

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**September 13, 1999 4:30 P.M.**

**INVOCATION:** Pastor Tony Thurston, College Avenue Christian Church

99-2718 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-2719 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2720 3. APPROVING CONSENT AGENDA - items 3 through 103: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

99-2721 4. Communication from Legal Department regarding September 13, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-2722 5. Fall Foods, Inc., Peter M. Harding, President dba Godfather's Pizza, 4119 University; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 8-5-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2723 6. Fall Foods, Inc., Peter M. Harding, President dba Godfather's Pizza, 3022 Southeast 14th Street; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 8-5-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-2724 7. NorStores, Inc., David V. Nordstrom, President dba Merle Hay HandiMart, 4151 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 8-17-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2725 8. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #532, 3151 Southeast 14th Street; Renewal - Expires 9-25-99 (With Sunday Sales) - Application submitted 7-19-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-2726 9. WGK Investments, L.L.C., Michael J. King, Manager dba Cigar Source, 3305 Ingersoll; Renewal - Expires 9-14-99 - Application submitted 8-24-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2727 10. NorStores, Inc., David V. Nordstrom, President dba Merle Hay HandiMart, 4151 Merle Hay Road; New Application submitted 8-17-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2728 11. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #532, 3151 Southeast 14th Street; Renewal - Expires 9-25-99 - Application submitted 7-19-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Beer-Wine Licenses

99-2729 12. New India Star, Inc., Jarnail S. Girn, President dba India Star, 3620 Beaver Avenue; New Application (With Sunday Sales) - Application submitted 7-29-99. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2730 13. BenBoe LTD, Tim Holmes, President dba Reed B & B Cafe, 3422 Beaver Avenue; New 5 day Application (With Sunday Sales and Outdoor Service) for event on September 17 and 18, 1999 (Beaverdale Fall Festival) - Application submitted 8-26-99. Subject to submission of acceptable building inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "B" Liquor Licenses

99-2731 14. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites, Des Moines, 101 East Locust; Renewal - Expires 9-26-99 (With Sunday Sales and Outdoor Service) - Application submitted 8-26-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

99-2732 15. Chi-Chi's, Inc., Roger K. Chamness, President dba Chi-Chi's, 1201 East Army Post Road; Renewal - Expires 9-17-99 (With Sunday Sales) - Application submitted 8-5-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2733 16. Sodexo Marriott Management, Inc., Michael Landel, President dba Drake University, Rathskeller/Olmstead Upper Level, Drake Lounge, Sports & Rec ct/Mainstay, 29th & Carpenter; New Application (With Sunday Sales and Outdoor Service) - Application submitted 8-12-99. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

**WITHDRAWN** 99-2734 17. Juan J. Guardiola dba El Ganadero, 3211 Indianola Road; Renewal - Expires 9-22-99 (With Sunday Sales) - Application submitted 8-24-99.

99-2735 18. Des Moines Chapter of Izaak Walton League, Phil Gustafson, President dba Izaak Walton League, 4343 Valley Drive; Renewal - Expires 9-28-99 (With Sunday Sales and Outdoor Service) - Application submitted 8-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2736 19. Olson Recreation, Inc., Donald O. Olsen, President dba Merle Hay Lanes, 3800 Merle Hay Road; Renewal - Expires 9-28-99 (With Sunday Sales) - Application submitted 8-26-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2737 20. Zimm's, L.C.C., Douglas g. Zimmerman, President dba Zimm's, 3124 Ingersoll; Renewal - Expires 10-18-99 (With Sunday Sales and Outdoor Service) - Application submitted 8-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "E" Liquor Store Licenses

99-2738 21. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #532, 3151 Southeast 14th Street; Renewal - Expires 9-25-99 - Application submitted 7-19-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Outdoor Service

99-2739 22. Temporary Outdoor Service for BenBoe Ltd, Tim Holmes, President dba Reed's B & B Cafe, 2712 Beaver, on September 18, 1999 from 9:00 A.M. to 6:00 P.M. for the Beavertdale Fest. Application submitted 8-26-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Authorizing

99-2740 23. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Refunds

99-2741 24. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Change of Name

99-2742 25. Communication from Albertson's, Inc., Becky Leffler, Licensing/Tax Associate dba Super One Foods, 100 Army Post Road and 3400 East 33rd Street to change dba name to Albertson's. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **PUBLIC IMPROVEMENTS**

99-2743 26. Approving Authorization to proceed on 1999-2000 Park and Recreation Capital Improvement Program projects and Municipal Building projects. ([Council Communication No. 99-403](#)) **Moved by McPherson to adopt. City Manager and Traffic Division to study intersection of Recreation Trail at Valley Drive. Motion Carried 7-0.**

