SUMMARY OF DES MOINES CITY COUNCIL MEETING
November 1, 1999 4:30 P.M.
CLOSED SESSION 3:30 P.M.

99-3347 1. ROLL CALL -- 3:30: Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.

99-3348 I. (a) Recess, and reconvene in closed session pursuant to Section 20.17 of the Code of Iowa. Moved by McPherson to adopt. Motion Carried 7-0.

99-3349 (b) Closed Session.

99-3350 (c) Terminate closed session and reconvene in open session. Moved by Hensley to adopt. Motion Carried 7-0.

99-3351 (d) Motion to recess and reconvene at 4:30 P.M. Moved by Vlassis to adopt. Motion Carried 7-0.

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

PROCLAMATIONS - 4:00 P.M.:

Hunger and Homelessness Awareness Week

SPECIAL PRESENTATION

Donation from John P. Dorrian for Recreation Trail Maintenance.

INVOCATION: Pastor Ken Stuber

First Presbyterian Church

99-3352 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by McPherson to adopt. Motion Carried 7-0.

99-3353 3. APPROVING CONSENT AGENDA - items 3 through 48, and Extra Item #2 and #3: Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.

LICENSES AND PERMITS:

Approving

99-3354 4. Communication from Legal Department regarding November 1, 1999 License and Permit Agenda. Moved by McPherson to receive and file. Motion Carried 7-0.

Class "B" Beer Licenses


99-3357 7. Rey, Inc., Maria Gallegos, President dba Margarita's Mexican Restaurant, 1246 East 14th Street; New Application (With Sunday Sales) - Application submitted 10-6-99. Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.

Class "C" Beer Licenses

99-3358 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #6, 5736 Franklin; Renewal - Expires 11-19-99 (With Sunday Sales) - Application submitted 8-31-99. Moved by McPherson to adopt. Motion Carried 7-0.

99-3359 9. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #495, 1345 East University; Renewal - Expires 11-30-99 (With Sunday Sales) - Application submitted 9-7-99. Moved by McPherson to adopt. Motion Carried 7-0.


Class "B" Wine Licenses

99-3361 11. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #495, 1345 East University; Renewal - Expires 11-30-99 - Application submitted 9-7-99. Moved by McPherson to adopt. Motion Carried 7-0.

Class "C" Liquor Licenses

99-3362 12. RAH, Inc., Richard A. Horton, President dba Park Avenue Pub, 1101 Park Avenue; Renewal - Expires 11-26-99 (With Sunday Sales) - Application submitted 10-20-99. Moved by McPherson to adopt. Motion Carried 7-0.


Class "E" Liquor Licenses
99-3364 14. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #495, 1345 East University; Renewal - Expires 11-30-99 - Application submitted 9-7-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

99-3365 15. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

99-3366 16. Approving Preconstruction Agreement with Iowa Department of Transportation (IDOT) for construction of Relocated Iowa 5 between Relocated Iowa 28 and Southwest 9th Street extended (Warren County R-63). (Council Communication No. 99-486). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-3367 17. Resolution Authorizing Mailing and Publication of Notice of Intent to Commence a Public Improvement Project to construct Douglas Avenue (US 6) Widening at Beaver Avenue and to Acquire Property, and Setting Date of Hearing, (12-6-99). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

99-3368 18. Approving Change Order No. 2 with Bergstrom Construction, Inc. for additional work in conjunction with Franklin Avenue Library Renovation in an amount not to exceed $12,627.00. (Council Communication No. 99-490). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3369 19. Approving Private Construction Contract for construction of Street Improvements for new development, Airport Commerce Park South Plat 1 located South of relocated Army Post Road and West of Fleur Drive between M. Peterson Construction Company (Merlin Peterson, President), Contractor and Airport Commerce Park, L.C. (Gerard D. Neugent, President, West Des Moines), Owner - $745,037.92. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

99-3370 (A) E. Army Post Road at E. Indianola Avenue Intersection Improvements, Cedar Valley Corp, $13,622.96 is now due and $27,150.40 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-3371 (B) Laurel Hill Cemetery Gate, Lakeview Industries, Inc., $987.92 is now due and $2,328.73 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**
99-3372 (C) SE 14th Street & E. Diehl Avenue Intersection Improvements, Eco-Tech Contractors, Inc., $15,559.39 is now due and $9,709.99 remaining balance payable at the end of 30 days. Moved by McPherson to adopt. Motion Carried 7-0.

99-3373 (D) Elm & SW 7th Streets Sanitary Sewer Cleaning and Televising, Krebs Enterprises, Inc. d/b/a Hydro-Klean, $5,591.84 is now due and $14,585.88 remaining balance payable at the end of 30 days. Moved by McPherson to adopt. Motion Carried 7-0.

