

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**October 25, 1999 4:30 P.M.**

**INVOCATION:** Duane Gibson, First Baptist Church

99-3274 1. ROLL CALL: **Present: Brooks, Coleman, Flagg, Hensley, and Vlassis. Absent: Daniels and McPherson.**

99-3275 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3276 3. APPROVING CONSENT AGENDA - items 3 through 44-I: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

**LICENSES AND PERMITS:**

Approving

99-3277 4. Communication from Legal Department regarding October 25, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 5-2.**

Class "C" Beer Licenses

99-3278 5. Apex Oil, Inc., Patrick J. McManus, President dba Apex Oil, 1200 Southeast 30th Street; Renewal - Expires 11-08-99 - Application submitted 9-14-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3279 6. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 11-2-99 (With Sunday Sales) - Application submitted 9-29-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3280 7. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3710 Hubbell; Renewal - Expires 11-15-99 (With Sunday Sales) - Application submitted 9-29-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3281 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #33, 865 - 42nd Street; New Application (With Sunday Sales) - Application submitted 10-6-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

Class "B" Wine Licenses

99-3282 9. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 11-2-99 - Application submitted 9-29-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3283 10. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3710 99-Hubbell; Renewal - Expires 11-15-99 - Application submitted 9-29-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

#### Class "C" Liquor Licenses

99-3284 11. Florence Ann Ellis dba 'Bout Time Tap, 2400 Dean Avenue; New Application (With Sunday Sales) - Application submitted 9-17-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3285 12. Thomas V. Ellis, Inc., Thomas V. Ellis, President dba Ellis Island; 1833 Hubbell Avenue; Renewal - Expires 10-27-99 (With Sunday Sales) - Application submitted 9-30-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3286 13. The Garden Inc., Scott Neasham, President dba The Garden, 112 Southeast 4th Street; Renewal - Expires 11-8-99 (With Sunday Sales and Outdoor Service) - Application submitted 10-6-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3287 14. S. & R. Anderson, Inc., Ronald W. Anderson, President dba Hull Avenue Tavern, 834 Hull Avenue; Renewal - Expires 10-26-99 (With Sunday Sales) - Application submitted 10-6-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3288 15. Tonic, Inc., Anthony Trimnell, President dba Rock Island, 101 - 4th Street; Renewal - Expires 10-7-99 (With Sunday Sales and Outdoor Service) - Application submitted 9-10-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3289 16. Michael J. Kelly dba The West End Lounge, 2309 Forest; New Application (With Sunday Sales) - Application submitted 10-5-99. **Moved by Vlassis to adopt. Motion Carried 5-2.**

#### Authorizing

99-3290 17. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3291 18. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-2.**

#### **PUBLIC IMPROVEMENTS**

99-3292 19. Approving Agreement with Iowa Department of Transportation for Traffic Safety Improvement-University Avenue Bridge over Des Moines River Parapet Wall Modification. ([Council Communication No. 99-482](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3293 20. Approving rejection of all bids on Lincoln Place Drive Soil Stabilization project -

only one bid received which was well over Engineer's estimate and project budget. **Moved by Hensley to adopt. Staff to provide Council with timeline for this project in the next few days. Motion Carried 5-2.**

99-3294 21. Approving Contract and Bond and Permission to Sublet on ICN Interactive Meeting Room-East Side Library with Azcon, Inc. (Lawrence M. Wolinski, President) in amount of \$19,692. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3295 22. Approving Private Construction Contract between Russell Construction, Inc., James V. Russell, President-Contractor, and Galesburg, LLC., Jay Javors, President-Owner, for Median Improvements on E. 14th Street, north of E. University, west of E. 14th Street to serve the Walgreens Store, contract amount of \$3,000 **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3296 23. Approving Private Construction Contract between R. G. Elder & Son Co., Jared Elder, President-Contractor, and TMC, Harrold W. Annett, Chairman-Owner, for Subdrain Storm Sewer Improvements in the north border area of Army Post Road at the TMC Dormitory, 6221 Army Post Road - \$10,050. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3297 24. Communications from various contractors requesting permission to sublet on E. Douglas Avenue Bridge over Four Mile Creek. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3298 25. Approving partial payments on thirteen public improvement projects (Call the City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3299 26. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by four property owners, and Paving or Curb Replacement Program, waivers signed by five property owner (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **SPECIAL ASSESSMENTS**

99-3300 27. Resolution Levying Assessments for Costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1999-45, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **SETTING DATE OF HEARINGS**

99-3301 28. On vacation and conveyance of portions of 30th and 31st Streets between University and Carpenter, and alley between streets, to Drake University, (11-15-99). **Moved by Vlassis to adopt, and set date of hearing for 11-15-99. Motion Carried 5-2.**

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

99-3302 29. Approving payment of \$5,500 to Paul A. Moyer, Paul's Hawkeye Autoland, John M. Huot and Karon Huot for settlement of condemnation appeal in conjunction with the Iowa 65