99-2744 27. Authorizing City Manager to proceed to develop Conceptual Plan for Southern Seventh Ward Ditch Improvements-Easton Boulevard Detention Basin. ([Council Communication No. 99-407](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2745 28. Professional Services Supplemental Agreement No. 2 with Earth Tech, Inc., formerly Rust Environment & Infrastructure, Inc., Joe A. Becker, Vice President, for construction phase services in conjunction with the SW. 7th Street Paving at Martin Luther King, Jr. Parkway, for compensation not to exceed \$26,600. ([Council Communication No. 99-391](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2746 29. Approving Agreement with Iowa Department of Transportation (DOT) for Arterial Traffic Safety Improvement Funding. ([Council Communication No. 99-392](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2747 30. Memorandum of Understanding with Iowa Department of Transportation for up to \$11,000,000 in assistance for Martin Luther King Jr., Parkway, North/South Segment from Center Street to Fleur Drive. ([Council Communication No. 99-405](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Coleman and Flagg.**

99-2748 31. Approving Agreement with Department of the Army for the Des Moines and Raccoon Rivers Feasibility Study. ([Council Communication No. 99-404](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2749 32. Approving First Addendum to Amended and Substituted Memorandum of Understanding and Intergovernmental 28E Agreement for Community Sponsored Automated Flood Warning System. ([Council Communication No. 99-395](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

**WITHDRAWN** 99-2750 33. Approving Agreement Amendment No. 1 with professional engineering firm of Black & Veatch, a limited liability partnership (P.J. Adam, CEO, Kansas City, MO) to perform additional engineering services to design of WRA Grit Handling Facilities - \$393,054. ([Council Communication No. 99-409](#))

99-2751 34. Resolution to REJECT all bids on the Closes Creek--27th Street to 28th Street & Forest Avenue Storm Sewer Improvements, (3 bids received-all over estimate). **Moved by McPherson to adopt. Motion Carried 7-0.**

35. Basketball and Tennis Courts Rehabilitation - Various Locations:

99-2752 (A) Waiving minor bid irregularities, and designating lowest responsible bidder as A-1 Trans and Tennis Inc., (Lance Laurent, President, Omaha NE,) \$19,417. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2753 (B) Approving Contract and Bond. **Moved by Coleman to adopt. Motion Carried 7-0.**

36. Approving Change Orders for the following:

99-2754 (A) No. 9 with Eco-Tech Contractors, Inc., for additional work in conjunction with E. University and Williams Intersection Improvements contract in an amount not to exceed

\$10,686.67. ([Council Communication No. 99-399](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2755 (B) No. 1 with Des Moines Asphalt and Paving Company for additional work in conjunction with the 1999 Pavement Milling & Resurfacing contract in an amount not to exceed \$54,964. ([Council Communication No. 99-411](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2756 (C) No. 2 with M. Peterson Construction Company for additional work in conjunction with 6th Avenue and SW 7th Street Paving contract in an amount not to exceed \$37,967.10. ([Council Communication No. 99-398](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

37. Resolution Ordering Construction of the following:

99-2757 (A) Court Avenue Streetlight Pole Painting, Receiving of Bids, (9-21-99), and Setting Date of Hearing, (9-27-99), (Construction Estimate - \$15,640). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2758 (B) 42nd Street Sanitary Sewer Repair, Receiving of Bids, (9-21-99), and Setting Date of Hearing, (9-27-99), (Construction Estimate - \$35,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2759 (C) Flood Hazard Mitigation Buyout Program, Demolition and Asbestos Abatement Contract No. 1, Receiving of Bids, (9-28-99), and Setting Date of Hearing, (10-4-99), (Construction Estimate - \$86,550). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2760 (D) Martin Luther King, Jr., Parkway Demolition, Contract 7, N/S Segment, Receiving of Bids, (9-28-99), and Setting Date of Hearing, (10-4-99), (Construction Estimate - \$68,400). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2761 (E) Sec Taylor Stadium Drain Repairs, Receiving of Bids, (9-28-99), and Setting Date of Hearing, (10-4-99), (Construction Estimate - \$47,700). **Moved by Brooks to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Coleman.**

99-2762 (F) Witmer Park Path Paving, Receiving of Bids, (9-21-99), and Setting Date of Hearing, (9-27-99), (Construction Estimate - \$12,250). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2763 (G) University Avenue Bridge over Des Moines River Joint Repair, Receiving of Bids, (9-21-99), and Setting Date of Hearing, (9-27-99), (Construction Estimate - \$43,534.50). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2764 38. Resolution authorizing Mailing and Publication of Notice of Intent to continue a previously approved Urban Renewal Project for Guthrie Avenue Business Park and to acquire

property for project and setting date of hearing, (10-25-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

