

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 4, 1999 4:30 P.M.

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

Valada Viars - Mime

INVOCATION: Pastor Bernie Colorado, Union Park United Methodist Church

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

99-2 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-0.**

99-3 3. APPROVING CONSENT AGENDA - items 3 through 61: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-0.**

99-4 I. Staff presentation on development in Guthrie Avenue Business Park. **Moved by McPherson to receive and file. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

99-5 4. Communication from Legal Department regarding January 4, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-0.**

Class "B" Beer Licenses

99-6 5. Ervin Wagner dba Archery Field and Sports, 2542 East University; Renewal - Expires 1-22-99 (With Sunday Sales) - Application submitted 12-28-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-7 6. Sparta Inc., James Frangos, President dba Coney Island, 3700 Southwest 9th Street; Renewal - Expires 1-20-99 - Application submitted 12-22-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "C" Beer Licenses

99-8 7. Danlee Corp., Dan Moeller, President dba Jiffy, 3718 Southwest 9th Street; Renewal - Expires 1-25-99 (With Sunday Sales) - Application submitted 11-9-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-9 8. Laura Cruz, Inc., Laura Cruz, President dba La Cruz, 4007 Southeast 13th Street #107; Renewal - Expires 1-7-99 (With Sunday Sales) - Application submitted 11-5-98. **Moved by McPherson to adopt. Motion Carried 5-1. Pass: Flagg.**

Class "C" Beer-Wine Licenses

99-10 9. Wong Enterprises Inc., Wayne Wong, President dba Kwong Tung Restaurant, 2721 Ingersoll; Renewal - Expires 1-7-99 - Application submitted 12-15-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-11 10. Mr. V's, Inc., Joseph Vivone, President dba Mr. V's, 206 Indianola Rd; Renewal - Expires 1-21-99 - Application submitted 12-18-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "A" Liquor Licenses

99-12 11. Ang Service Club, Dan Manning, President dba Ang Service Club, 3100 McKinley Avenue; Renewal - Expires 1-25-99 - Application submitted 12-22-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-13 12. American Legion, Highland Park Post, Robert Ziesman, Commander dba Highland Park American Legion, 3712 2nd Avenue; Renewal - Expires 1-14-99 - Application submitted 12-11-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "B" Liquor Licenses

99-14 13. Des Moines International Hotel Partnership, Vince Kopacok, Partner dba Best Western Airport Inn, 1810 Army Post Road; Renewal - Expires 1-10-99 (With Sunday Sales) - Application submitted 12-10-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "C" Liquor Licenses

99-15 14. Big Dog Enterprises, Kris Greiner, Owner dba Fish Bowl, 3029 Merle Hay Road; Renewal - Expires 1-4-99 (With Sunday Sales and Beer Garden) - Application submitted 11-30-98. Deferred from December 21, 1998 Council Meeting. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-16 15. Nathaniel Morton dba Mort's Rendezvous, 1016 University; New Application - submitted 11-16-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "E" Liquor Licenses

99-17 16. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #4, 4707 Fleur Drive; Renewal - Expires 1-24-99 - Application submitted 12-15-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Authorizing

99-18 17. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-19 18. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-0.**

Gamerrooms

99-20 19. Namco Cybertainment Inc., Kevin Hayes, President dba Time Out, 1111 Southeast Army Post Road; Renewal - Expired 12-31-98 - Application submitted 11-18-98. **Moved by McPherson to adopt. Motion Carried 6-0.**

Refunds

99-21 20. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-0.**

Transfers

99-22 21. Temporary transfer of Class "C" Beer-Wine License for Parents Without Partners, Wynell Kisner, President dba Parents Without Partners, from 100 E. Euclid, Suite #153 to 100 E. Euclid, Suite #103 for one day event on January 9, 1999. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-23 (A) Temporary transfer of Class "C" Beer-Wine License for Parents Without Partners, Wynell Kisner, President dba Parents Without Partners, from 100 E. Euclid, Suite #153 to 100 E. Euclid, Suite #103 for one day event on January 23, 1999. **Moved by McPherson to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

