

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 21, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Carl Strong Day
- (b) WOI-FM Day

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

A Showcase of Local Arts--Dan Hunter, Iowa Arts Council,
Iowa Department of Cultural Affairs

INVOCATION: Pastor Tony Thurston

College Avenue Christian Church

99-1854 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-1855 I. Official Welcome of Lieutenant Katsushi Adachi, Community Affairs Division, Fuziyosida Police Station in Yamanashi, Japan, which is near our Sister City of Kofu. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1856 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

***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.**

99-1857 3. APPROVING CONSENT AGENDA - items 3 through 94: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-1858 4. Communication from Legal Department regarding June 21, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "C" Beer Licenses

99-1859 5. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4121 Fleur Drive; Renewal - Expires 6-30-99 (With Sunday Sales) - Application submitted 5-21-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1860 6. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 6200 Southeast 14th Street; Renewal - Expires 6-30-99 (With Sunday Sales) - Application submitted 5-21-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1861 7. Chung Cuvan dba Des Moines Asian Food, 1623 - 6th Avenue; New Application (With Sunday Sales) - Application submitted 5-13-99. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1862 8. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway Store #975, 3000 Southeast 22nd Street; Renewal - Expires 7-7-99 - Application submitted 5-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1863 9. Gurpal Singh dba G's Super Mart, 800 19th Street; Renewal - Expires 6-22-99 (With Sunday Sales) - Application submitted 5-20-99. Recommendation of Vice Control Unit to **DENY**. **Moved by Hensley to deny the license due to lack of good reputation, pursuant to Section 5 of the Des Moines Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 7-0.**

99-1864 (A) Class "B" Wine License for Gurpal Singh dba G's Super Mart, 800 19th Street; Renewal - Expires 6-22-99 - Application submitted 5-20-99. Recommendation of Vice Control Unit to **DENY**. **Moved by Hensley to deny the license due to lack of good reputation, pursuant to Section 5 of the Des Moines Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 7-0.**

99-1865 (B) Informal Hearing on 1999/2000 Cigarette Renewal for Gurpal Singh dba G's Super Mart, 800 19th Street; Recommendation to **DENY**. **Moved by Hensley to deny the license due to lack of good character, pursuant to Section 9-47 of the Des Moines Municipal Code. Motion Carried 7-0.**

99-1866 10. H & A Mini Mart, Corp., Anoop Singh, President dba H & A Mini Mart, 1443 2nd Avenue; Renewal - Expires 7-11-99 (With Sunday Sales) - Application submitted 5-13-99. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1867 11. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Store #4, 4707 Fleur Drive; Renewal - Expires 7-10-99 (With Sunday Sales) - Application submitted 5-14-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1868 12. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Store #5, 1107 Southeast Army Post Road; Renewal - Expires 7-10-99 (With Sunday Sales) - Application submitted 5-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1869 13. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #534, 2945 East University; Renewal - Expires 7-14-99 (With Sunday Sales) - Application submitted 5-10-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1870 14. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #554, 141 Southwest 63rd Street; Renewal - Expires 7-18-99 (With Sunday Sales) - Application submitted 5-10-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1871 15. Hilda I. Bartlett dba Southside Tobacco, Inc., 2432 Southwest 9th Street; New Application submitted 3-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1872 16. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet #519, 3144 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 5-28-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-1873 17. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4121 Fleur Drive; Renewal - Expires 6-30-99 - Application submitted 5-21-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1874 18. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 6200 Southeast 14th Street; Renewal - Expires 6-30-99 - Application submitted 5-21-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1875 19. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway Store #975, 3000 Southeast 22nd Street; Renewal - Expires 7-7-99 - Application submitted 5-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1876 20. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Store #4, 4707 Fleur Drive; Renewal - Expires 7-10-99 - Application submitted 5-14-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1877 21. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Store #5, 1107 Southeast Army Post Road; Renewal - Expires 7-10-99 - Application submitted 5-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1878 22. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #534, 2945 East University; Renewal - Expires 7-14-99 - Application submitted 5-10-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1879 23. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #554; Renewal - Expires 7-18-99 - Application submitted 5-10-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