39. Resolution Authorizing Mailing and Publication of Notice of Intent to Commence a Public Improvement Project and to Continue Acquisition of Property, and Setting Date of Hearing for the following, (10-25-99):

99-2765 (A) SW 11th Street and Market Street Shuttle Parking Lot. **Moved by Flagg to adopt. Motion Carried 7-0.**

99-2766 (B) E. University at E. 29th Street/E. 30th Street at State Avenue Intersection Modifications. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2767 (C) 55th/56th Street Intersection at University Avenue. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2768 (D) Merle Hay Road Widening-Ovid Avenue to Douglas Avenue. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2769 (E) 7th Ward Ditch Wooden Box Replacement-Phase 2. **Moved by McPherson to adopt. Motion Carried 7-0.**

40. Resolution Authorizing Mailing and Publication of Notice of Intent to Continue a Previously Approved Public Improvement Project and to Continue Acquisition of Property, and Setting Date of Hearing for the following, (10-25-99):

99-2770 (A) Indianola Avenue Connector **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2771 (B) Northeast Four Mile Trunk Sanitary Sewer **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2772 41. Approving contract and bond for the City-Wide Sanitary Sewer Gates Repair, Cramer and Associates, Inc., (Delmer Cramer, President, 990 NE 44th Avenue, DM. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2773 42. Agreements for extension of sewer service outside of the City Limits--Tempus Utile and 5th Judicial District, in vicinity of Fort Des Moines. **Moved by McPherson to adopt. Motion Carried 7-0.**

43. Approving Private Construction Contracts for the following:

99-2774 (A) Sanitary Sewer Improvements in Outlot "Z" Airport Commerce Park West Plat 2 between McAninch Corporation, (Dwayne McAninch, President, West Des Moines), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, Manager and President of Knapp

Properties, West Des Moines), Owner - \$46,582. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2775 (B) Street Improvement to construct approximately 875 feet of paved concrete roadway on East County Line Road between National Concrete Services (John Gillotti, President), Contractor and MidAmerican Energy Company (Ron W. Stepien, President, Urbandale), Owner - \$124,700. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2776 (C) Storm Sewer Improvements in new development, Airport Commerce Park South Plat 1 between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, Manager & President of Knapp Properties, West Des Moines), Owner - \$299,441. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2777 (D) Sanitary Sewer Improvements for Fifth Judicial District @ Fort Des Moines between KRI Company (Warren Rognes, President, Ames), Contractor and Fifth Judicial District DOCS (Beth A. Lenstra, Administrative Officer), Owner - \$307,550.75. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

99-2778 (A) Johnson Court at E. Court Avenue Turn Lane, Nuckolls Concrete Services, Inc., \$7,064.81 is now due and \$8,825.33 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2779 (B) 2015 and 2019 Woodland Avenue Demolition and Asbestos Removal (part of the M.L. King, Jr., Parkway Project-North/South Segment), L.A. Company, \$3,211 is now due and \$1,657.25 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2780 44. (C) Cemetery Storm Sewers Rehabilitation, Eco-Tech Contractors, Inc., \$10,621 is now due and \$4,627.39 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2781 (D) 1998 Sidewalk Replacement Program, Johnson Concrete & Petroleum Const., Inc., \$2,714.38 is now due and \$7,990.18 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2782 (E) 1998 Sidewalk Replacement Program-Public Works, Johnson Concrete & Petroleum Const., Inc., \$11,033.93 is now due and \$6,832.01 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2783 (F) E. Granger Avenue Emergency Sanitary Sewer Repair at SE 8th Street, The Underground Company, Ltd., \$2,150 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2784 (G) 42nd Street Emergency Sewer Repair at Plainview Drive, Van Hauen & Associates, Inc., \$3,125.50 is now due and \$1,645 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2785 (H) 1505 and 1507 East Walnut Demolition, D & F Trucking, \$4,421.06 is now due and \$1,628.40 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2786 (I) SW 30th Street Sanitary Relief Sewer, Layne Christensen Company, \$70,006.48 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2787 45. Authorizing City Engineer to proceed with Sidewalk Construction Program, waivers signed by nine property owners and Paving or Curb Replacement Program, waivers signed by five property owners. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Staff to follow up with Flagg and Hensley regarding sidewalk on Forest Drive, near Terrace Hill. Motion Carried 7-0.**

46. Approving requests from the following for extension of time to complete projects:

99-2788 (A) Bergstrom Construction, Inc., Martin Gorgas, President, until October 13, 1999 for the Equipment Maintenance Center Renovations. **Moved by McPherson to receive, file and grant the extension of time until October 13, 1999. Motion Carried 7-0.**

