

SUMMARY OF DES MOINES CITY COUNCIL MEETING
March 15, 1999

Closed Session 3:00 P.M.

99-635 ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, and Vlassis. Council Member Coleman entered the meeting at 3:15 P.M.**

99-636 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by McPherson to adopt. Motion Carried 4-2. Absent: Belken and Coleman. Council Member Flagg declined to vote.**

99-637 (b) Closed Session to discuss matters of pending litigation.

99-638 (c) Terminate this closed session and reconvene in open session. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and Belken.**

99-639 (1) Action supporting Iowa League of Cities initiative to resolve legal issues regarding telecommunications, \$10,000. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Belken. Council Member Flagg declined to vote.**

99-640 (2) Settlement of lawsuit entitled Rosa Leverette, et al vs. Thomas Heller, et al, payment of \$30,000 to Rose Leverette and Allen Dudley, Sr., administrators of the Estate of Charles Dudley. and payment of \$5,000 to their attorney Alfredo Parrish. **Motion Carried 4-1-1. Nays: Hensley. Absent: Belken. Council Member Flagg declined to vote.**

99-641 (d) Motion to recess and reconvene at 4:30 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Belken.**

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CULTURAL CONNECTION - 4:15-4:30 P.M.:

A Showcase of Local Arts - J&J Gospel Community Choir

Regular Meeting 4:30

INVOCATION: Pastor Curt Joseph

Highland Park Lutheran

99-642 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

99-643 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED. **Moved by Coleman to adopt. Motion Carried 7-0.**

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***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

99-644 3. APPROVING CONSENT AGENDA - items 3 through 73. **Moved by Coleman to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-645 4. Communication from Legal Department regarding March 15, 1999 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 7-0.**

Class "C" Beer Licenses

99-646 5. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1060, 5901 Fleur Drive; Renewal - Expires 4-29-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-647 6. WB Stone, Inc., William B. Stone, Jr., dba Southridge Amoco, 6300 Southeast 14th Street; Renewal - Expires 4-6-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

99-648 7. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1087, 1516 Southeast 1st Street; Renewal - Expires 4-29-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-649 8. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1028, 3625 Ingersoll; Renewal - Expires 4-29-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-650 9. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Mart, 3425 Ingersoll; Renewal - Expires 3-27-99 (With Sunday Sales) - Application submitted 2-24-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-651 10. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #559, 5701 Fleur Drive; Renewal - Expires 4-10-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-652 11. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #544, 3941 Southeast 14th Street; Renewal - Expires 4-9-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

99-653 12. Bruce L. Kennedy dba Paesano's Pizzeria, 2804 Southwest 9th Street; Renewal - Expires 3-22-99 (With Sunday Sales) - Application submitted 2-22-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-654 13. City of Des Moines dba Waveland Golf Course, 4908 University; Renewal - Expires 3-15-99 (With Sunday Sales and Beer Garden) - Application submitted 2-19-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

99-655 14. V.F.W. Post #738, Erwin J. Goltz, Q.M. dba V.F.W. Post #738, Dean Avenue; New Application submitted 10-6-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

15. NUMBER NOT USED.

99-656 16. Drake University, Victoria Payseur, V-President dba Rathskellar/Olmstead Upper Level/Drake Lounge/Sports & Recreation Center/Mainstay, 29th & Carpenter; Renewal - Expires 3-25-99 (With Sunday Sales and Beer Garden) - Application submitted 2-22-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-657 17. Hawkeye Elks Lodge #160, Ronald McClain, Director dba Hawkeye Elks Lodge #160, 1401 Walker; Renewal - Expires 3-27-99 (With Sunday Sales) - Application submitted 2-22-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-658 18. Quail Enterprises, Inc., Henry Schneider, IV, President dba Iowa Beef Steak House, 1201 East Euclid; Renewal - Expires 3-21-99 (With Sunday Sales) - Application submitted 2-12-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

99-659 19. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #1, 3330 M L King Pkwy; Renewal - Expires 4-28-99 - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-660 20. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #5, 1111 Southeast Army Post Road; Renewal - Expires 4-20-99 - Application submitted 2-16-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-661 21. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #3, 3221 Southeast 14th Street; Renewal - Expires 3-31-99 - Application submitted 2-10-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