99-1880 24. Celebrations, Inc., Tim Annett, President dba Celebrations, 6221 Army Post Road; Renewal - Expires 6-25-99 - Application submitted 6-8-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-1881 25. Creative Host Services, Inc., Sayed Aly, President dba Creative Croissants, 5800 Fleur Drive; Renewal - Expires 6-30-99 (With Sunday Sales) - Application submitted 5-28-99. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1882 26. Gen Corp., Larry Smithson, President dba Generations, 319 Court Avenue; Renewal - Expires 7-8-99 (With Sunday Sales and Outdoor Service) - Application submitted 5-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1883 27. Kelly J. Manning dba Kelly's, 3606 Beaver; Renewal - Expires 7-2-99 (With Sunday Sales) - Application submitted 5-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1884 28. Racing Corner, Inc., James A. Kirk, President dba Racing Corner, 2956 East Grand; Renewal - Expires 7-5-99 (With Sunday Sales) - Application submitted 5-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1885 29. Polk County Iowa, Thomas Baker, Chairman of Board of Supervisors dba Veterans Memorial Auditorium, 833 - 5th Street; Renewal - Expires 6-30-99 (With Sunday Sales and Outdoor Service) - Application submitted 5-28-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

99-1886 30. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

Outdoor Services

99-1887 31. Approving exception regarding length of time request from Thomas Osborn dba Raccoon River Brewing Company to close Mulberry 10th to 11th and 10th N. of Mulberry for Street Party for Iowa Barnstormers from 6:00 P.M. (Friday) to 1:00 A.M. (Saturday). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1888 (A) Thomas H. Osborn dba Raccoon River Brewing Company, 200 - 10th Street requesting permission for temporary outdoor service for special event (Iowa Barnstormers) on July 2 and 3, 1999 from 6:00 P.M. (Friday) to 1:00 A.M. (Saturday). Application submitted 6-1-99. Subject to submission of acceptable electrical and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1889 32. Chris Klocke dba Court Avenue Brewing Company, 309 Court Avenue requesting permission for temporary outdoor service in adjacent parking lot for special event (Concert) on July 17, 1999 - Application submitted 6-15-99. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1890 33. Permanent Outdoor Service for DTMC, Dan Mauro, President dba The Big Kahuna, 208 Court Avenue. Application submitted 6-16-99. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

Transfers

99-1891 34. Approving request from Lisa La Valle dba The Des Moines Art Center, 4700 Grand to transfer Class "C" Liquor License No. LC-25760 to 6th and Center Street, Park and Ride on June 24, 1999 for special event to kick off the Des Moines Arts Festival. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1892 (A) Request of Lisa La Valle dba The Des Moines Art Center, requesting free parking in the Center Street Park and Ride Facility and approval to serve alcohol on June 24, 1999 for special event to kick off the Des Moines Arts Festival. ([Council Communication No. 99-281](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-1893 35. Approving Change Order No. 2 with Bergstrom Construction, Inc. for additional work in conjunction with the EMC Renovations and Car Wash Contract - \$27,485. ([Council Communication No. 99-275](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1894 36. Approving Change Order No. 3 with Munro Construction Co. for additional work in conjunction with the Fire Station No. 10 Contract - \$16,862. ([Council Communication No. 99-276](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1895 37. Approving Change Order No. 3 with Bergstrom Construction for additional work in conjunction with the Police Station Remodeling 1998-1999 Contract - \$27,027. ([Council Communication No. 99-277](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

38. Resolution Ordering Construction of the following:

99-1896 (A) Elm Street Sanitary Sewer Relining - 5th Street to 9th Street, Receiving of Bids, (7-6-99), and Setting Date of Hearing, (7-12-99), (Construction Estimate - \$646,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1897 (B) Martin Luther King, Jr., Parkway At Hickman Road Traffic Signal Improvements, Receiving of Bids, (7-6-99), and Setting Date of Hearing, (7-12-99), (Construction Estimate - \$110,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1898 39. Approving contract and bond for the North and South Side Libraries Exterior Repairs, (Brocon Services, Chris Brault, Owner, Urbandale). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1899 40. Approving contract and bond, and permission to sublet, for the 1998 Sanitary Sewer Relining, Contract No. 1 (Visu-Sewer Clean & Seal, Inc., Ernest L. Alexander, President, Pewaukee, WI). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1900 41. Communications from Corell Contractors, Inc. and Eco-Tech Contractors requesting permission to sublet on E. 14th Street and Guthrie Avenue Intersection Improvements and Cemetery Storm Sewers Rehabilitation public improvement projects. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1901 42. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners and Paving or Curb Replacement Program, waivers signed by two property owners at 744-35th and 4041 Plainview Drive. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1902 43. Approving partial payments on twelve (12) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1903 44. Authorizing distribution of Chapter 573, Code of Iowa Claim for labor and/or materials by Aggregate Equipment and Supply against Rock and Waterscape Systems, Inc. (Principal Contractor) for Blank Park Zoo Cats Exhibit Rock Enhancement. **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-1904 45. Approving Deficiency Assessment Schedule No. 1999-42 and levying deficit balance on Certificate No. 19-00217 for property located at 1800 Guthrie Avenue - \$2,709. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-1905 46. Amendment No. 2 to the Professional Services Agreement with Iowa Air National Guard, for the Relocation of portions of SW 34th Street and McKinley Avenue, to acquire additional right-of-way. [\(Council Communication No. 99-291\)](#). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: McPherson. Pass: Flagg.**