99-2789 (B) Brocon Services, Chris Brault, Owner, until September 24, 1999, for the Skywalk Bridge 4D-4E Repair. **Moved by McPherson to receive, file and grant the extension of time until September 24, 1999. Motion Carried 7-0.**

99-2790 (C) R.G. Elder & Son Company, Jared R. Elder, President, until October 1, 1999, for the 1998 Flood Storm Sewer Repair Contract 2. **Moved by McPherson to receive, file and grant the extension of time until October 1, 1999.**

99-2791 (D) Visu-Sewer Clean & Seal, Inc., Ernest L. Alexander, President, until September 30, 1999 for the 1998 Sanitary Sewer Relining. **Moved by McPherson to receive, file and grant the extension of time until September 30, 1999. Motion Carried 7-0.**

99-2792 47. Approving partial payments on 23 public improvement projects, (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2793 48. Receipt of Notification from Iowa Department of Transportation regarding a pavement patching project on Interstate 235 from the west corporation line easterly and northerly to Interstate 35/80 to be let for bidding on January 11, 2000. **Moved by McPherson to receive and file. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**



99-2794 49. Approving request from Mr. Craig Shannon, Grefe & Sidney, P.L.C., Attorneys at Law, representing Margaret Richey and Robert L. Carter, for continuation of Agricultural Deferment for special assessments for Evergreen Avenue Paving for 2300 Evergreen, for certification to Polk County. **Moved by McPherson to receive, file and approve the request for continuation of Agricultural Deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy of this Resolution to Polk County. Motion Carried 7-0.**

99-2795 50. Approving Deficiency Assessments Schedule No. 1999-44 and levying deficit balance on Certificate No. 19-00218 for property located at 1308 E. Madison. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2796 51. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of August, 1999, for Certification to Polk County Treasurer (call City Clerk's Office for amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2797 52. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Charges Schedule for August, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

99-2798 53. Establishing Fair Market Value and Accepting Purchase Offer Executed by three owners of Flood-Damaged Property under the 1998 FEMA Buy-Out Program - \$91,675, (call the City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2799 54. Authorizing partial release of Subdivision Bond No. IAC23609 from The Legacy Group, L.C., as Principal, and Merchants Bonding Company (Mutual) as Surety, and reduction to the amount of \$20,318, for the Easter Lake Estates Plat 3, located on the south side Easter Lake Drive in the vicinity of SE 30th Street. ([Council Communication No. 99-401](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2800 55. Approving Noise and Avigation Easements for seven properties in conjunction with the Airport Noise Compatibility Program, Phase II, (call the City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

99-2801 56. Approving Recognition of Greenwood Historic Neighborhood Association, with boundaries of Grand Avenue to the north, 31st Street to the east, Lincoln Place Drive to 3717 Lincoln Place Drive to the south and 37th Street following the west rear property line of 20 37th Street to the west, in accordance to the Neighborhood Recognition Policy. ([Council Communication No. 99-400](#)) **Moved by McPherson to approve. Motion Carried 7-0.**

99-2802 (A) Communication from Chair of Neighborhood Revitalization Board. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-2803 57. Changes to Neighborhood Recognition Policy's Annual Reporting Requirements. ([Council Communication No. 99-388](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

99-2804 (A) Communication from Chair of Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 7-0.**

99-2805 58. Appointment recommendation of At Large Council Member Chris Coleman, to the Electrical Board of Examiners of Chad Michael Layland for a two-year term (commencing in 1998) to expire April 3, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2806 59. Recommendation of Mayor Preston A. Daniels for appointment of Robert Mickle as Liaison to the Special Mayor Committee to study feasibility of regionally governing the Des Moines Water Works and Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2807 60. Reappointment recommendation of Mayor Preston A. Daniels for Michael Tonini to the Civil Service Commission for a four-year term to expire April 7, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2808 61. Reappointment recommendation of Mayor Preston A. Daniels for Dr. James Bowman, to the Skywalk Commission for a three-year term to expire April 1, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2809 62. Appointment recommendation of Mayor Preston A. Daniels for Barbara Ann Hildebrandt to the Board of Library Trustees for a six-year term to expire July 1, 2005. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2810 63. Appointment recommendation of Mayor Preston A. Daniels for Jeannine V. Ray to the Citizen Odor Board to fill the unexpired term of Frank Bailey (commencing in 1997) to expire April 1, 2000. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **STREET CLOSINGS**

99-2811 64. Approving closure of the following City Streets. **Moved by Coleman to approve the street closures listed. Motion Carried 7-0.**

(1) Robert Hochmuth, 2535 Lyon Street, requesting permission to close Lyon Street from 25th Street to 26th Street, Saturday, September 18, 1999 from 4:00 to 6:00 P.M. for a wedding reception.