Authorizing

99-662 22. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

Transfers

99-663 23. Temporary transfer of Class "C" Beer-Wine License for Parents Without Partners, Wynell Kisner, President dba Parents Without Partners, from 100 East Euclid - Suite #153 to 100 East Euclid - Suite #103 for one day event on March 27, 1999. Subject to submission of acceptable fire inspection. **Moved by Coleman to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-664 24. Authorizing distribution of Chapter 573 Code of Iowa Claim by Longfellow Drilling, Inc. (Sub-Contractor) against Layne Christensen Co. (Principal-Contractor) for S.W. 30th Street Sanitary Relief Sewer Project. **Moved by Coleman to adopt. Motion Carried 7-0.**

25. Resolution Ordering Construction of the following:

99-665 (A) City-Wide Sanitary Sewer Gates Repair, Receiving of Bids, (3-30-99), and Setting Date of Hearing, (4-5-99), (Construction Estimate - \$110,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-666 (B) Storm Sewer Gatewell Modification and Abandonment, Receiving of Bids, (3-30-99), and Setting Date of Hearing, (4-5-99), (Construction Estimate - \$97,645. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-667 26. Approving contract and bond for 42nd Street Emergency Sewer Repair at Plainview Drive with Van Hauen & Associates, Inc., (Mark Van Hauen, Pres., Clive) - \$32,900. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-668 27. Communications from various contractors requesting permission to sublet certain items on two public improvement projects. (Call the City Clerk's Office for listing) **Moved by Coleman to adopt. Motion Carried 7-0.**

99-669 28. Approving Private Construction Contract for construction of Sanitary Sewer Improvements for new Home Depot Store at 4900 SE 14th Street between Corell Contractor, Inc.(Steve Corell, Pres.), Contractors and Southdale, Ltd., an Iowa Limited Partnership by: Southdale, Inc., Its General Partner (Ronald L. Daniels, Pres), Owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

29. Approving completion and recommending acceptance of the following:

99-670 (A) Street Improvements for Casady Alternative School Bus Turn-In between Double T. Asphalt Co., Contractor and Des Moines Independent Community School District, Owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-671 (B) Storm Sewer Improvements in Airport Business Center Plat I, Gannette Avenue and Register Drive between McAninch Corporation, Contractor and ABC Partners, L.P., Owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-672 (C) Sanitary Sewer Improvements in Airport Business Center Plat I, Gannette Avenue and Register Drive between McAninch Corporation, Contractor and ABC Partners, L.P., Owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

29. Approving completion and recommending acceptance of the following:

99-673 (D) Street Improvements in Airport Business Center Plat I, Gannette Avenue and Register Drive between Nuckolls Concrete Services, Inc., Contractor and ABC Partners, L.P., Owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-674 (E) Street Improvements to median on E. Euclid Avenue to provide access to Osco Drug #488, 2821 E. Euclid Avenue between Dearborn Construction, Inc., Contractor and American Stores Properties, Inc., Owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

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

99-675 (A) Guthrie Avenue Industrial Park Phase 4, Corell Contractor, Inc., \$849.50 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-676 (B) Martin Luther King, Jr. Parkway Demolition Contract #5, L.A. Company, \$2,280 is now due and \$921.50 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-677 (C) Terrace Drive S. of 2700 Block, Emergency Sewer Repair, Van Hauen & Associates, Inc., \$4,132.50 is now due and \$2,445 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-678 (D) Central Place Storm Pumping Station Discharge Repair, Van Hauen & Associates, Inc., \$1,349 is now due and \$3,550 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-679 (E) 1998 Storm Water Intake Replacement, Van Hauen & Associates, Inc., \$807.50 is now due and \$2,212.50 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-680 31. Approving partial payments on four public improvement projects. (Call City Clerk's Office for listing) **Moved by Coleman to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-681 32. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Schedule 1999-22 for the month of February, 1999, for Certification to Polk County Treasurer (Call the City Clerk's Office for amounts). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-682 33. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for February 1999. **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

WITHDRAWN 34. Offer to Purchase Real Estate and Acceptance, and Deed to City in conjunction with Grandview Avenue Drainage Area, from Joanne F. Wadle, Co-Trustee of Trust Agreement, 818 Morton Avenue - \$48,000.