99-1906 47. Amendment to the Iowa Emergency Management Division Hazard Mitigation Project, to include 9 additional residential properties--additional grant funding available. ([Council Communication No. 99-294](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1907 48. Establishing Fair Market Values, Offers to Purchase Real Estate and Acceptances in conjunction with the 1998 FEMA Flood Hazard Mitigation Program, from Joseph R. and Loretta V. Martin, 4306 Allison Avenue, \$131,259, and Janice Dudley, 4301 Franklin Avenue, \$92,670. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1908 49. Establish Fair Market Value, and Offer to Purchase Real Estate to replace existing Wetlands located at the Euclid Avenue Detention Basin - \$186,780. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-1909 50. Right-of-Entry with Richard D. Heiken and Kathleen G. Heiken for 3400 Army Post Road, \$250,000 to be credited against Compensation Commission award. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1910 51. Partial Release of Skywalk Easement - 204 Third Street, (Saddlery Building). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1911 52. Permanent Construction, Maintenance and Access Easement for Storm Water Monitoring and Future Title Work Compensation in conjunction with Airport Storm Water Control Improvements, from Pand Corporation, 5415 Fleur Drive - \$15,350. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1912 53. Permanent Easement for Storm Sewer Right-of-Way, Temporary Easement for Property Adjustment and Future Title Work Compensation in conjunction with Clinton Avenue Paving from Susan E. Coverdell, 3216 E. Clinton Avenue, \$125, and Marjorie L. Lankford, 3216 E. Euclid Avenue, \$1,207. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1913 54. Approving Noise and Avigation Easements for nine properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-1914 55. Acceptance of immediate resignation of Mark E. Bates, Ph.D, from the Des Moines Enterprise Community Steering Committee. **Moved by McPherson to receive, file and accept with regret. Motion Carried 7-0.**

99-1915 (A) Approval of Don "D.C." Bland, II, NationsBank, Mid-City Business Association, Business Representative, to the Des Moines Enterprise Community Steering Committee. **Moved by McPherson to receive, file, and approve. Motion Carried 7-0.**

99-1916 56. Reappointment recommendation of Council Member Archie Brooks, Ward IV, of Robert King, Sr., to the Neighborhood Revitalization Board for a three-year term to expire June 30, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1917 57. Reappointment recommendation of Council Member Archie Brooks of Jack Porter to the Historic District Commission for a three-year term to expire October 18, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1918 58. Reappointment recommendation of Council Member Archie Brooks, Ward IV, of Scott Saylor to the City Plan Commission for a five-year term to expire July 5, 2004. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1919 59. Reappointment recommendation of Council Member Archie Brooks of Trudy Mayo to the Greater Des Moines International Sister City Commission for a five-year term to expire April 28, 2004. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1920 60. Reappointment recommendation of Council Member Chris Hensley, Ward III, of Sam Kalainov to the Des Moines International Airport Board for a four-year term to expire June 30, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1921 61. Appointment recommendation of Council Member Chris Hensley for appointment of Gary Edgington to the Electrical Board of Examiners for a two-year term to expire April 2, 2001. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1922 62. Communication from Henry Tucker submitting his resignation from the Board of Library Trustees, effective immediately. **Moved by McPherson to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSINGS

99-1923 63. Approving closure of the following City streets. **Moved by McPherson to adopt. Motion Carried 7-0.**

(1) Cheryl Waters Costlow, 1226 48th Street, requesting permission to close Carpenter from 47th Street to 48th Street on Saturday, June 26, 1999, from 5:00 to 9:00 P.M. for a neighborhood block party.