(2) Lori Smith, 3123 Madison, requesting permission to close Lawnwoods from Madison Avenue to Fleming, Saturday September 18, 1999 from 5:00 to 11:00 P.M. (Rain date 9-25-99) for a neighborhood party.

(3) Billie Sturges, 1010 39th Street, requesting permission to close 39th Street from Kingman Boulevard to School Street, Sunday, September 19, 1999 from 4:00 to 9:00 P.M. -- neighborhood party.

(4) Anna Bingham, 1304 45th Street, requesting permission to close 45th Street from Forest to Carpenter, Saturday September 25, 1999 from 4:00 to 9:00 P.M. for a neighborhood party.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

99-2812 65. Regarding City Plan Commission recommendation to deny request from Michael Fisher, 1244 E, 24th Street for street closure at E. 24th Street north of State Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2813 66. On approval of request from James A. McClarnon of AmerUs Properties, Inc., for vacation of north/south alley right-of-way southeast of 9th and Crocker and conveyance of alley on a lease basis. **Moved by Flagg to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 6-1. Absent: Daniels.**

99-2814 67. On approval of request from Phyllis Pryor, 1527 29th Street for vacation and conveyance of a portion of the north/south alley right-of-way between 29th and 28th Streets and north of Clark Street. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 5-2. Absent: Daniels and Flagg.**

99-2815 68. On approval of request from Daniel Johnson, 1526 21st Street, for vacation and conveyance of a portion of Meek Avenue right-of-way west of 21st street. **Moved by McPherson to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

99-2816 69. On approval of request from Teresa VanVleet, for vacation and conveyance in the form of a lease, of E. Vine Street right-of-way between E. 6th and E. 7th Streets. **Moved by Flagg to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 6-1. Absent: Daniels.**

### **SETTING DATE OF HEARINGS**

99-2817 70. On amendments to the Zoning Ordinance as follows, (9-27-99). **Moved by Hensley to adopt first and second amendment only. Third amendment regarding rear yard use for accessory buildings withdrawn by Community Development Director. Staff to notify affected businesses and property owners of hearing. Motion Carried 5-2. Absent: Daniels and Flagg.**

(1) Authorize Planning Director to administratively grant certain minor exceptions to district regulations.

(2) Revised regulations regarding home occupations.

**WITHDRAWN** (3) Change Maximum allowed percentage of rear yard of lots devoted to single or two-family use which may be covered by accessory buildings.

71. Items regarding vacation and sale of property at SE 7th and Mulberry Streets to Norwest Bank as a replacement location for Fourth and Court Site:

99-2818 (A) Setting Date of Hearing for the sale of property located at the SE corner of 7th and Mulberry Streets (9-27-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2819 (B) Setting Date of Hearing for the vacation of a portion of the north-south alley between 6th Avenue and 7th Street and Mulberry and Plum Streets (9-27-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2820 (C) Setting Date of Hearing for the sale of vacated alley (9-27-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2821 (D) License Agreement with Norwest Bank, N.A. to perform a surface and subsurface inspection of the property and allow grading the property for preparation of construction of a vehicular banking facility. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2822 72. On request from Frank Gillotti, d/b/a Road Contractors, Inc., to rezone property at Pine Avenue and Highway 28, from PBP (Planned Business Park) to "PUD (Planned Unit Development), to provide for smaller lot sizes and support commercial uses, (9-27-99). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2823 73. On application from John Grandquist (Owner) for approval of conceptual plan amendment to allow a 72-unit apartment project in the "River Oaks Centre PUD", vicinity of SW 63rd and Creston Avenue, (9-27-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

74. On application for certificate of Public Convenience and Necessity to Operate Limousine Services, for the following:

99-2824 (A) Principiant Hotel Company, L.C.-- Hotel Fort Des Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2825 (B) J.Q.H. Hotels -- Embassy Suites on the River. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2826 (C) Larry R. Smithson, Smithson Limousine, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

99-2827 75. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

99-2828 76. Acceptance of payments totaling \$66,993.70 as full and final satisfaction for damages to City-owned property. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2829 77. Approving payment of \$2,798.03 to Guy R. Cook of Grefe & Sidney, P.L.C. for representation of Officer Joseph Morgan in case of Joyce Wilson and Val Wilson, Jr. as Administrators of estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by McPherson to approve payment. Motion Carried 7-0.**

99-2830 78. Approving payment of \$407.40 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case entitled Mary Elaine (Kirsch) Sinclair as Administrator of the Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2831 79. Approving payment of \$2,667.85 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.**

