. Trittoria Foods, Inc., Alyce Mattis, President dba The Trittoria, 207-215 4th Street; Renewal - Expires 10-6-01 (With Sunday Sales) - Application submitted 8-31-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2841 24. Zimms LLC, Douglas Zimmerman, President dba Zimms, 3124 Ingersoll; Renewal - Expires 10-18-01 (With Sunday Sales and Outdoor Service) - Application submitted 9-7-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2842 24-I Kittrell Enterprises Inc., Donna Kittrell, President, dba The Club of Des Moines, 5515 SE 14th; New Application - with (Coin-Operated Machines and Dance License) - Application submitted 8-20-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

01-2843 25. Drake Liquor Store, Ltd., Robert Braune, President dba Drake Liquor Store, 2106 Forest Avenue; Renewal - Expires 10-1-01 - Application submitted 9-4-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

01-2844 26. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

WITHDRAWN 01-2845 27. Authorization to Proceed on 2001-2002 Park and Recreation Capital Improvement Program projects and Municipal Building projects. (Council Communication No. 01-499)

28. Approving Professional Services Agreements with Veenstra & Kimm, Inc. for design and right-of-way acquisition services for I-235 as follows:

01-2846 (A) Deans Lake Outlet Storm Sewer - Not to exceed \$344,517. ([Council Communication No. 01-490](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2847 (B) Birds Run Outlet Storm Sewer - Not to exceed \$374,087. ([Council Communication No. 01-491](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2848 29. Approving Iowa Department of Transportation Preconstruction Agreement for the

24th Street Sanitary Sewer Relocation Project. ([Council Communication No. 01-492](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

01-2849 30. Approving Consultant Agreement with Terracon Environmental, Inc., (Larry Davidson, P.E., President, 600 S.W. 7th, Suite M) for Phase II Environmental Site Assessment of property at 402 SE 6th, for compensation not to exceed \$14,880. ([Council Communication No. 01-501](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

31. Resolution Ordering Construction of the following:

01-2850 (A) M.L. King, Jr. Parkway Paving: Raccoon River Bridge to Ingersoll Avenue, (IDOT), Setting Date of Hearing (10-08-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2851 (B) Indianola Avenue Connector Project, (IDOT), Setting Date of Hearing (10-08-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2852 (C) Botanical Center Cafe Remodel, Receiving of Bids, (10-16-01), and Setting Date of Hearing, (10-22-01). (Construction Estimate - \$78,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2853 32. Approval of Change Order No. 5 with M. Peterson Construction Company, Merlin Peterson, President for additional work in conjunction with M.L. King, Jr. Parkway Paving - S.W. 7th Street to S.W. 16th Street not to exceed \$41,346. ([Council Communication No. 01-493](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2854 33. Approving agreement with MidAmerican Energy Company for construction and maintenance of a separate duct for traffic control in connection with the Martin Luther King Substation Feeder Project-5th/6th Avenue Conduit System. ([Council Communication No. 01-485](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2855 34. Approving payment of not more than \$195,437 to Des Moines Water Works for water system improvements along Broadway and NE 46th Street to service the Greater Des Moines Softball Park. ([Council Communication No. 01-497](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

01-2856 35. Approving Iowa Department of Transportation (IDOT) Addendum to Agreement for Merle Hay Road Widening from Ovid Avenue to Douglas Avenue to include upgrading traffic signals at Merle Hay Road/Douglas Avenue. ([Council Communication No. 01-494](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2857 36. Approving partial payments on eight public improvement projects (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