22. Resolution Ordering Construction of the following:

99-24 (A) E. University Avenue Widening at E. 9th Street, Receiving of Bids (1-19-99), and Setting Date of Hearing (1-25-99), (Construction Estimate - \$669,765.50). **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Coleman.**

99-25 (B) Skywalk Bridges 2C-3C, 2C-2D, Sound Attenuation, Receiving of Bids (1-19-99), and Setting Date of Hearing (1-25-99), (Construction Estimate - \$20,000). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-26 (C) Botanical Center Parking Lot Lighting, Receiving of Bids (1-19-99), and Setting Date of Hearing (1-25-99), (Construction Estimate - \$22,000). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-27 (D) South Side Trunk Relining, Receiving of Bids (1-9-99), and Setting Date of Hearing (1-25-99), (Construction Estimate - \$327,170). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-28 23. Approving Supplemental Agreement No. Two with Herbert/ Lewis/Kruse/Blunck in conjunction with Civic Center/Federal Building/Plaza Condominium Skywalk Connection for extra work - \$51,948.04. Continued from 12-21-98. ([Council Communication No. 99-013](#)). **Moved by Vlassis to defer consideration to the 1-25-99 Council Meeting. City Manager to report on issues raised, including contributions from other parties involved. Motion Carried 6-0.**

99-29 24. Approving designation of lowest responsible bidder and approving contract and bond for the Blank Park Zoo Cats Exhibit Rock Work Enhancements--Rock & Waterscape Systems, Inc., (Richard P. Guarneri, Chief Financial Officer, 11 Whatney, Irvine CA), \$113,075. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-30 25. Approving partial payments on six public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-31 26. Communications from various contractors, requesting permission to sublet certain items on three public improvement projects. (Call City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

99-32 27. Approving issuance of a quit claim deed for title clearing action, Betty D. Severson, vacated alley and High Street right-of-way in vicinity of 2814 High Street. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-33 28. On conveyance of City-owned Municipal Housing Agency property at 208 E. Lally, to Jeannett E. Herriott, pursuant to Affordable Home Ownership Program. ([Council Communication No. 99-004](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-34 29. Authorizing City Manager to acquire necessary right-of-way for the Four Mile Creek Trail Phase 3 Project - \$1,400,000. **Moved by Vlassis to adopt, and refer to City Manager and Parks Department to prepare a plan, including estimate of costs for a County-Wide System, and to report back in 60 days. Motion Carried 5-1. Nays: Coleman.**

****Council considered Hearing Items 66-76 next****

99-35 30. Approving Noise and Avigation Easements for six properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-36 31. Temporary Access Easement, Permanent Easement for Recreational Trail and Future Title Work Compensation in conjunction with Beaverdale Recreational Trail Phase 2, East of Des Moines River and South of Euclid Avenue, from J. C. White Revocable Trust, in the vicinity of Urbandale Avenue and Martin Luther King, Jr. Pkwy. - \$1,029. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-37 32. Permanent Easement for Recreational Trail and Future Title Work Compensation in conjunction with Beaverdale Recreational Trail Phase 2, East of Des Moines River and South of Euclid Avenue, from Drake University, 3301 Martin Luther King, Jr. Pkwy. - \$4,150. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-38 33. Backslope and Property Adjustment Easement and Release, Warranty Deed to State and Future Title Work Compensation in conjunction with US 69 (E. 14th St) and Guthrie Avenue Intersection Improvement, from John H. Hews, 2202 E. 14th Street - \$1,235. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-39 34. Backslope and Property Adjustment Easement and Release, Offer to Purchase Real Estate and Acceptance, Quit Claim Deed, Warranty Deed to City and Compensation for Future Title Work in conjunction with East University Avenue and East 9th Street Intersection Improvement, from Central Iowa Hospital Corporation d/b/a/ Iowa Lutheran Hospital, 1116 E. University Avenue - \$3,554 plus closing costs. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-40 35. Backslope and Property Adjustment Easement and Release, Permanent Easement for Street Right-of-Way, Future Title Work Compensation, and Tenant Backslope and Property Adjustment Easement and Release in conjunction with East University Avenue and East 9th Street Intersection Improvement, from Donner Dewdney and Jacquelyn Dewdney, Owner, Proteus Inc., Tenant, 900 E. University Avenue - \$10,575. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-41 36. Offer to Purchase Real Estate and Acceptance, Quit Claim Deed, and Temporary Easement for Construction in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), from Willow Creek Golf Course, Inc., vicinity of 140 Army Post Road, West Des Moines - \$2,000. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-42 37. Release of Certificate of Deposit in amount of \$5,406 provided as security for completion of required sidewalks in Tori's Addition to developer R.M. Madden Construction, Inc. **Moved by McPherson to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-43 38. Revised Intergovernmental 28E Agreement creating the Neighborhood Development Corporation, incorporating the Des Moines Development Corporation as additional signatory. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-44 (A) Appointment of Neighborhood Revitalization Board representative to the Neighborhood Development Corporation--Bill Knapp II. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-45 (B) Communication from NRB Chair regarding appointment. **Moved by McPherson to receive, file and approve. Motion Carried 6-0.**