99-3374 21. Authorizing City Engineer to proceed with Sidewalk Repair, waivers signed by two property owners and Paving or Curb Replacement Program, waivers signed by one property owner. (Call City Clerk's Office for list). Moved by McPherson to adopt. Motion Carried 7-0.

99-3375 22. Approving partial payments on four public improvement projects. (Call City Clerk's Office for listing). Moved by McPherson to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

99-3376 23. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of October, 1999, for Certification to Polk County Treasurer (Call City Clerk's Office for amounts). Moved by McPherson to adopt. Motion Carried 7-0.

99-3377 24. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Charges Schedule for October, 1999. Moved by McPherson to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

99-3378 25. Offer to Purchase Real Estate and Acceptance of Warranty Deed in conjunction with Airport Expansion, from Richard I. Duckworth and Velma L. Duckworth, 6598 SW 28th Court - $109,000. Moved by McPherson to adopt. Motion Carried 7-0.

99-3379 26. Special Warranty Deed in satisfaction of Real Estate Contract (Homestead Agreement) to Willie Lee Manning, Sr. and Alberta D. Manning for 1426 16th Street. Moved by McPherson to adopt. Motion Carried 7-0.

99-3380 27. Approving issuance of Correction Deed for property known as 6803 SW 16th Street to Thomas L. Mix. Moved by McPherson to adopt. Motion Carried 7-0.

99-3381 28. Permanent Easement for Sanitary Sewer Right-of-Way, Temporary Easement for Construction and Future Title Work Compensation in conjunction with Southeast Airport Trunk Sanitary Sewer Project Phase 2, from Fleur Properties, L.C. - $9,218. Moved by McPherson to adopt. Motion Carried 7-0.

99-3382 29. Approving Noise and Avigation Easements for three properties in conjunction with the Airport Noise Compatibility Program, Phase II. Moved by McPherson to adopt. Motion Carried 7-0.
BOARDS/COMMISSIONS/NEIGHBORHOODS

99-3383 30. Recommendation of Neighborhood Revitalization Board (NRB) to remove North Drake, Castlerock and Good Park Neighborhood Associations from the List of Recognized Neighborhood Associations. **(Council Communication No. 99-487)**. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-3384 31. Resignation of Eliza Ovrom 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.**

CITY PLAN COMMISSION RECOMMENDATIONS

99-3385 32. Recommending denial of request from Paul Moyer, (Paul's Hawkeye Autoland Inc.), to rezone property at 1420 E. 14th Street, from Conditional "C-2" (General Retail and Highway Oriented Commercial), to Conditional "C-2" with removal of two conditions, and setting date of hearing, (11-15-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-3386 33. Recommending approval of request from Theressa Bauge, 2223 Glenbrook Drive, to vacate and convey a 30' x 84' strip of right-of-way from existing Glenbrook Drive that adjoins the property. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

99-3387 34. Recommending approval of request from Polk County Manager for Development, to vacate and convey a portion of the north/south alley between M.L. King Parkway and 21st Street south of Forest Avenue. **Moved by McPherson to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

99-3388 35. Recommending approval of request from Scott A. Thompson, of 1831 12th Street, to vacate and convey a portion of the north/south alley between 11th and 12th, at the north end of the block north of Jefferson Avenue. **Moved by McPherson to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-3389 36. On Lease-Purchase Master Agreement with Banc of America Leasing & capitol LLC, and supplement in amount not to exceed $161,000, for acquiring two street sweepers, (11-15-99). **Moved by Hensley to adopt. City Manager to provide Council with information on specific projects that may use this financing arrangements. Motion Carried 7-0.**

99-3390 37. On designation of the Home Lodge at 603 E. Locust Street as a Local Landmark, (11-15-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS
99-3391 38. Approving payment of $1,995.70 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case of 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.

99-3392 39. Approving payment of $3,862.79 to Petosa, Petosa, Boecker & Nervig for legal services in conjunction with real estate acquisition and leasing matters for the Airport. Moved by McPherson to adopt. Motion Carried 7-0.

99-3393 40. Approving payment of $299.50 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. for services relating to collective bargaining. Moved by McPherson to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

99-3394 41. Submitting out-of-state travel for Tangela Weiss and Jeff Morton. (Council Communication No. 99-492). Moved by McPherson to adopt. Motion Carried 7-0.

99-3395 42. Submitting Traffic Regulation Changes as follows, (Council Communication No. 99-489). Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.

(1) Conversion to two-way operation: Mulberry Street from 7th to 5th; designation of Traffic Signals on Cherry Street at 5th, 6th and 7th; designation of one-way Streets, parking restrictions and speed limits on 6th Avenue and 7th Street.

(2) Placement of three-way stop control - SE 5th and County Line Road.

(3) Installation of handicapped parking adjacent to Trinity United Methodist Church, 1548 8th Street.

(4) Installation of Loading zone in from of 420 Keosauqua Way.