01-2858 (A) Ingersoll Run Sewer Rehabilitation - 24th Street to 28th Street, Pressure Concrete Incorporated, \$32,680.00 is now due and \$23,955.50 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2859 (B) 2000 Sidewalk Replacement Program - Public Works, P.G. Construction Inc., \$14,323.82 is now due and \$6,731.17 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2860 (C) Durable Pavement Markings-2001, Dennis Parking Lot Maintenance, Inc., \$6,430.21 is now due and \$3,627.02 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2861 (D) 55th/56th Street Intersection at University Avenue, Eco-Tech Construction LLC, \$9,587.76 is now due and \$7,556.40 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2862 (E) Wetland Mitigation for E. Euclid Avenue Detention Basin and Eastgate Plaza Improvements, A-Seeding Contractor, Inc., \$12,323.40 is now due and \$7,845.68 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2863 (F) E. 20th Street Trunk Sanitary Sewer Relining at E. Euclid Avenue, Insituform Technologies USA, Inc., \$490.96 is now due and \$46,649.06 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2864 38. Request from Associated Electrical Services, LLC, (Joe Breton, Managing Member, Pleasant Hill, IA) for the 4th & Grand Parking Garage Relighting project for an extension of 213 days (March 31, 2002). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2865 39. Communications from Koester Construction requesting permission to sublet the Solid Waste Building Reroofing and 2814 Chicago Avenue House Renovation public improvement projects. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN01-2866 40. Communication from Iowa Department of Transportation (IDOT), regarding notification of proposed noise wall construction project in I-235 on February 19, 2002.

01-2867 41. Approving completion and recommending acceptance of Subdrain Storm Sewer Improvements in north border area of Army Post Road at TMC Dormitory, 6221 Army Post Road, between R.G. Elder & Son Co. (Contractor), and TMC (Owner). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2868 42. Authorizing City Engineer to proceed with Sidewalk Program/Requests to repair, waivers signed by two property owners; and Sidewalk Program/Requests to repair driveways, waivers signed by four property owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2869 43. Approving Private Construction Contract for Street Paving Improvements for subdivision known as Lakewood Cove, west of SE 34th Street and north of Evergreen Drive,

between M. Peterson Construction Co. (Merlin E. Peterson, President, DSM), Contractor and Sheldahl & Associates, Inc.(Eric A. Sheldahl, President, Urbandale), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

44. Authorizing Engineering Department to correct the following NAC-Emergency Order Assessment Schedules:

01-2870 (A) Schedule No. 2001-08, against property at 218 Franklin Ave. in the amount of \$180, payment already received in full. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2871 (B) Schedule No. 2001-54, against property at 1101 Watrous Ave. in the amount of \$371.39, payment already received in full. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2872 (C) Schedule No. 2001-26 against property at 1341 18th Street in the amount of \$140, an administrative hearing was held and charges were waived. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2873 (D) Schedule No. 2001-12 against property at 2820 E. 36th Street in the amount of \$112.50, an administrative hearing was held and charges were waived. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-2874 45. Establishing Fair Market Value and Authorizing Acquisition of a portion of property located at 1900-2018 High Street and 1905-2015 Ingersoll Avenue for the North/South Segment of the Martin Luther King, Jr. Parkway Project by Gift, Negotiation, or Condemnation - \$230,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2875 46. Establishing Fair Market Value and Authorizing Acquisition of 1035 Martin Luther King, Jr. Parkway for the I-235 Corridor Improvements by Gift, Negotiation, or Condemnation of property (1035 Martin Luther King, Jr. Parkway, Terry R. May) - \$46,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

01-2876 47. Approve and Accept Form of Warranty Deed from Airport Baptist Church for acquisition of certain property locally described as 2500/2600 Army Post Road for the Airport Expansion Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2877 48. Approval of Special Warranty Deed in satisfaction of real estate contract (Homestead Agreement) to Donna S. Green for 1804 Capitol. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2878 49. Approve and Accept Right-of-Way Documents from Bull Dogs Den, Ltd., 4340 NE Hubbell Avenue for Northeast Four Mile Sanitary Sewer Project - \$5,265 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2879 50. Approve and Accept Right-Of-Way Documents from James K. Brown for 2900 E. University for the E. University at E. 29th/E.30th Street Intersection Modifications Project- \$4,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2880 51. Approve and Accept Offer to Purchase Real Estate and Acceptance and Warranty Deed from Chinh Bach and Ngoc Chien Nguyen for 1926 Cottage Grove Avenue and Jorge and Marcia Lopez for 2001 Leyner Street for Martin Luther King, Jr. Parkway Project - North/South Segment - \$109,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2881 52. Approve and Accept Revised Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed from Donbar Investments, LLC for 934 - 19th Street and 935 - 19th Place for the Martin Luther King, Jr. Parkway Project - North/South Segment - \$128,500 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