99-46 (C) Additional appointees to the Neighborhood Development Corporation Board. **Moved by Hensley to adopt, and make the two remaining appointments as soon as possible. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

99-47 39. On vacation and conveyance of east/west alley between SE 15th and SE 16th Street south of Maury, to Bud J. and Leola M. Sonderleiter, \$400 plus costs, (1-25-99). **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Flagg.**

99-48 40. On conveyance of vacated Mahaska Parkway right-of-way between SW 33rd Street and vacated SW 35th Street to The Trustee of the William Wellesley Trust, by an unrestricted quit claim deed, \$11,450, (1-25-99). **Moved by McPherson to adopt. Motion Carried 5-1. Pass: Flagg.**

41. NUMBER NOT USED.

CITY MANAGER COMMUNICATIONS

99-49 42. Submitting out-of-state travel request for Mike Rains, Ricky Baughman and Chris Coleman. ([Council Communication No. 99-001](#)). **Moved by McPherson to adopt. Motion Carried 5-0. Council Member Coleman declares a conflict of interest and abstains from voting.**

99-50 43. Submitting the following traffic regulation changes. ([Council Communication No. 99-007](#)). **Moved by McPherson to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-0.**

(1) Change Yield Sign to Stop Sign - Martin Luther King Jr. Parkway and Center Street.

(2) Removal of Corner Clearance No Parking Restriction - North Side of Enos Avenue East of 15th Street.

(3) Changes to Municipal Code to Support Current Signing for No Parking Any Time - Both Sides of SW 34th Street from Watrous Avenue to McKinley Avenue.

APPROVING

99-51 44. Authorization to submit three applications to Metropolitan Planning Organization for Federal Surface Transportation Program Transportation Enhancement Funds for East-West Section of Martin Luther King Jr. Parkway project from SW 16th to SW 2nd Street. ([Council Communication No. 99-008](#)). **Moved by Coleman to adopt. Motion Carried 6-0.**

****Council considered Items 62-65 next****

99-52 45. Various city facilities to be used by Polk County for Special School Local Option Tax Election on Tuesday, March 16, 1999. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-53 46. Agreement with Coordinating Service Provider for Region 11, designating Central Iowa Employment and Training Consortium (CIETC) as fiscal agent. **Moved by McPherson to adopt. Motion Carried 5-0. Council Member Vlassis declares a conflict of interest and abstains from voting.**

99-54 47. Extension of Contract with the 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 McPherson to adopt. Motion Carried 6-0.**