99-683 (A) Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed in conjunction with Grand View Avenue Drainage Area, from Gene Armstrong and Teri L. Steen-Armstrong, 737 Grandview Avenue - \$37,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-684 35. Warranty Deed and Compensation for Future Title Work in conjunction US 69 (E. 14th St) and Guthrie Avenue Intersection Improvement, from Donna J. Ludlow, 2206 E. 14th Street - \$785. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-685 36. Fair Market Value for property located at 2202 E Grand Avenue, in conjunction with 1995 Paving Program No. 1, from Ronald Vinton - \$13,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-686 37. Warranty Deed and Future Title Work Compensation in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), 6th Avenue/SW 7th Street Paving Project, from Hubbell Realty Company, SE corner SW 7th and Murphy - \$620. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-687 38. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion - Wakonda Heights Business Park, from Gretchen E. Armstrong, 2600 Littell Avenue - \$92,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-688 39. Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed in conjunction with Airport Expansion (Haverhill), from Nancy J. Evans, Rex L. Evans and Patti Evans, 6422 SW 30th Street - \$96,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-689 40. Corrected Warranty Deed to the State of Iowa and Warranty Deed from Phyllis Chiodo for property located in the vicinity of Army Post and Indianola Road, (construction of Iowa 5). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-690 (A) Release and Abandonment of a Backslope and Property Adjustment Easement. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-691 41. Approving Noise and Avigation Easements for six properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-692 42. Release of Letter of Credit No. 92-37 from Iowa State Bank in amount of \$70,893. as security for completion of required sidewalk and erosion control improvements for EASTER LAKE PARK PLAT 3. **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-693 43. Approving recommendation of Plan and Zoning Commission for appointment of Fran Koontz to Neighborhood Development Corporation Board of Directors. **Moved by Coleman to approve. Motion Carried 7-0.**

99-694 44. Approving recommendation for appointment of Jerald Brantley of Spectrum Resources to Enterprise Community Steering Committee, (Human Service Agency appointment). **Moved by Coleman to receive, file and approve. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

99-695 45. Regarding Ronald Reagan monument on Court Avenue. **Moved by Coleman to receive and file. Motion Carried 7-0.**

99-696 46. Regarding amendment to the Des Moines Land Use Plan, by amending the general area between Fleur Drive and SW 34th Street, lying south of Stanton Avenue and north of McKinley, by revising the classification from Medium Density Residential to Low Density Residential. **Moved by Coleman to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-697 47. On City Plan Commission recommendation of denial for an application from Lana C. Fogue, to rezone property at 34 E. Fulton Drive from "R1-60" (One Family Low Density Residential) to "R-2" (One and Two Family Residential), (4-5-99). **Moved by Belken to adopt. Motion Carried 7-0.**

99-698 48. On vacation and conveyance of the East/West alley extending between 19th Street and Martin Luther King Jr., Parkway, north of Ingersoll, to The Thompson Trust, in exchange for a 50-foot wide storm sewer easement on and along the alley. **Moved by Hensley to approve and set date of hearing for 4-19-99.**

99-699 49. On City Plan Commission recommendation of denial for an application from John Grandquist of Westridge Real Estate Partnership for amendment to conceptual plan for River Oaks PUD, SE corner of SW 63rd and Creston, to allow for use of approx. 3 acres of land for office/ warehouse and mini-storage, (4-5-99). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-700 50. Approving payment of \$5,054.10 to Melvin D. Haygood for settlement of worker's compensation benefits for injury suffered during the course and scope of his employment. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-701 51. Approving payment of \$8,026.94 to Mark McCaune for settlement of worker's compensation benefits for permanent injury suffered during the course and scope of his employment. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-702 52. Approving payment of \$40,000 to Mary Jane Meyer and Donald Meyer and their attorney, Thomas A. Palmer to settle a lawsuit for bodily injury and medical expenses for injury incurred at City of Des Moines Animal Control Shelter. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-703 53. Approving payment of \$919.65 to Thomas Foley of Nyemaster, Goode, Voigts, West, Hansell & O'Brien for representation of Officer Michael McBride in case of Leverette, et al. v. Heller, et al., Case No. 4-97-CV-80749. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-704 54. Approving payment of \$1,420.21 to George LaMarca of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al., Case No. CL 73934. **Moved by Coleman to approve payment. Motion Carried 7-0.**