01-2882 53. Approving final plat for Woodside Estates West Plat 1 located south of NW 60th Avenue and west of NW 2nd Street within the 2-mile area outside the City of Des Moines. ([Council Communication No. 01-500](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-2883 54. Recommendation of Mayor Preston Daniels to appoint Deloris L. Grove to Seat 10 on the Urban Renewal Board for a three-year term commencing January 18, 2000 to expire January 18, 2003. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSURES

01-2884 55. Approving recommendation of Street Use Team (SUT) to close the following streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Burke Shiffler, 1671 Northwest Drive, requesting permission to close Northwest Drive from Sani Drive to Huntland Street on Sunday, September 30, 2001 from 12:00 Noon to 5:00 P.M. for a neighborhood block party.

(2) Jesse Macro, Jr., 5711 Kingman Avenue, requesting permission to close Kingman Avenue from 57th Street to 58th Street on Sunday, September 30, 2001 from 3:00 P.M. to 7:00 P.M. for a neighborhood block party.

(3) Amy Donnelly, representing Linden Heights Neighborhood Association, 12 Foster Drive, requesting permission to close Woodlawn and Foster Drive encompassing median area on Sunday, September 30, 2001 from 4:00 P.M. to 6:00 P.M. for a Neighborhood Association potluck.

CITY PLAN COMMISSION RECOMMENDATIONS

WITHDRAWN01-2885 56. Regarding Architectural Advisory Committee's recommendation of the East Locust Streetscape design.

01-2886 57. Regarding the proposed 2002-2003 Capital Improvements Program. **Moved by Hensley to receive and file. Staff is directed to set up a Council workshop on the Operating and Capital Budgets in the next four weeks. Motion Carried 7-0.**

01-2887 58. Regarding request from Maureen Nalevanko (Owner) 3800 Laurel Hill Road for vacation and conveyance of two separate 33' strips of right-of-way adjoining the applicants property, subject to conditions. **Moved by Vlassis to adopt and to refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

01-2888 59. Regarding request from City Engineer, for vacation and conveyance of a portion of South Union Street between Edison Avenue and Columbus Avenue, a portion of Columbus Avenue between west side of South Union Street and SE 1st Street and South Union between Columbus Avenue and Indianola Avenue, subject to conditions. **Moved by Vlassis to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