99-2832 80. Approving payment of \$3,509 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in case of Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2833 81. Approving payment of \$26,263.60 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-2834 82. Authorizing payment of \$2,976.53 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City of Des Moines in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts, Co., Inc. v. City of Des Moines. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2835 83. Approving payment of \$8,133.84 to Glenn E. Gillespie for payment of workers' compensation benefits for an injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2836 84. Approving payment of \$1,520.17 to Ahlers Law Firm for Jane McAllister for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 7-0.**

**CITY MANAGER COMMUNICATIONS**

99-2837 85. Submitting out-of-state travel requests for Tom Vlassis, Diane Goldsbury, Laura Pascuzzi, Don McLaughlin, Gay Wilson, Donald Tripp, Stewart Drake and Raymond Gallardo and Richard Clark. ([Council Communication No. 99-390](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2838 86. Submitting traffic regulation changes as follows, ([Council Communication No. 99-396](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Parking Restriction Modifications - Beaver Avenue south of Urbandale Avenue.

(2) Corner Clearance Parking Restriction - East side of E. 10th Street north of E. Seneca Avenue.

(3) Relocation of parking meters and loading zone installation - north side of E. Grand Avenue east of E. 6th Street.

### **APPROVING**

99-2839 87. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for City Primary Election to be held Tuesday, October 5, 1999. **Moved by McPherson to approve. Motion Carried 7-0.**

99-2840 88. Communication from City Clerk, submitting report on City Council meeting/meal expenses for June, July, and August, 1999. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-2841 89. Community Services Block Grant (CSBG) third quarter report for the period of April 1, 1999 to June 30, 1999 to be submitted to Iowa Department of Human Rights/Division of Community Action Agencies. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2842 90. Affordable Housing Agreement for Owner Occupied Project (Direct Subsidy) with Federal Home Loan Bank of Des Moines and West Des Moines State Bank to repair deficiencies in owner-occupied homes through the Emergency Repair Loan Program. ([Council Communication No. 99-410](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and Vlassis.**

99-2843 91. Professional Services Agreement with Larkin Aquatics for development of wading pool design documents. ([Council Communication No. 99-402](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2844 92. Grant Application to Iowa Department of Cultural Affairs Historic Site Preservation Grant Program, for restoration of the Receiving Vault in Woodland Cemetery. ([Council Communication No. 99-389](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2845 93. Revised Addendum to Lease Agreement with Greater Des Moines Baseball Co, for lease of property including Sec Taylor Stadium and vicinity, to clarify roles of National

Association of Professional Baseball Leagues and the Office of the Commissioner of Baseball. **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Flagg abstained from voting.**

99-2846 94. Request for Proposal (RFP) for professional consulting services to design, develop and implement improvements for public safety communications. ([Council Communication No. 99-393](#)) **Moved by Brooks to adopt. City Manager to continue negotiations, utilizing consultant services, as appropriate. Motion Carried 6-1. Nays: Coleman.**

99-2847 95. Designation of financial institutions to be used as depositories of City's funds and specifying maximum amount to be kept on deposit in each depository. (Call City Clerk's Office for list) **Moved by McPherson to adopt. Motion Carried 5-0. Council Members Hensley and Brooks declare a conflict of interest, and abstain from voting.**

99-2848 96. Bid from Toyne, Inc., (Breda, IA, Roger Schwabe, President) for fire rescue unit to be used by the Fire Department, \$139,866 and various bids for minor equipment to used by the Fire Department, \$69,142.75 for a total of \$209,008.75. (Twenty-three bids mailed-seven received. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2849 97. Civil Service Entrance List for Assistant Surveyor and Promotional List for Senior Building Equipment Operator. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-2850 98. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2851 99. Authorizing Finance Director to draw checks on registers of September 10, September 17, and September 24, 1999; and the bills of the Des Moines Municipal Housing Agency for weeks beginning September 6, September 13, and September 20, 1999, and to draw checks for biweekly payroll due employees on September 10, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

99-2852 100. Amending Chapter 8 of the Municipal Code regarding building construction codes--Electrical and Plumbing subchapters. **Moved by McPherson that this ordinance do now pass, [#13,748](#). Motion Carried 7-0.**

99-2853 101. Amending Chapter 13 of the Municipal Code regarding entertainment arcades. **Moved by McPherson that this ordinance do now pass, [#13,749](#). Motion Carried 7-0.**

99-2854 102. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance do now pass, [#13,750](#). Motion Carried 7-0.**

(1) Two-Sided Parking Restriction--Both sides of Dickman Road from SW 9th Street east to the Dead End.

(2) Extend Existing Parking Restriction--South Side of Guthrie Avenue east and west of East 14th Street.