99-705 55. Approving payment of \$991.28 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Coleman to approve payment. Motion Carried 7-0.**

99-706 56. Approving payment of \$541.50 to Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-CV-70724. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-707 57. Submitting out-of-state travel requests for Carl Wycoff, Bryan Hansen, Mark Goldsberry, Rick Zimmerman, Dwayne Vos and Rick Moody. ([Council Communication No. 99-094](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-708 58. Submitting traffic regulation change request for removal of Saturday daytime parking restriction-6th Avenue from Walnut to Locust Streets. ([Council Communication No. 99-101](#)). **Moved by Coleman to receive, file and refer to Legal Department for preparation of proper legislation. Refer all Saturday parking restrictions to Traffic Safety and Downtown Coordinating Council for review and recommendations. Motion Carried 7-0.**

APPROVING

99-709 59. Grant Agreement with the Federal Emergency Management Agency (FEMA) for grand funding for City participation in Project Impact: Building Disaster Resistant Communities. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-710 60. Contract with Iowa Department of Human Rights/Division of Community Action Agencies for Weatherization Assistance Contract No. MEC-99-07J for assistance to low-income persons from 1-1-99 to 12-31-99. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-711 61. Request for Budget Adjustment for Community Services Block Grant (CSBG) Contract No. 99-07-CJ with Iowa Department of Human Rights/Division of Community Action Agencies for an increase in Personnel and Other Costs, net increase of \$5,332. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-712 62. Allocation of block grant funds available from Juvenile Accountability Incentive Block Grant to Polk County Juvenile Central Intake Center - \$71,804. ([Council Communication No. 99-093](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-713 63. Amended and extended concession agreement with Service Systems Associates for operation of food, beverage and gift services at Blank Park Zoo through August 31, 1999. ([Council Communication No. 99-104](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-714 64. Receipt of communication from Human Resources Director regarding new position description for the Community Garden Coordinator, (MEA Range 21) ([Council Communication No. 99-097](#)). **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Flagg.**

65. Bids for the following:

99-715 (A) Primary and secondary suppliers for annual contract for concrete, metal and polyvinyl chloride pipe materials to be used by the Public Works Department (Street Maintenance), \$139,950. (Nine bids mailed-five received). (Call City Clerk's Office for material breakdown and prices). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-716 (B) Primary and secondary suppliers for annual contract for construction materials to be used by the Public Works Department (Street Maintenance), \$199,200. (Twelve bids mailed-seven received). (Call City Clerk's Office for material breakdown and prices). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-717 (C) Primary and secondary suppliers for guardrails and posts to be used by the Public Works Department (Street Maintenance), \$7,000. (Seven bids mailed-three received). (Call City Clerk's Office for material breakdown and prices). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-718 (D) Primary and secondary suppliers for asphalt cement concrete annual contract to be used by the Public Works Department (Street Maintenance) - Des Moines Asphalt and Paving Co., (903 SE 22nd Street, Robert Horner, President) and Grimes Asphalt and Paving Corp., Grimes, IA, J. M. Yonker, President). Two bids mailed-two received). (Call City Clerk's Office for material breakdown and prices). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-719 (E) Two suppliers for vehicles to be used by the Park and Recreation Department. Great American Outdoor, (710 East Army Post Road, Carl Van Huelin, President) for one utility vehicle, two mount seeders, and one tiller rake, \$20,795, and The Tennant Company, (Minneapolis, MN, Janet Dolan, President) for one Litter Vacuum for \$24,403.50. Total Cost - \$45,198.50. (Thirteen bids mailed-three received). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-720 (F) Norstan Communications, Inc., (4949 Westown Parkway, West Des Moines) State of Iowa Contract No. 2037 (Municipal Code Section 2-86(c) for software upgrade for City's telephone system for 2000 year compliance to be used by the Information Technology Department. (\$24,605.95) **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-721 (G) Tri-State West, Inc., (Grimes, Hugh Stafford, President) for Turf Truckster with skid sprayer to be used by City Cemeteries, (\$15,714). (Ten bids mailed-two received) **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-722 (H) Bituminous Materials, and Supply, L.P. (900 E. Raccoon Street, Omer Ohl, Vice President) for annual agreement for Emulsified Asphalt Materials to be used by the Public Works Department (Street Maintenance), \$190,000. (Two bids mailed-one received). (Call City Clerk's Office for material breakdown and prices).[\(Council Communication No. 99-092\)](#) **Moved by Coleman to adopt. Motion Carried 5-2. Pass: Flagg and Hensley.**