01-2889 (A) Setting Date of Hearing on vacation and conveyance of the above property, to St. Anthony's Church of Des Moines, \$130,000, (10-8-01). **Moved by Vlassis to adopt and refer to City Manager and City Properties Administrator. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-2890 60. On request from Sara Lee Bakery Group, Inc. to defer appeal decision of Historic District Commission regarding removal or relocation of "Colonial Bread" sign at 1225 2nd Avenue, (03-04-02). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2891 61. On conveyance of property in Franklin Field, (5200 Franklin), to Polk County, for a 65-year lease, to construct a Senior/Community Center, \$50,000, (10-8-01). ([Council Communication No. 01-498](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2892 62. On conveyance of dead-end right-of-way south of 1503 E. 26th, to Gene D. Randolph, to construct an addition to garage, \$25, (10-8-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2893 63. On conveyance of permanent easement in Columbus Park, to QWEST Corporation, to relocate underground service in conjunction with the Indianola Connector Road Project, \$1.00, (10-8-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2894 64. On vacation and conveyance of alley right-of-way in vicinity of E. 26th Court and E. 27th Street running north of Maury Street and dead-ending at the railroad right-of-way, to Thomas E. and Jacki L. Heston, \$50, (10-8-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2895 65. On Proposed Fifth Amendment to Urban Renewal Plan for Metro Center Urban Renewal Project, to incorporate Vision Iowa Projects located in downtown, (10-22-01). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-2896 66. Approving payment of \$2,784.75 to Duncan, Green, Brown, Langeness & Eckley for representation in matters relating to the airport parking garages. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2897 67. Approving payment of \$2,902.82 to Myers & Jenkins and \$1,381.93 to Phillips, Goldman & Spence, P.A. for representation in the Trans World Airlines, Inc. bankruptcy. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2898 68. Approving payment of \$2,278.53 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services on various issues regarding the Des Moines International Airport, including bond matters and issues in conjunction with the Meredith Corporation loan agreement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2899 69. Approving payment of \$4,220.58 to Spiegel & McDiarmid for services relating to facilitating the Brownfields Showcase Community and related project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2900 70. Approving payment of \$220.98 to Gaudineer & Comito, L.L.P. for representation of Lonny Namanny in Charmaine Hunter and Charles Franks, Jr. v. Lonny Namanny. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2901 71. Approving payment of \$4,866.25 to Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in case of Joyce Wilson and Val Wilson, Jr. as administrators of the Estate of Jerome LeRoy Mozee v. City of Des Moines, Joseph Morgan, and Terry Mitchell. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

01-2902 72. Approving payment of \$10,884.12 to Mark McCaune for settlement of a worker's compensation claim for an injury sustained during scope of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-2903 73. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-483](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) One-Sided Parking Restrictions--Shawnee Acres.

(2) Parking Restriction Change--Cul-de-Sac of Gleaves Court.

(3) Corner Clearance--East Side of SW 10th Street, south of Boulder Avenue and South Side of Boulder Avenue, east of SW 10th Street.

01-2904 74. Regarding the removal of school crossing guards at the noon crossing period for the 2001-2002 school year. ([Council Communication No. 01-484](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

01-2905 75. Submitting out-of-state travel request for Theresa Mikes. ([Council Communication No. 01-479](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

01-2906 76. Official Financial Report for City Streets for FY2001, to be submitted to IDOT, to continue eligibility for Road Use Tax allotments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2907 77. Use of various City facilities as poll sites for Precincts 31, 36, 60, 64, 82, and 83 for City Primary Election to be held October 9, 2001. **Moved by Vlassis to approve. Motion Carried 7-0.**

01-2908 78. Application of Woodland Avenue Partners, L.P. to Iowa Department of Economic Development for Enterprise Zone benefits to be used for the proposed construction of 54 residential units at 15th and Woodland Avenue in conjunction with Des Moines Gateway Enterprise Zone. ([Council Communication No. 01-489](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

01-2909 79. Addendum to State of Iowa Grant Agreement for FY01/02 Funding-Commercial Air Service Marketing Program for the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2910 80. Receipt of recommendation from the Des Moines Airport Board of proposed regulation changes in conjunction with aircraft operations - Regulation 01-30. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2911 81. Resolution giving final approval for a \$20,000 loan from the City to The James Thrasher Trust for building expansion of plumbing and remodeling business at 3012 E. 14th Street. ([Council Communication No. 01-487](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

01-2912 82. Award Modification for the Des Moines Enterprise Community School-to-Work Program, (\$1,157,508) and extending period of performance from September 30, 2001 to September 30, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2913 83. Civil Service Entrance Lists for Deputy Controller and Senior Maintenance Carpenter and Promotional Lists for Street Sweeper Operator and Public Works Crew Chief. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