(2) Beverly West, 2505 33rd Street, requesting permission to close 33rd Street from Hickman Road to Sheridan on Saturday, July 3, 1999, from 9:45 A.M. to 12:00 Noon for a neighborhood block party.

(3) Marie Calderon, 1246 11th Street, requesting permission to close Carpenter from 11th Street to 12th Street on Sunday, July 4, 1999, from 12:00 Noon to 6:00 P.M. for a neighborhood block party.

(4) Tracey DeCastro, 4216 Holland Drive, requesting permission to close Holland Drive from Raymond to Maryland Pike on Sunday, July 4, 1999, from 1:00 to 7:00 P.M. for a neighborhood block party.

(5) Mike Tilley, representing Electrical Engineering and Equipment Company, 1201 Walnut Street, requesting permission to close Walnut from 12th Street to 13th Street on Friday, July 9, 1999, from 10:00 A.M. to 2:00 P.M. for a customer appreciation block party.

(6) Beth Schulte, 2916 46th Street, requesting permission to close 46th Street from Urbandale Avenue to New York on Saturday, July 10, 1999, from 4:00 to 10:00 P.M. for a neighborhood block party.

(7) Janet Cooper, 1532 45th Street, requesting permission to close 45th Street from 1521 45th Street to 1429 45th Street on Saturday, July 31, 1999, from 4:00 to 9:00 P.M. for a neighborhood block party.

(8) JoAnn Meyer, 3215 5th, requesting permission to close 5th Street from Denver to Beckwith Avenue on Saturday, July 31, 1999, from 3:00 to 9:00 P.M. for a neighborhood block party.

(9) Elsa Conner, representing Generations Incorporated, 944 18th Street, requesting permission to close Olive Street from 18th Street to 19th Street and 18th Street from Olive Street to School Street on Saturday, September 11, 1999 from 12:00 Noon until 5:00 P.M. for a neighborhood block party.

(10) Jack Carey, representing Des Moines Parks & Recreation, 3226 University, requesting to close Locust and north two lanes of Walnut Bridge, Walnut from E. 1st to W. 2nd, one travel lane and parking north side of E. 1st to Library/YMCA entrance on Locust on Thursday, July 8, 1999 from 7:00 to 10:30 PM to accommodate overflow crowd from the Maynard Ferguson amphitheater concert.

SETTING DATE OF HEARINGS

99-1924 64. On First Amendment to the Sale, Lease and Subcontractor Agreement between Signature Flight Support Corp., Des Moines Flying Service, Inc., and Gregory Aviation Company, to allow Des Moines Flying Service to conduct flight training and aircraft rental service to the public, (6-28-99).([Council Communication No. 99-290](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

WITHDRAWN99-1925 65. Approving payment of \$13,390 to firm of Ahlers, Cooney, Dorweiler, Haynie, Smith and Allbee as bond counsel for City for professional services for various public improvement projects.

99-1926 66. Approving payment of \$1,012.51 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS (continued)

99-1927 67. Approving payment of \$618.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation of Airport Board in conjunction with environmental law expertise in land lease agreements for consolidated aircraft fuel storage facility and proposed United Parcel Service sort and distribution center. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1928 68. Approving payment of \$4,140 to Petosa, Petosa, Boecker & Nervig for representation of the Airport Board in conjunction with real estate acquisition and leasing matters, and other legal services as directed. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1929 69. Approving payment of \$1,153.32 to Bradshaw, Fowler, Proctor & Fairgrave for representation of the Airport Board in conjunction with review of the draft National Pollution Discharge Elimination System Permit and assist in negotiations with IDNR. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1930 70. Approving payment of \$959.50 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 McPherson to adopt. Motion Carried 7-0.**

99-1931 71. Approving payment of \$1,036.69 to Thomas H. Burke of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al. 4-97-CV-10605. **Moved by McPherson to approve payment. Motion Carried 7-0.**

99-1932 72. Approving payment of \$9,550.50 to Terry L. Welborn for payment of workers' compensation benefits for an injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-1933 73. Submitting out-of-state travel requests for Ron Wakeham, James Kale, and William Foster. ([Council Communication No. 99-270](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1934 74. Submitting traffic regulation changes for the following ([Council Communication No. 99-282](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--North Side of Filmore Street West of East 9th Street.