99-723 (I) Motorola C & E, Inc., (Urbandale) State of Iowa Contract No. 1199F (Municipal Code Section 2-86(c) for seven Motorola portable radios, seven Motorola mobile radios to be used by the school resource officers program, and six Motorola mobile radios to be used by the Neighborhood based service program. (\$30,017.13). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-724 (J) Bid awarded to Contractor's Machinery, Inc., (Ankeny, IA., Bob Kacher, President) for skid-steer loader with pallet forks and snow blower to be used by the City Cemeteries, \$14,470. Bids from Great American Outdoors, Capital City Equipment Co., and Gebaurer's Material Handling did not meet specifications, therefore non-compliant. (Eleven bids mailed-nine received). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-725 66. Emergency Pump Replacement at Clark Street Stormwater Pump Station--waiver of normal advertising and procurement procedures, and award to Cascade Pump Company, \$28,900. ([Council Communication No. 99-103](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

99-726 67. Agreement for Occupational Health Services with Concentra for one-year term commencing March 15, 1999 - \$134,512. ([Council Communication No. 99-090](#)). **Moved by Hensley to adopt. MOTION FAILED 3-3-1. YEAS: Daniels, Hensley and Vlassis. NAYS: Coleman, McPherson and Belken. Absent: Flagg. Pursuant to Council Rules; Clerk to place on subsequent agendas until item receives 4 "yes" or 4 "no" votes.**

99-727 68. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-728 69. Report of Civil Service Commission submitting Entrance Lists for Assistant Planner, Legal Secretary, and Promotional List for Laboratory Analyst II. **Moved by Coleman to receive and file. Motion Carried 7-0.**

99-729 70. Authorizing Finance Director to draw checks on register of March 19, 1999, and the bills of the Des Moines Municipal Housing Agency for the week beginning March 15, 1999, and the biweekly payroll due employees on March 12, 1999. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-730 71. Amending Chapter 8 of the Municipal Code, adopting the National Electrical Code, 1999 Edition. **Moved by Coleman that this ordinance do now pass, [#13,688](#). Motion Carried 7-0.**

99-731 72. Amending Chapter 2 of the Municipal Code regarding fees for copies and abstracts of Police Department records. **Moved by Coleman that this ordinance do now pass, [#13,689](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

99-732 73. Amending Chapter 27 of the Municipal Code regarding Traffic Regulation changes as follows. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) East Side of SW 1st Street and North Side of Indianola Road in vicinity of St. Anthony's Church.

(2) East Bundy Avenue from No Parking Any Time on the North Side to No Parking Any Time on the South Side in order to accommodate mail delivery.

(3) Stop Signs, Speeding Enforcement, and Parking Restrictions--Williams Street between Maple Street and Timber Lane.

(4) Deletion of Parking Restriction Duplication in the Municipal Code.

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

****Council considered Hearing Items next at 5:40 P.M.****

ORDINANCES - FIRST CONSIDERATION

99-733 74. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Commercial Loading Zone--west side of Sixth Avenue south of Douglas Avenue.

(2) Corner Clearance Parking Restriction--west side of Cambridge Street north of Sheridan Avenue.