99-55 48. Iowa Community Cultural Grant Award in the amount of \$6000 from Iowa Department of Cultural Affairs for music Under the Stars concert series. ([Council Communication No. 99-010](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-56 49. Space Allocation Agreements between Park and Recreation Department and Community Development Department for use of space at Logan Neighborhood Site Office, Scott Four Mile Neighborhood Site Office, Archie Brooks Community Center and Southeast Neighborhood Site Office from January 1, 1999 to December 31, 2001. ([Council Communication No. 99-011](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-57 50. Tax Abatement applications for additional value added by improvements made during 1998, (75 applications on file in Clerk's Office). ([Council Communication No. 99-006](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

51. Bids for the following:

99-58 (A) Tri-States West (Hugh Stafford, President, Grimes IA) for two (2) outfront commercial mowers (\$55,772) and one (1) triplex riding greensmower (\$14,372) to be used by Park and Recreation Department (Golf Courses), total of \$70,144. (10 bids mailed-3 received). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-59 (B) Charles Gabus Ford, (Charles Gabus, President, 4545 Merle Hay Rd.), for nineteen (19) police vehicles to be used by the Police Department (Patrol Division), \$391,805.65 and Dewey Ford (Mark Vucovich, President, 444 E. 4th St.) for two (2) patrol wagons to be used by the Police Department (Patrol Division), \$49,644. (6 bids mailed-3 received). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-60 52. Authorizing Finance Director to draw checks on registers of January 1, 8, 15 and 22, 1999, and registers for Des Moines Public Housing Agency for January, 4, 11 and 18, and biweekly payroll due employees on January 1, 1999. **Moved by McPherson to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

99-61 53. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes as follows: **Moved by McPherson that this ordinance do now pass, [#13,666](#). Motion Carried 6-0.**

(1) Corner Clearance No Parking Restriction -- North Side of Crocker Street East of 41st Street.

(2) Four-way Stop -- Sixth Avenue and Aurora Avenue.

(3) Two-Sided Parking Restriction -- S.E. 10th between Rose and Watrous Avenues.

99-62 54. Amending Chapter 14 of the Municipal Code regarding procedures for rental unit inspections--fees to be legally assessed against the property. **Moved by McPherson that this ordinance do now pass, [#13,667](#). Motion Carried 5-0. Council Member Coleman declares a conflict of interest and abstains from voting.**

ORDINANCES - SECOND CONSIDERATION

99-63 55. On amendment to Section 2A-16 of the Zoning Ordinance, to permit gas stations with a maximum of 8 fueling stations to be located along Army Post Road, from Fleur Drive to East city limits within the areas zoned to the "C-1" Districts. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-64 56. On rezoning of property in vicinity of 7300 Fleur Drive, from "R1-80", a portion of Airport Commerce Park "PUD" and "PBP", to a PUD entitled Airport Commerce Park South. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-65 57. On rezoning of property at 3350 Evergreen Avenue, from "R1-90" (Large Lot-One Family Residential), to a Ltd. "R1-80" (One Family Residential). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-66 58. Amending Chapter 27 of the Municipal Code regarding traffic regulations changes for the following. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

(1) Corner Clearance No Parking Restriction -- West Side of East Thirty-seventh street North of Dubuque Avenue.

(2) Loading Zone -- Adjacent to LS & W Productions (1024 Walnut Street).

(3) Allow Parking on East Side of Sixth Avenue from Walnut Street to Locust Street after 6:00 PM and until 7:00 AM

99-67 59. On vacation of 41st Street between Grand and Ingersoll. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-68 59-I Amending Chapter 15 of the Municipal Code regarding burial receptacles in City cemeteries--Islamic Cemetery burial request. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-68-I (A) Final consideration of ordinance above, (waiver requested by Legal Department). **Moved by McPherson that this ordinance do now pass, [#13,670](#). Motion Carried 6-0.**

99-69 60. Amending Section 15-174 of the Municipal Code increasing Tournament Rental Fee for Soccer Fields. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-70 61. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the Center Street Park and Ride Facility. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

ORDINANCES - FIRST CONSIDERATION

99-71 62. Amending Chapter 20 of the Municipal Code, to add regulations for facility use and conduct at Birdland Marina. ([Council Communication No. 99-009](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