- (2) Code Revision for Traffic Signals--SE 14th Street at the Southridge Mall South Exit.
- (3) Two-Sided Parking Restriction--24th Street from Olive Street to the Dead End at I-235.
- (4) Parking Restriction Modification--West Side of 9th Street in the Morning and the South Side of High Street in the Afternoon.
- (5) Corner Clearance Parking Restriction--West Side of 50th Street South of Urbandale Avenue.
- (6) Extension of Two-Sided Parking Restriction--North Side of Wakonda View Drive West of Fleur Drive
- (7) Convert Center Street from One-Way to Two-Way Traffic Between 2nd Avenue and 3rd Street.
- (8) One-Sided Parking Restriction--North Side of Twana Drive between 51st Street and 54th Street.
- (9) Mid-Block Crosswalk and Angle Parking--East 1st Street between Locust Street and Grand Avenue.
- (10) Add Parking Meter Rate Increases to Section on Special Parking Permit Issuance.
- (11) Corner Clearance Parking Restriction--South Side of East Kirkwood Avenue East of South Union Street.

APPROVING

99-1935 75. Amendment One to the 1999 HUD Consolidated Plan reallocating CDBG funding to implement each of the Neighborhood Conservation Services (NCS) work programs. ([Council Communication No. 99-284](#)). **Moved by Hensley to defer action to June 28, to allow staff to set up a meeting with Polk County. Motion Carried 7-0.**

99-1936 76. Emergency Shelter Grants (ESG) Program Contract with the Iowa Department of Economic Development for the amount of \$658,250 for the period of July 1, 1999 to June 30, 2000. ([Council Communication No. 99-283](#)). **Moved by Coleman to adopt, receive and file comments regarding the need for the County and Suburbs to be part of this type of programming. Motion Carried 6-1. Nays: Flagg.**

99-1937 77. Intergovernmental 28E Agreement with Signwriter Designs, Inc., to design and construct the James W. Cownie Soccer Park Entrance Sign - \$26,500. ([Council Communication No. 99-287](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN99-1938 78. Intergovernmental 28E Agreement with Polk County, YMCA of Greater Des Moines, Greater Des Moines Baseball Club, Inc., Iowa Pro Football, L.P. and Des Moines Asphalt and Paving Company for improvements and shared use of the Brian Melton Field - \$100,000. ([Council Communication No. 99-286](#))

99-1939 79. Mutual Aid Agreement with the 132nd Fighter Wing IANG for Reciprocal Aircraft Rescue/Fire Fighting Protection at the Airport. ([Council Communication No. 99-297](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1940 80. Amendment No. 1 to the Agreement with United Way of Central Iowa, for program to provide affordable single family owner-occupied housing in the Capitolview South Neighborhood. ([Council Communication No. 99-292](#)). **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Coleman declares a conflict of interest, and abstains from voting.**

81. Documents relating to Community Economic Betterment Account (CEBA) Award in the Guthrie Avenue Business Park:

99-1941 (A) CEBA Award of \$460,000 to John Willemsen Corp., D.B.A. Battery Patrol, 1901 E. University. ([Council Communication No. 99-278](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1942 (B) Offer to Purchase Real Estate and Acceptance for vacant land from Rinehart Construction, \$65,425, and Richard R. and Margaret E. Rinehart, \$6,875. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1943 (C) Offer to Purchase Real Estate and Acceptance from Malcomb L. and Cornelia Guinn, 1708 Stewart Street - \$22,600. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1944 (D) Offer to Purchase Real Estate and Acceptance for vacant land from Fielding D. and Nancy R. Draffen, 1721 E. 17th Street - \$102,625. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1945 82. Annual Renewal of insurance with Jester Insurance Services, Inc., covering the insured portion of the City's Self-Insurance Program. ([Council Communication No. 99-295](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

99-1946 83. Issuance of Request for Proposals (RFP) to provide investment and administration services for a 401(a) Defined Contribution Pension Plan for SPM employees. ([Council Communication No. 99-273](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

84. Actions regarding Fleet Maintenance Contract with Baker Support Services, Inc:

99-1947 (A) Performance Report for Fiscal Year '99 and recommending continuation of contract. ([Council Communication No. 99-288](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1948 (B) Increase in approved Target Budget for Fiscal Year 2000 for fleet management and maintenance contract of 2.9 percent (\$3,406,802.30). **Moved by Hensley to adopt. Motion Carried 7-0.**