COUNCIL REQUESTS

75. Request of Mayor Preston Daniels to establish a Mayor's Select Task Force for the following:

99-734 (A) Des Moines Public Art/Design Task Force. **Moved by Hensley to receive, file and authorize the Mayor to establish such a Task Force for Public Art. Task Force short term focus will be on public art in downtown--long term focus on how this Task Force "fits" into current review process/system. Motion Carried 7-0.**

99-735 (B) Millennium Day Celebration Task Force. **Moved by Coleman to receive, file and authorize the Mayor to establish such a Task Force to Celebrate the Millennium. Council suggested plans include the entire City, including Youth Advisory Committee. Concerns were expressed regarding funding. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

99-736 76. From Don Jaeger, President of Greater Des Moines Convention and Visitors Bureau (CVB) requesting permission to update the City Council on the CVB. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Flagg.**

99-737 77. From Blank Park Zoo Foundation to present Development Plan for ongoing operation of Blank Park Zoo. **Moved by Hensley to receive, file and grant the request to speak; and refer the draft Resolution of Agreement to the City Manager for review and recommendation on the Interpretative Center as soon as possible, and at a later date on the balance of the proposal regarding revised 28E, funding, etc. Motion Carried 6-1. Absent: Flagg.**

99-738 78. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by McPherson to receive and file and attached report. Motion Carried 5-2. Absent: Hensley and McPherson.**

****Council considered Item 88 through end of agenda next****

****Council considered hearing Item 82 first, then balance of Hearings next****

HEARINGS (Opened at 5:40 P.M.) (Items 79 thru 87)

99-739 79. On Building Official's determination that structure at 1801 Des Moines Street, (a/k/a 1824 Hubbell Avenue), constitutes a public nuisance. ([Council Communication No. 99-100](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Nays: Hensley and Belken.**

99-740 80. On vacation and conveyance of East/West and North/South alleys in the south 1/2 of the block bounded by Grand, E. Fifth, E. Sixth and Des Moines Streets, to James O. Boyt, \$2,500, continued from 3-1-99. **Moved by Belken to adopt; subject to the contract being amended to provide that closing of the sale shall not occur until Certificates of Occupancy have been issued for all three dwelling units in the buildings at 512 1/2 , 524 and 526 E. Grand; and to suspend any court action for as long as Mr. Boyt is making progress toward bringing the buildings into compliance, by no later than December 1, 1999. Motion Carried 7-0.**

99-741 (A) First consideration of ordinance above. **Moved by Belken that this ordinance be considered and given first vote for passage. Legal to report at second reading on March 22, as to whether third reading can be suspended until December 1, 1999. Motion Carried 7-0.**

99-742 81. On text amendment to the Zoning Ordinance, to amend required yard setback from 35' to 30' in the "R1-80" (One Family Residential District). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

99-743 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Coleman.**

99-744 (B) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,690. Motion Carried 6-1. Nays: Coleman.**

99-745 82. On application for Certificate of Public Convenience and Necessity to operate Limousine Services, David M. and Jean E. Houston, Unique Courtesy Services, Norwalk, continued from 3-5-99. ([Council Communication No. 99-106](#)). **Moved by Hensley to approve recommendations from City Manager, receive and file comments received, and refer back to City Manager and Review Committee for a final report and recommended ordinances by April 5, 1999. Committee to be expanded to include limousine operators. Motion**

Carried 6-1. Pass: Flagg.

99-746 83. Communication from City Plan Commission finding the Fourth Amendment to the Restated City-wide Urban Revitalization Plan in conformance with the Comprehensive Plan. ([Council Communication No. 99-096](#)). **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-747 (A) Closing the Hearing on the Fourth Amendment and adopting same to amend the qualification for Community Shopping Center, and to amend the Design guidelines for the Court Avenue Historic Area. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-748 (B) Granting application of Eastgate Plaza LLC, for prior approval of tax abatement for improvements to the Eastgate Shopping Center, E. 14th and Euclid, subject to timely completion of the project. **Moved by McPherson to adopt. Motion Carried 7-0.**

84. Actions regarding Court Avenue Entertainment Center:

99-749 (A) Communication from City Plan Commission, finding the 6th Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development, and the 32nd Amendment to the Urban Renewal Plan for Capitol-Center Development Area to be in conformance with the Comprehensive Plan. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-750 (B) Communication from President of the Des Moines School Board. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-751 (C) Closing the Hearing and adopting the 6th Amendment to the Urban Renewal Plan for Riverpoint Capitol-Center Development Area which provides for acquisition and disposition of land and associated public parking. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-752 (D) Closing the Hearing and adopting the 32nd Amendment to the Urban Renewal Plan for the Capitol-Center Development Area which provides for the acquisition and disposition of land. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-753 (E) Resolution declaring intent to enter into development agreement with Centertainment Development, Inc., regarding purchase and development of land south of Court Avenue between Third and Fifth Streets, and scheduling public hearing, (4-19-99) ([Council Communication No. 99-105](#)). **Moved by Coleman to approve. Motion Carried 7-0.**