(E. 14th Street) & Guthrie Avenue intersection improvement project. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3303 30. Authorizing payment of \$229.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for outside legal services in conjunction with environmental law with land lease agreements for consolidated aircraft fuel storage facility and proposed United Parcel Service sort and distribution center at the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3304 31. Approving payment of \$1,614.69 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. in Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan, and Terry Mitchell. **Moved by Vlassis to approve payment. Motion Carried 5-2.**

99-3305 32. Authorizing payment of \$4,124.30 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City of Des Moines. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3306 33. Authorizing payment of \$212.50 to Bradshaw, Fowler, Proctor & Fairgrave for outside legal services in conjunction with National Pollution Discharge Elimination System Permit (NPDES) at the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3307 34. Approving payment of \$11,997.60 to James A. Kernes for settlement of workers' compensation claim for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3308 35. Approving payment of \$19,739.50 to Mark McCaune for settlement of workers' compensation claim for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3309 36. Approving payment of \$23,383.80 to Ricky J. Housley for settlement of workers' compensation claim for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3310 37. Approving payment of \$12,015 to Robert D. Cox for settlement of workers' compensation claim for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 5-2.**

#### **CITY MANAGER COMMUNICATIONS**

99-3311 38. Submitting out-of-state travel requests for Drew Burham and Eric Anderson and Bruce Bergman. [\(Council Communication No. 99-483\)](#). **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3312 39. Submitting the following traffic regulation changes as follows: [Council Communication No. 99-484](#). **Moved by Vlassis to receive, file and refer to Legal Department adopt. Motion Carried 5-2.**

- (1) Stop Sign for Northbound Traffic at SW 22nd Street and Rittenhouse.
- (2) Designate Handicapped Parking Space-North Side of Capitol Avenue West of East 21st Street.
- (3) Corner Clearance Parking Restriction-East Side of Irving Street South of Summit Street.
- (4) Corner Clearance Parking Restriction-East Side of 6th Avenue south of Indiana Avenue.
- (5) Speed Limit Modification-East 33rd Street from Hubbell Avenue to Euclid Avenue.
- (6) Extension of Parking Restriction-South Side of Guthrie Avenue from York Street to East 14th Street.
- (7) Change in Snow Route Designation due to Relocation of MTA Bus Route from 12th Street to 11th Street from Euclid to Madison.

## **APPROVING**

99-3313 40. One-year extension of Contract with U.S. Government Department of Navy for loan of Ship Model USS Des Moines-CA134 for public display in Great Hall of City Hall. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3314 41. Amendment No. 2 to 1999 Emergency Repair Loan Program to increase amount of projected program income from \$20,000 to \$32,000 to be used for purchase of five (5) computers and modular paneling for the division. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3315 42. Shared payment for cost of surface and subsurface remediation, pursuant to development agreement with LADCO Development, Inc., for Disposition Parcel 4A in Guthrie Avenue Urban Renewal Area. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3316 43. Bid from Carpenter Uniform Co., (205 - 12th Street, Robert Carpenter, President) for flashlights and lamps to be used by the Police Department, \$19,359.16. (Thirteen bids mailed-twelve received). **Moved by Vlassis to defer to 11-1-99 to clarify cost of items. Motion Carried 5-2.**

99-3317 44. Authorizing Finance Director to draw checks on register of October 29, 1999, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the week beginning October 25, 1999. **Moved by Vlassis to adopt. Motion Carried 5-2.**

## **ORDINANCES - FINAL CONSIDERATION**

99-3318 44-I On rezoning of 7401 block of Indianola Road, from "R1-60" (One Family Residential), and "A-1" (Agricultural District), to "PUD" (Planned Unit Development). **Moved by Hensley that this ordinance do now pass. MOTION FAILED. 3-2-2. YEAS: Coleman, Flagg and Hensley. NAYS: Brooks and Vlassis. ABSENT: Daniels and McPherson. City Clerk directed to place this item on next agenda.**

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

## **COMMUNICATIONS/REPORTS**

99-3319 45. From Sarah Weldon, 4721 Observatory Road, requesting permission to speak regarding equal protection of her home and neighborhood by Des Moines Parks Department. **Moved by Flagg to receive, file and grant the request to speak; refer to Polk County Mediation to resolve with Ms. Weldon, neighbors and staff. Motion Carried 5-2.**

**\*\*Council considered items 54 through 57 next\*\***

## **HEARINGS (Opened at 5:33 P.M.) (Items 46 thru 53)**

99-3320 46. On 7th Amendment to Riverpoint Capitol Center Urban Renewal Plan, to provide for acquisition of property located between 10th and 15th Streets between Locust Street and Grand Avenue (Gateway West). ([Council Communication No. 99-481](#)). **Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and McPherson.**

99-3321 47. On rezoning of land along NE 14th Street from "A-1" (Agricultural District) to "Ltd C-2" (General Retail and Highway Oriented Commercial), (continued from 10-18-99). **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3322 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**WITHDRAWN**99-3323 (B) Final consideration of ordinance above, (waiver requested by Phillips Petroleum Company), requires 6 votes.