85. Bids for the following:

99-1949 (A) Vermeer Sales and Service, (Pella, Rick Boat, President) for two Brush Chippers and one Stump Cutter to be used by the Public Works Department, (Forestry), \$47,388. (Fifteen bids mailed-three received). ([Council Communication No. 99-293](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1950 (B) Champion Crane Service, Inc., (1136 NE 44th Avenue, Sid, Six, President) for an annual contract with two additional twelve (12) month renewal options for rental of various size cranes to be used by the Reclamation Facility and other city locations, \$15,000. (Four bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1951 (C) ABC Electric Inc., (10520 Hickman Road, Dave Ward, President) for installation of nine (9) variable frequency drives to be used by the Wastewater Reclamation Facility, \$13,221. (Eight bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1952 (D) Carpet Max, Inc., (Urbandale, Kevin Cooper, Manager) for an annual contract with two additional twelve (12) month renewal options for carpet and installation in city buildings to be used by the Park and Recreation Department, \$17.95 per square yard. (Six bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1953 (E) Star Equipment Ltd., (1401 - 2nd Avenue, Max G. Bowman, President) for a heavy duty trailer to be used by the Park and Recreation Department, \$10,762.87. (Ten bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1954 (F) History Pays!, (215 Northwest Drive, James E. Jacobsen, President) for consulting services for development of National Register of Historic Places Nominations to be used by the Community Development Department, \$30,000. (Fourteen bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1955 86. Report of Civil Service Commission submitting Entrance Lists for Application Support Technician and Senior Public Safety Dispatcher. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-1956 87. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1957 88. Authorizing Finance Director to draw checks on registers of June 21, 1999, and the bills of the Des Moines Municipal Housing Agency for the week beginning June 25, 1999 and

the biweekly payroll due employees on June 18, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

99-1958 89. Amending Chapter 2 of the Municipal Code regarding salary of the Mayor (\$26,081.90) and Council Members (\$18,348.20). **Moved by Brooks that this ordinance be considered and given second vote for passage, as amended. Motion Carried 6-1. Nays: Hensley.**

99-1959 (A) Request from Council Member Archie Brooks, to discuss alternate version of the ordinance. **Moved by Brooks to receive and file. Motion Carried 6-1. Nays: Hensley.**

99-1960 90. Amending Chapter 19 of the Municipal Code regarding operation of Limousines in Des Moines, as amended to add reference to trip rates, 24-hour notice, including the wording "an individual" regarding ability to contract with a limousine company. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-1-1. Nays: McPherson. Absent: Vlassis. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-1961 91. On rezoning of property in the 6900 block of Indianola Avenue from "R-5" (Mobile Home Residential) to "R-2A" (General Residential), and "R1-80" (Single-Family Residential). **Moved by Brooks that this ordinance be considered and given second vote for passage, and direct staff to delay final consideration to July 26, 1999. Motion Carried 7-0. Previous motion on this item failed; it was then reconsidered and approved.**

WITHDRAWN99-1962 (A) Final consideration of ordinance above, (waiver requested by Council Member Brooks), requires 6 votes.

99-1963 92. On rezoning of property at 2600 Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-1964 93. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) Stop Signs at SE 4th Street and Columbus Avenue.
- (2) Stop Signs at Madison Ave. at Lynner Dr. and Dosh Rd.
- (3) Stop Signs at 40th Street and Shawnee Avenue.
- (4) Stop Signs at 40th Street and Bel-Aire Road and 38th Street and Lindlavista Way.

(5) Petition for Two-Sided Parking Restriction at SE 3rd Street from McKinley Avenue to Emma Avenue.

(6) Deletion of Handicapped Parking Ordinance Due to Recent Realignment for North Side of Indianola Avenue East of SW 1st Street to South Union Street.

(7) Corner Clearance for West Side of East 24th Court South of East Aurora Avenue.

(8) Corner Clearance for West Side of Williams Street South of East Douglas.

(9) Corner Clearance for Vicinity of 303 New York Ave.

99-1965 93-I Amending Chapter 7 of the Municipal Code, to add Pygmy goats to the list of animals permitted as pets. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Vlassis.**

99-1966 94. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-South Side of Lincoln Avenue West of 31st Street.