85. Actions regarding the SE AgriBusiness Urban Renewal Project:

99-754 (A) Communication from City Plan Commission finding the First Amendment to the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project in conformance with the Comprehensive Plan. **Moved by Belken to adopt. Motion Carried 6-1. Pass: Flagg.**

99-755 (B) Communication from President of the Des Moines School Board. **Moved by Belken to adopt. Motion Carried 6-1. Pass: Flagg.**

99-756 (C) Closing the Hearing and adopting the First Amendment which provides for the acquisition and disposition of land south of the 3400 to 4200 blocks of Vandalia Road for industrial development. ([Council Communication No. 99-095](#)). **Moved by Belken to adopt. Motion Carried 6-1. Pass: Flagg.**

99-757 86. On Savage Ballfield and Birdland Park East Drainage Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp, (J.M. Yonker, President, Grimes), \$78,563. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-758 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-759 87. On Elm & SW 7th Streets Sanitary Sewer Cleaning and Televising: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Krebs Enterprises, Inc., dba Hydro-Klean, (Andrew W. Merical, Pres., Clive), \$194,568. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-760 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 7:43 P.M. * *

APPROVING

99-761 88. Overruling City Plan Commission recommendation, to deny request from Dodge Investment Company, to amend the Des Moines 2000 Land Use Plan, by revising present classification of area north of Army Post and west of SW 42nd from Public/Semi-Private use, to Airport Related Industrial Use, (6 affirmative votes required to overrule Planning Commission and approve the amendment). ([Council Communication No. 99-099](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Belken.**

99-762 (A) Communication from Airport Board Chair, regarding above. **Moved by Coleman to receive and file. Motion Carried 6-1. Nays: Belken.**

****Council Member Flagg left the meeting at 9:02 P.M.****

99-763 89. City-initiated rezoning of property on the west side of the 6900 block of Indianola Avenue, from "R-5" (Mobile Home Residential), to a more appropriate residential district; and, to refer back to City Plan Commission for recommendation on appropriate zoning district classification for this property, (continued from 3-1-99). **Moved by Belken to refer this back to the City Plan and Zoning Commission for a report and recommendation on the appropriate zoning district classification for the property. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Vlassis. Absent: Flagg.**

99-764 90. Resolution for preliminary approval for City loan in amount of \$275,000 to IntelliSuites of Des Moines, L.L.C. for completion of renovation of Saddlery Building, 309 Court Avenue. ([Council Communication No. 99-091](#)). **Moved by Vlassis to approve. Motion Carried 6-1. Absent: Flagg.**

99-765 91. Amendment No. Three to Agreement with EMA Services, Inc. to perform professional services in connection with design services for Change Management System Project at WRA Wastewater Treatment Facilities - \$422,860. ([Council Communication No. 99-098](#)). **Moved by Belken to adopt. Council requests quarterly reports on this project. Motion Carried 6-1. Absent: Flagg.**

99-766 92. Agreement for Professional Services with Carl Walker, Inc. (Carl Walker, Pres., Glendale Heights, IL) to conduct Downtown Parking System Study in an amount not to exceed \$200,000. ([Council Communication No. 99-102](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Flagg. Previous motion to approve failed on a 3 yes, 3 no vote.**

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A G E N D A

BOARD OF HEALTH

March 15, 1999

99-767 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

AUTHORIZING

1. Court authority to abate the public nuisance, authorize the demolition and removal of structures at the following locations:

99-768 (A) 1833 Logan (vacant) Titleholders: Gregory A. and Sheryl L. Wright. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-767 (B) 1443-10th (vacant) Titleholder: West Des Moines State Bank. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-770 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:25 P.M. Motion Carried 6-1. Absent: Flagg.**