99-3324 48. On vacation and conveyance of the East/West alley right-of-way between E. 14th and E. 15th Streets, between Des Moines and Lyon Streets, to McDonalds Corporation, \$3.75/square foot. **Moved by Brooks to adopt. Motion Carried 5-2.**

99-3325 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**WITHDRAWN**99-3326 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

99-3327 49. Closing Hearing on Request from Aramark Uniform Services (2500 Delaware), for partial tax exemption -- Aramark withdrew application. **Moved by Vlassis to receive, file and close the Hearing. Motion Carried 5-2.**

99-3328 50. On Notice of Intent to design a public improvement project and continue to acquire property for the SW 11th Street and Market Street Shuttle Parking Lot. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and McPherson.**

51. On Notice of Intent to Commence a Public Improvement Project and to acquire property for the following:

99-3329 (A) E. University at E. 29th Street/E. 30th Street at State Avenue Intersection Modifications. **Moved by Hensley to adopt. Motion Carried 5-2.**

99-3330 (B) 55th/56th Street Intersection at University Avenue. **Moved by Hensley to adopt. Staff to provide a timeline for this project to Council. Motion Carried 5-2.**

99-3331 (C) Merle Hay Road Widening-Ovid Avenue to Douglas Avenue. **Moved by Hensley to adopt. Motion Carried 5-2.**

99-3332 (D) 7th Ward Ditch Wooden Box Replacement-Phase 2. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3333 52. On Notice of Intent to continue a previously approved Urban Renewal Project for Guthrie Avenue Business Park and to continue acquiring property. **Moved by Vlassis to adopt. Motion Carried 5-2.**

53. On Notice of Intent to Continue a Previously Approved Public Improvement Project and to Continue Acquisition of Property, for the following:

99-3334 (A) Indianola Avenue Connector. **Moved by Brooks to adopt. Staff and Council Member Brooks will set up a neighborhood meeting in next few week, to explain the process. Motion Carried 4-1-2. Nays: Coleman. Absent: Daniels and McPherson.**

99-3335 (B) Northeast Four Mile Trunk Sanitary Sewer. **Moved by Brooks to adopt. Motion Carried 4-1-2. Nays: Coleman. Absent: Daniels and McPherson.**

\* \* END HEARINGS at 5:46 P.M. \* \*

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

## APPROVING

99-3336 54. Purchase Agreement and authorizing acquisition of seven properties from DMDC Property Corporation for Gateway West Project - \$1,326,320 plus closing costs. ([Council Communication No. 99-480](#)). **Moved by Hensley to adopt. Staff to provide Council with expenses and contribution account information on this item and for those in the future. Motion Carried 4-1-2. Nays: Flagg.**

99-3337 55. Receipt of Annual Report for Fiscal Year 1998-99 of the Board of Trustees of the Des Moines Public Library. ([Council Communication No. 99-478](#)). **Moved by Hensley to adopt. Motion Carried 5-2.**

99-3338 56. Form of Agreement with West Des Moines State Bank for dispersal of Federal Home Loan Bank Affordable Housing Program Grant. ([Council Communication No. 99-479](#)). **Moved by Flagg to adopt. Motion Carried 5-2.**

99-3339 57. Revised Municipal Housing Agency Affordable Homeownership Design, to provide additional opportunities to low-income families to become self-sufficient, for submission to United States Department of Housing and Urban Development, (HUD). ([Council Communication No. 99-477](#)). **Moved by Flagg to defer on week, to 11-1-99. Motion Carried 5-2.**

**\*\*Council considered Hearing Items next\*\***

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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.**

99-3340 1. Approving recommendation of Council Member Hensley, for appointment of Richard S. Nelson to the Historic District Commission, to fill the unexpired term of Joe E. Smith, to expire October 18, 2000. SPONSOR: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 5-2.**

99-3341 2. Communication from William J. Lillis and Daniel L. Manning, attorneys for Airport Baptist Church, requesting amendment to the City-Wide Urban Revitalization Plan, to expand the Airport Commerce Park Industrial and Commercial Park Sub-Area to include the property at 2600 Army Post Road. SPONSOR: Council Member Flagg. **Moved by Flagg to receive, file and refer to City Manager and City Plan and Zoning Commission. MOTION FAILED. 3-2-2. YEAS: Flagg, Brooks and Vlassis. NAYS: Coleman and Hensley. ABSENT: Daniels**



**and McPherson. City Clerk to place this item on the November 1 agenda.**

99-3342 3. Approving recommendation of Council Member George E. Flagg, for appointment of Phyllis Fitzpatrick to the Historic District Commission, for a three-year term (commencing in 1998) to expire October 18, 2001. SPONSOR: Council Member Flagg. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3343 4. Communication from Council Member George E. Flagg requesting information regarding street paving in 1998 and 1999. SPONSOR: Council Member Flagg. **Moved by Flagg to receive and file. Motion Carried 5-2.**

**A G E N D A**  
**BOARD OF HEALTH**  
**October 25, 1999**

99-3344 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

**AUTHORIZING**

99-3345 1. Release of demolition cost reserve held under claim number 00-271-300175-814 regarding property known as 3015 - 45th owned by Zelma B. Heintz. **Moved by Vlassis to adopt. Motion Carried 5-2.**

99-3346 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:18 P.M.**