(2) Extension of No Parking Restriction-East Side of East 16th Street North of University Avenue.

(3) No Parking Restriction-West Side of Maine Street South of Washington Avenue.

(4) Stop Signs-13th Street and Chautauqua Parkway.

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

****Council considered Item 98 next****

ORDINANCES - FIRST CONSIDERATION

99-1967 95. Amending Chapter 17 of the Municipal Code regarding removal of abandoned property from public right-of-way. [\(Council Communication No. 99-280\)](#). **Moved by Vlassis that this ordinance be considered and give first vote for passage. Motion Carried 7-0.**

99-1968 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which**

it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,718](#). Motion Carried 7-0.

99-1969 96. Amending Chapter 2 of the Municipal Code regarding Public Housing Board members length of term and to allow staggered terms. [\(Council Communication No. 99-279\)](#). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

99-1970 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes, (Board appointments will be on the 6-28-99 agenda). **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, [#13,719](#). Motion Carried 6-1. Absent: Coleman.**

99-1971 97. Amending Chapter 27 of the Municipal Code regarding the traffic regulation changes for the following. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

- (1) Removal of Saturday Parking Restrictions in the Downtown Area.
- (2) Through-Street Designations in New Residential Subdivisions.
- (3) Corner Clearance Parking Restriction--West Side of East 25th Street north and south of Walnut Street.
- (4) Extend Existing Parking Restriction-South Side of Davis Street East of SW 9th Street.

COUNCIL REQUESTS

99-1972 98. From Council Member McPherson to allow Ken Little, 1621 E. 27th St., to speak regarding drainage in alley in vicinity of his property. **Moved by McPherson to receive, file and grant the request to speak; refer to City Manager for review and any other form of assistance, as appropriate. Motion Carried 7-0.**

99-1973 99. Addendum to Compensation Commission Proposal recommending establishment of a permanent elected Official's Compensation Commission, (deferred from 5-17-99). **Moved by Brooks to receive and file. Motion Carried 7-0.**

99-1974 99-I Oral request of Council Member Tom Vlassis to discuss speeding in the City of Des Moines. **Moved by Vlassis to receive, file and refer to City Manager and Legal for review and response; also to Legislative Sub-Committee to address any need for change in State Law. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATIONS/REPORTS

99-1975 100. Communication from William Dikis regarding a proactive approach to municipal protection of significant views of the Iowa State Capitol. **Moved by McPherson to receive, file and refer to City Plan and Zoning Commission. Motion Carried 5-2. Absent: Daniels and Vlassis.**

WITHDRAWN99-1976 101. Request of Chuck Ligouri to speak on behalf of homes in the 1000 block of 42nd Street regarding collapsed sewer and related street problems.

99-1977 102. Petitions submitted by area residents requesting study and recommendations regarding their request for a four-way stop at 19th and Pleasant Streets. **Moved by Hensley to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation, at the earliest possible date. Motion Carried 7-0.**

99-1978 103. From Fred Spuzello, 3612 Second Avenue, to speak regarding a public housing unit that has been vacant for over one year. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-1979 104. From Cindy Minor, Fairground Neighbors for Community Improvement, requesting to speak regarding Temporary Vendor Permits granted near the Grand Entrance at the Iowa State Fair. **Moved by Brooks to receive, file and grant the request to speak; refer to City Manager and Legal regarding enforcement of 25' setbacks; also report on our ability to ban these vendors. Motion Carried 7-0.**

****Council considered Item 109 through end of agenda next****

INFORMAL HEARINGS (Opened at 6:36 P.M.) (Items II thru II-A)

WITHDRAWN99-1980 II. Resolution of the City Council in opposition to the Proposed Amendments to the State Constitution to be voted on 6-29-99.