APPROVING


99-3397 43-I Request from Salisbury House Foundation, for City to sponsor the Foundation's request to the Des Moines Metropolitan Planning Organization (MPO) for Surface Transportation Enhancement (STPTE) funding in the amount of $250,000, for modifications to the estate. Moved by McPherson to receive, file and approve the request and authorize the
Mayor to sign a letter of endorsement. Motion Carried 7-0.

44. Bids for the following:

99-3398 (A) Nine mowers to be used by the Park and Recreation Department, $152,521, (see roll call for list), (nine bids mailed-4 received). Moved by McPherson to adopt. Motion Carried 7-0.

99-3399 (B) Fifteen vehicles to be used by the Public Works, Park and Recreation, Traffic and Transportation- Engineering Departments, $206,951.37, (nine bids mailed-five received). Moved by Coleman to adopt. Motion Carried 7-0.

99-3400 (C) Nine Heavy Trucks to be used by the Public Works-Street and Sidewalk Divisions, $453,927.05 (12 bids mailed-seven received). Moved by McPherson to adopt. Motion Carried 7-0.

99-3401 (D) Star Equipment Ltd., (1401 2nd Avenue, DM, Max Bowman, President), for three air compressors to be used by the Public Works Sewers and Street Maintenance Divisions, $24,860, (eight bids mailed-five received). Moved by McPherson to adopt. Motion Carried 7-0.

99-3402 (E) L&L Insulation and Supply Co, (Ankeny, Robert Fligg, President), for installation of insulation in the builds at the Wastewater Reclamation Facility, $18,500, (nine bids mailed-two received). Moved by McPherson to adopt. Motion Carried 7-0.

99-3403 (F) 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), continued from 10-25-99. Moved by McPherson to adopt. Motion Carried 7-0.

99-3404 45. Authorizing Finance Director to draw checks on register of November 5 and 12, 1999, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks beginning November 1 and 8, 1999, and bi-weekly payrolls due November 5, 1999. Moved by McPherson to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

99-3405 46. 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 McPherson that this ordinance do now pass, #13,766. Motion Carried 5-2. Absent: Brooks and Vlassis.

ORDINANCES - SECOND CONSIDERATION
99-3406 47. On vacation of the East/West alley right-of-way between E. 14th and E. 15th Streets, between Des Moines and Lyon Streets. Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

99-3407 (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by McPherson 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, #13,767. Motion Carried 7-0.

99-3408 48. On rezoning of land along NE 14th Street from "A-1" (Agricultural District) to "Ltd 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.

99-3409 (A) Final consideration of ordinance above, (waiver requested by Phillips Petroleum), requires 6 votes. Moved by McPherson 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, #13,768. Motion Carried 7-0.

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

COUNCIL REQUESTS

99-3410 49. From Council Member George E. Flagg regarding Airport security. Moved by Flagg to receive, file and discuss; refer to City Manager to explore feasibility of the airlines sharing in the cost of added police presence at the Airport for a report back in four to six weeks. Motion Carried 7-0.

99-3411 (A) Communication from Council Member Flagg, regarding rate of pay for Airport security personnel. Moved by Flagg to receive, file and refer to the City Manager to explore feasibility of the airlines sharing in cost of a potential increase in pay for Airport security personnel, for a report back in four to six weeks. Motion Carried 6-1. Absent: Coleman.

99-3412 50. From Council Member George E. Flagg regarding paving of the S.W. and S.E. Connectors. Moved by Flagg to receive and file. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

99-3413 51. 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, (continued from 10-25-99). Moved by Hensley to receive, file and continue to 11-15-99. Attorney Lillis to meet with Airport Board and City Manager. Motion Carried 7-0.
99-3414 52. Request from Robert Forres, 3517 E. 26th Street, to speak regarding Police False Alarms. **Moved by Brooks to receive and file. Motion Carried 7-0.**

99-3415 53. From Kurt W. Rosene, representing The Alter Group requesting authorization for the City Manager to work with The Alter Group to prepare a developer-initiated proposal for office construction in the Gateway West project. **Moved by Hensley to receive, file, discuss and refer to the City Manager. Motion Carried 6-1. Pass: Flagg.**

**Council considered Item 57 and Hearings next**

**HEARINGS (Opened at 5:48 P.M.) (Items 54 thru 56)**

99-3416 54. On request from Tom Gratias, (owner), to amend the Brook Run Village "PUD" Conceptual Plan--and to continue further to 12-6-99. **Moved by McPherson to continue the public hearing on this matter until December 6, 1999, at 5:30 P.M. Motion Carried 6-1. Absent: Flagg.**