(3) Delete Proposed Placement of Parking Meters--Mulberry Street between 7th Street and 8th Street, 7th Street between Grand Avenue and Locust Street and between Mulberry Street and Walnut Street.

(4) Prohibit Right Turns on Red--Intersection of 8th Street and Mulberry Street.

(5) Corner Clearance Parking Restriction--South Side of Davisson Road east of 38th Street.

### **ORDINANCES - SECOND CONSIDERATION**

99-2855 103. On rezoning of property at 2713 Martin Luther King Jr. Parkway, from "M-3" (Limited Industrial) to a Limited "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

### **ORDINANCES - FIRST CONSIDERATION**

99-2856 104. Editorial changes to Chapter 23 of the Municipal Code regarding street use permits. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2857 105. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Council Member Brooks registers a NO vote on 105(2) - additional parking on south side of Grand, west of Seventh. Absent: Coleman.**

(1) Adjustment of parking meter space location and adding a loading zone adjacent to the 601 Grand Avenue.

(2) Additional parking meter space south side of Grand Avenue west of 7th Street.

(3) Corner Clearance Parking Restriction - East Side of Randall Place south of Forest Avenue.

(4) Corner Clearance No Parking Restriction - East Side of 47th Street north of Hickman Road.

99-2858 (a) Final consideration of ordinance above, (Items 1,3 and 4). **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, [#13,751](#). Motion Carried 6-1. Absent: Coleman.**



## COUNCIL REQUESTS

99-2859 106. Communication from Council Member Mike McPherson to discuss the need to begin a process of making fire hydrants around the City tamper proof. **Moved by McPherson to receive, file and discuss; refer to City Manager and Fire Chief. Motion Carried 6-1. Absent: Coleman.**

99-2860 107. From Council Member At-Large George E. Flagg regarding restoration of Civil War cannons to Woodland Cemetery. **Moved by Flagg to receive, file and refer to City Manager and Park Board.**

99-2861 108. From Council Member Archie Brooks regarding traffic regulations in vicinity of Porter and 7th Street. **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for review and make and specific recommendation on Items 1, 2, 3, 5, and 6 as listed. Motion Carried 5-2. Absent: Coleman and McPherson.**

## COMMUNICATIONS/REPORTS

99-2862 109. From Attorney Thomas Flynn, on behalf of Grace Church (a/k/a Des Moines Baptist Church), 4200 E. 25th Street, and Pearl Homes Partnership, regarding request for voluntary annexation of property in vicinity of Interstate 235, south of Broadway and north of Aurora (51 acres). **Moved by Flagg to receive, file and refer to City Manager and Legal; also to Community Development Department. Motion Carried 5-2. Absent: Coleman and McPherson.**

**\*\*Council Member McPherson left the meeting at 6:30 P.M.\*\***

99-2863 110. From Attorneys representing Cooper Homes, requesting Council reconsideration of Rezoning Request and Offer to Purchase property in vicinity of Stanton Avenue and SW 31st Street (Stanton Acres). **Moved by Vlassis to receive and file and reconsider. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2864 (A) Resolution to reconsider application for Rezoning from Cooper Homes, Inc., and scheduling date of hearing (10-18-99) - (Sponsor to reconsider - Vlassis). **Moved by Vlassis to adopt and set date of hearing on rezoning and conveyance for October 18, 1999. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2865 111. From Ms Nancy Davis, 1633 SE Glenwood Drive regarding viewing of State Fair Parade. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2866 112. From Roy Wilson and Jerry Gibson, 3606 SW 35th St. regarding establishment of law prohibiting loitering on the sidewalk. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2867 113. Petition from area residents requesting Intermediate Paving on SE 35th Street from Scott Avenue north to Lot #11. **Moved by Brooks to receive, file and refer to City Manager and City Engineer. Motion Carried 6-1. Absent: McPherson.**

**\*\*Council considered Item 122 through end of agenda next\*\***

**HEARINGS (Opened at 5:45 P.M.) (Items 114 thru 121)**

114. On application for certificate of Public Convenience and Necessity to Operate Limousine Services, for the following:

99-2868 (A) Neal R. and John A. Fraser, d/b/a Fraser Transportation Services, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2869 (B) Ronald J. Crampton, Sr., d/b/a Continental Limousines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2870 (C) Tracy L. Earles, d/b/a Hawkeye Limousines, Inc. **Moved by Vlassis to continue the hearing to October 4, 1999. Motion Carried 7-0.**