99-1981 II-A Alternative from Council Member Vlassis -- suggested changes to the proposed constitutional amendment resolution of opposition. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

HEARINGS (Opened at 7:05 P.M.) (Items 105 thru 108)

105. On General Obligations Bonds for the following, [\(Council Communication No. 99-289\)](#):

99-1982 (A) General Corporate Purpose - Municipal Buildings, Blank Park Zoo, Sec Taylor, and other Park facilities, \$961,046. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-1983 (1) Authorizing additional actions. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-1984 (B) General Corporate Purposes - Fire Stations, Library Improvements and various buildings and facilities, \$783,022. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-1985 (1) Authorizing additional actions. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-1986 (C) Essential Corporate Purpose - Gateway East and West Projects/Urban Renewal Capitol-Center and Riverpoint, \$3,151,750. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

99-1987 (1) Authorizing additional actions. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

99-1988 (D) Directing Sale of \$17,100,000 General Obligation Bonds, Series 1999A - (Bond Sale 11:00 AM 6-21-99). ([Council Communication No. 99-300](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1989 (E) Directing Sale of \$6,300,000 General Obligation Bonds, Taxable Series 1999B. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1990 (F) Issuance of \$17,100,000 General Obligation Bonds, Series 1999A, and levying tax to pay. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1991 (G) Issuance of \$6,300,000 General Obligation Bonds, Taxable Series 1999B, and levying a tax to pay. **Moved by Brooks to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1992 106. On City Plan Commission recommended DENIAL of application from Joanne Stevens and Sandra K. Jordan, for approval of the proposed "Blue Ridge R-5 Preliminary Plan" for approx 40 acres in the vicinity of 6900 block of Indianola Avenue, (200 mobile home lots and a 200 foot setback from Indianola). **Moved by McPherson to adopt denial. Motion Carried 6-1. Nays: Flagg.**

99-1993 107. On proposed lease of property at 944 18th Street, from Generations, Inc., \$1284/month, for Woodland Wilkie Site Office. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1994 108. On Elm Street Sanitary Sewer Cleaning & Televising: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hydro-Klean, Inc. (Andrew W. Mercial, President, Ankeny), \$166,100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1995 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 7:38 P.M. * *

****Council considered Item 95 through 104 next****

APPROVING

109. Items regarding the development of the 2000 HUD Consolidated Plan:

99-1996 (A) Approving Five-Year Strategy/One-Year Action Plan. [\(Council Communication No. 99-285\)](#). **Moved by Hensley to adopt. Staff to continue to explore other options with respect to funding for demolition. Motion Carried 6-1. Pass: Flagg.**

99-1997 (B) Communication from Bob King, Chair, Neighborhood Revitalization Board (NRB) recommending approval of the Five Year Strategy/One Year Action Plan. **Moved by Hensley to receive and file. Motion Carried 6-1. Pass: Flagg.**

99-1998 110. (A) The 1999 Neighborhood Redevelopment Work Program in amount of \$1,155,500 of CDBG funding for period of June 1, 1999 to December 21, 2000, to provide program flexibility and capacity to respond to developer proposals. [\(Council Communication No. 99-298\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1999 (B) Agreement for Consulting Services with National Trust for Historic Preservation to develop redevelopment strategy for the City-owned properties located at the northwest corner of Sixth Avenue and College Avenue, as a part of the 1999 Neighborhood Redevelopment Program Project - \$23,600. [\(Council Communication No. 99-299\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

99-2000 111. Addendum No. 1 to the Urban Standard Specifications for Public Improvements, 1998 Edition. [\(Council Communication No. 99-274\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

112. Submission of application to State of Iowa for Enterprise Zone Certification and providing partial exemption from property taxation for value added by improvements made to real property, for the following: [\(Council Communication No. 99-271\)](#).

99-2001 (A) Amended Des Moines Agribusiness Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2002 (B) Proposed Gateway Enterprise Zone. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2003 113. Recommendation of application from C & C Distribution Services Inc. for Enterprise Zone Benefits and authorizing Enterprise Zone Property Tax Exemption for project in Des Moines Agribusiness Enterprise Zone to Des Moines Enterprise Zone Commission. [\(Council Communication No. 99-296\)](#). **Moved by Brooks to approve. Motion Carried 7-0.**

99-2004 114. Establishing Good Neighbor Task Force, to negotiate Good Neighbor Agreements with developers of projects in the Des Moines Agribusiness Enterprise Zone. [\(Council Communication No. 99-272\)](#). **Moved by Vlassis to approve. Motion Carried 7-0.**

* * * * *

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.

99-2005 1. Approving recommendation of Mayor Daniels, for appointments to the Central Iowa Employment and Training Consortium (CIETC), Primary Representative--Archie Brooks, Alternate Representative--Tom Vlassis. SPONSOR: Mayor Daniels. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2006 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:55 P.M. Motion Carried 7-0.**