99-3417 55. On Demolition Contract No. 169 B.H.N.A.C.: Resolution approving plans, specifications, form of contract, Engineer's estimate, and designating lowest responsible bidder as L.A. Company (Linda Wicker, Owner), $72,393. **Moved by Hensley to adopt. Staff to include 5914 Tonka in this project, if possible. City Manager to check on property at Arthur address and James Dank property. Hold 1431-21st for 60 days while they are working on it. Motion Carried 7-0.**

99-3418 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3419 56. On appeal from Debbie Marrs, 4815 Pleasant Street, #103, WDM, regarding Limousine License denial. **Moved by Brooks to grant the license with a monthly review for violations and to place her in probationary status for one year. Motion Carried 5-2. Nays: Hensley and McPherson.**

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

**APPROVING**

99-3420 57. Receipt of preliminary communication from the City Manager concerning an Amendment to Recycling Program and Fees. **(Council Communication No. 99-494). Moved by Brooks to receive, file and refer to the City Manager for presentation during the budget process; adopt recommendation in Council Communication, for a report by the first of the year, if possible. Motion Carried 6-1. Nays: McPherson.**

99-3421 58. Resolution to reconsider and amend prior direction regarding vacation and
disposition of E. Vine Street between E. 6th and E. 7th Streets. 

Moved by Brooks to adopt and set date of hearing for 12-6-99 at 5:30 P.M. Motion Carried 7-0.

99-3422 59. City of Des Moines participation in Keep Iowa Beautiful for a three-year commitment of $3,200 annually, with the communities of Ankeny, Bondurant, Carlisle, Clive, Norwalk, Pleasant Hill, Polk City, Urbandale, West Des Moines and Windsor Heights. (Council Communication No. 99-488). Moved by Vlassis to adopt. Motion Carried 7-0.

99-3423 60. Receipt of communication from L.D. McMullen, Ph.D., CEO and General Manager for Des Moines Water Works regarding the intent of the Board of Water Works Trustees to enter into a 28E Agreement regarding the purchase of approximately 166 acres owned by Archer Daniels Midland Company in the proposed Des Moines Agribusiness Park. (Council Communication No. 99-495). Moved by Brooks to receive, file and direct City staff to prepare a 28E Agreement. Motion Carried 7-0.

99-3424 61. 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), continued from 10-25-99. Moved by Hensley to adopt; and encourage ongoing dialogue between the Public Housing Board and Neighborhood Revitalization Board. Moved by Hensley to adopt; and encourage ongoing dialogue between the Public Housing Board and Neighborhood Revitalization Board. Motion Carried 7-0.

99-3425 62. Selection of Banc of America Leasing & Capital, LLC, as the City's Master Lease-Purchase provider, three-year term with two one-year renewal options. (Council Communication No. 99-485). Moved by Coleman to adopt. Motion Carried 7-0.

99-3426 63. Receipt of communication from City Manager regarding proposal for use of property from 10th to 15th, between Grand and Locust, for referral to appropriate City Boards and Commissions, for a recommendation to Council on January 3, 2000. (Council Communication No. 99-493). Moved by Hensley to approve; and include the Library and Science Center Board and direct staff to publish their meeting dates to discuss this issue on the web and cable TV. Motion Carried 5-1-1. Nays: Brooks. Pass: Flagg.

99-3427 64. Communication from Council Member Coleman, regarding proposed Council-sponsored recognition and economic development strategy targeting our local, existing businesses. Moved by Coleman to receive, file and approve the "Spirit of Des Moines" concept and refer to City Manager for recommended implementation. Motion Carried 7-0.

99-3428 65. Request from St. Augustin School, requesting permission to place a banner at 4230 Grand Avenue, from November 18 thru November 20, to celebrate National Day of Appreciation for Catholic School Principals. Moved by Vlassis to receive, file and grant the request. 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.

99-3429 1. Request from Council Member George Flagg, to discuss the Wastewater Reclamation Authority, (WRA). SPONSOR: Flagg. Moved by Flagg to receive and file. WRA staff was commended for their reporting documents. Motion Carried 7-0.

99-3430 2. Approving Class "C" Beer-Wine License, for K.C.'s Restaurant and Lounge, dba Arirang Restaurant, 5514 Douglas Avenue. SPONSOR: Mayor Daniels. Moved by McPherson to adopt. Motion Carried 7-0.

99-3431 3. Approving Class "C" Liquor License to DTMC, L.C., Daniel E. Mauro, President, dba The Big Kahuna, 208 Court Avenue. SPONSOR: Brooks. Moved by McPherson to adopt. Motion Carried 7-0.

99-3432 4. Request from Council Member Hensley to discuss the proposed renovation of the HargerBlish Building, 11th and Mulberry. SPONSOR: Hensley. Moved by Hensley to authorize the City Manager's Office to review the proposed project and to determine a recommended level of City economic development assistance for Council's consideration. Motion Carried 7-0.

99-3433 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 7:00 P.M. Motion Carried 7-0.

DES MOINES-CITY OF SKYWALKS