99-2871 (D) Carl E. Myers, d/b/a Ma & Pa Limo Service. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2872 115. On Lincoln Place Drive Soil Stabilization: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2873 116. On Des Moines Metropolitan Wastewater Reclamation Facility Structural Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Iowa Industrial Erectors Corp., (Glen Keeling, President, 1226 Illinois St. DM), \$44,715. ([Council Communication No. 99-408](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2874 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2875 117. On Demolition Contract No. 168, B.H.N.A.C.: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as DF Trucking, (Mae Dillard, Owner, Indianola), \$43,720. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

99-2876 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**

99-2877 118. On First Street and Reigert Street Sanitary Sewer Extension: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest

responsible bidder as Corell Contractor, Inc., (Steve Corell, President, WDM), \$29,520. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

99-2878 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Coleman.**

99-2879 119. On E. 18th Street Storm Sewer - 100 Block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, 2407 SE 9th Street, DM, \$44,959. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Coleman, Hensley and Brooks.**

99-2880 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Coleman, Hensley and Brooks.**

99-2881 120. On Easter Lake Minor Structures, Phase I: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Jensen Construction Company, (Kurt Rasmussen, President, 5550 NE 22nd St. DM), \$76,743.50. **Moved by Flagg to adopt. Staff to check on deep ditch at SW 30th and Valley Drive - west side of SW 30th as a possible unsafe and unsecured area. Motion Carried 6-1. Absent: Brooks.**

99-2882 (A) Approving contract and bond, and permission to sublet. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Brooks.**

99-2883 121. On Hearing Officer's decision regarding vehicle impound appeal of Nicole Kock, 2600 East Douglas. **Moved by Hensley to uphold the decision of the hearing Officer. Motion Carried 4-3. Absent: McPherson, Brooks and Vlassis.**

\* \* END HEARINGS at 6:06 P.M. \* \*

## **APPROVING**

99-2884 122. Communications from City Plan and Zoning Commission, Historic District Commission, Architectural Advisory Committee, and Chairman of the Urban Renewal Board, recommending the preservation of significant structures in the Gateway East and Gateway West areas. **Moved by Coleman to receive and file. Motion Carried 7-0.**

99-2885 (A) Communication from City Manager regarding building demolition of City and/or DMDC owned buildings in the Western Gateway Project Site Area. ([Council Communication No. 99-394](#)) **Moved by Coleman to adopt recommendations as listed. Demolition of the Arlington/Hallet Apartments to be placed on hold for ninety (90) days from today. Previous motion to place a hold on the Kingston Apartments failed on a 3 yes 3 no vote. No City agency or group to move toward historic designation in the interim. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

99-2886 123. Consideration of Economic Development Assistance for Access Air. ([Council Communication No. 99-412](#)) **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Brooks declares a conflict of interest, and abstains from voting. Absent: McPherson.**

99-2887 124. Receipt of communication from John Maher of Execuserve requesting to purchase city-owned property for Redevelopment in the Central Place Urban Renewal Area. **Moved by Vlassis to approve. Motion Carried 6-1. Absent: McPherson.**

99-2888 125. City Council Policy regarding the appraisal of property and the establishment of just compensation for the acquisition of property or property interests in conjunction with Public Improvement, Community Development, and Economic Development Projects, and regarding the release of appraisals, appraisal information, and compensation estimates. ([Council Communication No. 99-406](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

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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.**

99-2889 1. Resolution to reconsider application for rezoning from Jerry's Homes, (7401 block of Indianola Road) and scheduling Hearing, (9-27-99). (Sponsor to reconsider--Flagg). SPONSOR: Flagg. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

99-2890 2. Approving execution of a Communication System License Agreement with Wellmark, Inc., for use of City Skywalks for installation and operation of a telephone and fiber optic communications system. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Brooks declares a conflict of interest, and abstains from voting. Absent: McPherson.**

99-2891 3. Discussion and Support for the Hall of Pride included in State Capitol Master Plan. SPONSORS: Coleman and Hensley. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2892 4. Setting Date of Hearing on proposed annexation of property in vicinity of NE 14th and northern City limits, (Phillips 66), (9-27-99). SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 7-0.**

# A G E N D A

## BOARD OF HEALTH

September 13, 1999

99-2893 MOTION TO CONVENE. **Moved by Vlassis that this City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: McPherson.**

### **AUTHORIZING**

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

99-2894 (A) 2450 E. Grand, vacant, Titleholder: First National Acceptance Company; Contract Buyers: Dale Clark, Paula Clark. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2895 (B) 2428 E. Walnut, vacant, Titleholder: Victor Brawdy, Tamara Brawdy; legal Interest Holder: Firststar Home Mortgage Corporation. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2896 (C) 1721 22nd, vacant, Titleholder: First Church of Grace and Hope, Legal Interest Holder: Tax 12. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2897 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:20 P.M. Motion Carried 6-1. Absent: McPherson.**