01-2914 84. Authorizing Finance Director to draw checks on registers of September 28, 2001 and October 5, 2001; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 24, 2001 and October 1, 2001; and to draw checks for the biweekly payroll due on October 5, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-2915 85. Amending Chapter 102 of the Municipal Code regarding the minimum width of skywalk corridors; Bridge 8C-9C over 8th Street alley to EMC Building. **Moved by Vlassis that this ordinance do now pass, [#13,996](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-2916 86. Amending Chapter 114 of the Municipal Code, regarding the following traffic regulation changes. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (1) Two-Hour Parking Restriction--East Side of 19th Street South of Pleasant Street.
- (2) Corner Clearance--West Side of East 9th Street, North of Roosevelt Avenue.
- (3) Corner Clearance--North Side of Garfield Avenue, West of East 29th Street.
- (4) Corner Clearance--South Side of Wilmers Avenue, West of SE 5th Street.
- (5) Parking Restrictions and Loading Zone--East and West Sides of SW 5th Street between Elm Street and Tuttle Street.
- (6) Corner Clearance--South Side of East Bell Avenue, East of SE 8th Street.
- (7) Corner Clearance--South Side of Pleasantview Drive, East of SW 9th Street.
- (8) Corner Clearance--West Side of SE 8th Court, North of Kirkwood Avenue.
- (9) Removal of Two-Hour Parking Restrictions--E. 5th Street from Des Moines Street to Lyon

Street and Lyon Street from E. 5th Street to E. 6th Street.

01-2917 (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, [#13,997](#). Motion Carried 7-0.**

COUNCIL REQUESTS

01-2918 87. From Council Member Christine Hensley requesting that staff assign a different address for Luke and Katie Roth who reside at 666-50th Street. **Moved by Hensley to receive, file, and approve the request and refer to the City Manager to expedite implementation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

01-2919 88. From area property owners, in favor of paving E. 28th Street, south of Dean Avenue to Grand Avenue. **Moved by Brooks to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

01-2920 89. From Patrick J. Dorrian, 2833 E. 35th Street, requesting to speak regarding Des Moines Police policy. **Moved by Flagg to grant the request to speak. Motion Carried 7-0.**

01-2921 90. From City Clerk submitting 2002 Schedule of City Council meeting dates for Council consideration and approval. **Moved by Coleman to receive file and approve the schedule as submitted. Motion Carried 6-1. Nays: Hensley.**

****Council considered items 96 through 99 next****

HEARINGS (Opened at 5:57 P.M.) (Items 91 thru 95)

01-2922 91. On Building Official's determination that the property at 1016 Forest Avenue constitutes a public nuisance. ([Council Communication No. 01-486](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

01-2923 92. On appeal from Gary Kunze, 3922 - 75th Street regarding Administrative Hearing Officer's decision on impounded motorcycle; deferred from September 10, 2001. **Moved by Hensley to reverse decision. Motion Carried 7-0.**

01-2924 93. On conveyance of a portion of vacated 62nd Street right-of-way near Grand, to System Capital, Real Property Corporation, \$5,700, and to further continue the hearing to 10-8-01; and set date of hearing on vacation of property, (10-8-01). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2925 94. On conveyance of vacated right-of-way in the 3200 block of Mahaska Parkway to William Wellesley Trust for expansion of residential yard, \$29,488.50, and to further continue

the hearing to 10-8-01; and set date of hearing on vacation of property, (10-8-01). **Moved by McPherson to adopt. Motion Carried 7-0.**

95. Items regarding Airport Business Park Urban Renewal Project:

01-2926 (A) Receive and file report from the Community Development Director on the rationale and basis for the amendments to the Plans for the Airport Business Park Urban Renewal Project and the City-Wide Urban Revitalization Area to amend the boundaries of each. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2927 (B) Receive and file the report and recommendation from the City Plan and Zoning Commission on the proposed amendments. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-2928 (C) Resolution of necessity finding that the amended project area constitutes an economic development area appropriate for commercial and industrial enterprises. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2929 (D) Resolution closing hearing on the 1st Amendment to the Urban Renewal Plan and approve amending boundaries of the project area. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2930 (E) First consideration of ordinance designating the amended project area as TIF District under Iowa Code Section 403.19. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-2931 (F) Final consideration of ordinance above, (waiver requested by Richard Margulies for ABC Partners, L.P.), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,998](#). Motion Carried 7-0.**

01-2932 (G) Resolution closing the hearing on the 11th Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area to incorporate the expanded Airport Business Park sub-area wherein qualifying commercial and industrial improvements may qualify for tax abatement. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:03 P.M. * *

****Council considered Extra Items and Board of Health next****

APPROVING

01-2933 96. Application to State of Iowa for Enterprise Zone Certification for Amended Gateway Enterprise Zone to include an additional seven acres located between Woodland

Avenue and Linden Street and between 15th and 16th Streets. ([Council Communication No. 01-481](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

01-2934 97. Agreement for professional services with History Pays! for a historical survey and documentation of the Eastern Gateway. ([Council Communication No. 01-488](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

01-2935 98. Application from Wells Fargo Financial, Inc. to Des Moines Enterprise Commission for benefits under State of Iowa Enterprise Commission to be used for their corporate headquarters expansion project. ([Council Communication No. 01-480](#)). **Moved by Hensley to approve. Motion Carried 6-1. Pass: Flagg.**

01-2936 99. Authorization to proceed with expansion of the automated solid waste collection program to include two more routes per day at an approximate cost of \$715,000 for carts and collection vehicles. ([Council Communication No. 01-482](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

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EXTRA ITEMS

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

01-2937 1. Request from Mary Campos, 203 E. 16th Street, to read a statement from Hispanic Community and other various community organizations regarding the September 11th terrorism attack on America. **Moved by Hensley to receive, file and grant request to speak. Motion Carried 7-0.**

01-2928 2. Appointing local representative to the committee formed to consider the City's pending petition for involuntary annexation. SPONSOR: Mayor Daniels. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2939 3. Approving support of efforts of the Metropolitan Advisory Council regarding modification to legislation to create a regional transportation system. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

**BOARD OF HEALTH
September 24, 2001**

01-2940 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and Convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

01-2941 (A) 3612 Cornell Street (vacant) Titleholder: Shawn Carmichael; and Legal Interest Holders: Mooring Tax Asset Group, LLC, Attn: James P. Meeks, President, and First National Acceptance Co. of North America, LLC, Attn: Brian C. Titus. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2942 (B) 2030 Meek Avenue (occupied) Titleholder: Lawrence E. Gardner (deceased); Contract Buyer: Doyle W. Kasiah; Legal Interest Holders: Ric L. and Lisa L. Simonini; and Heirs of Lawrence E. Gardner: Leona M. Gardner n/k/a Leona M. Carlson, Janean S. and Gary Kleist, and Alan S. Gardner. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2943 (C) 3823 8th Street (vacant) Titleholder: Administrator of Veterans Affairs, Attn: Vivian Sheesley, Property Management; and Contract Buyers: Brian D. and Suzanne M. Campbell. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2944 (D) 829 E. 26th Street (vacant) Titleholder: Dennis L. Hougham; and Legal Interest Holders: Firststar Home Mortgage Corporation, Attn: CT Corporation System, Registered Agent, and AmerUs Bank n/k/a Commercial Federal Mortgage Corporation, Attn: CT Corporation System, Registered Agent. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2945 2. Release of demolition cost reserve held under claim number 14p57687 regarding property known as 317 Kenyon Avenue owned by William and Melissa Parish. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2946 3. Approving request from Craig B. Mikesell and Sue A. Middleton for reconsideration of previous Council action and to approve additional time to complete renovation before the demolition of 1711 Williams. **Moved by McPherson to adopt. Motion Carried 7-0.**

01-2947 MOTION TO ADJOURN. **Moved by Flagg to adjourn at 6:05 P.M. Motion Carried 7-0.**

DES MOINES - CITY OF SKYWALKS