COUNCIL REQUESTS

63. Regarding recommendations for the following:

99-72 (A) From Employee Evaluation Sub-Committee, submitting recommendation for City Manager, Corporation Counsel and City Clerk. **Moved by Vlassis to receive, file, and adopt recommendations, as submitted, effective January 1, 1999. Motion Carried 6-0.**

99-73 (B) From Council Member Vlassis, regarding City Council Compensation Package. **Moved by Vlassis to receive, file, and appoint a five-member ad hoc committee at the 1-25-99 Council Meeting, to review salary and benefit package of Council Members. Committee will report back at the end of April. Motion Carried 6-0.**

COMMUNICATIONS/REPORTS

99-74 64. From Gordon L. Smith, P.E. on behalf of Iowa Concrete Paving Association and its affiliate, the American Concrete Pavement Association request to speak regarding city's recent reconstruction project at 63rd and University. **No Motion Made.**

99-75 65. From Finance Director and City Engineer, submitting financial statements for the Wastewater Reclamation Authority (WRA) fiscal year 1997-98. ([Council Communication No. 99-005](#)). **Moved by Hensley to receive and file. City Manager to report on issues raised including calculation and comparison of PILOTS. Motion Carried 6-0.**

****Council considered Item 77 thru end of agenda next****

HEARINGS (Opened at 5:40 P.M.) (Items 66 thru 76)

99-76 66. On application from Ronald F. Gottl, for G.V. & W. Partnership, to rezone property north of 6223 University from "R1-60" (One Family, Low Density Residential) to a Ltd "C-1" (Neighborhood Retail Commercial). **Moved by Vlassis to adopt. Motion Carried 6-0.**

99-77 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

99-78 (B) Final consideration of ordinance above. **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, [#13,668](#). Motion Carried 6-0.**

99-79 67. On application from James H. Cooper, Cooper Homes, to rezone property in vicinity of SW 31st Street and Stanton Avenue from "R1-80" to a Limited "R1-70", and to find conformance with the Des Moines 2000 Land Use Plan, (continued from 12-21-98). (Requires 6 affirmative votes for passage). **Moved by Hensley to adopt. Motion Failed. 3-3. Nays: Coleman, Flagg and Vlassis.**

WITHDRAWN (A) First consideration of ordinance above.

99-80 68. On application from Les Knust, Casey's General Stores, Inc., to rezone property at 6320 Indianola Avenue from "R1-80" (One Family Residential), to Limited "C-1" (Gen. Retail and Highway Oriented Commercial), continued from 12-21-98. **Moved by Flagg to adopt. Motion Carried 6-0.**

99-081 (A) First consideration of ordinance above, (requires 6 votes). **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

99-82 (B) Final consideration of ordinance above. **Moved by Coleman 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, [#13,669](#). Motion Carried 6-0.**

99-83 69. To close hearing on proposed rezoning of 4301, 4525, 4609 and 4619 Grand, and 500-44th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-84 (A) Amending proposed rezoning ordinance to include only parcels for which an Acceptance of Rezoning Ordinance has been received, and to pass ordinance as amended on first consideration. **Moved by Hensley that this ordinance be amended to include only the parcels for which an Acceptance of Rezoning ordinance is on file with the City Clerk; the ordinance as so amended be considered and given first vote for passage. Motion Carried 6-0.**

99-85 (B) Initiating rezoning of the balance of the parcels from "R-3" (Multiple Family Residential), to "R1-80" (Single Family Residential). **Moved by Hensley to adopt and refer to the City Plan and Zoning Commission. Motion Failed. 3-3. Nays: Flagg, McPherson and Vlassis.**

99-86 70. On vacation and conveyance of East/West and North/South alleys in the south 1/2 of the block bounded by Grand, E. Fifth, E. Sixth and Des Moines Streets, to James O. Boyt, \$2,500, and to continue hearing to 1-25-99. **Moved by Flagg to adopt. Motion Carried 6-0.**

99-87 71. On Equipment Maintenance Center Renovations and Car Wash: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Martin Gorgas, President, 1719 Hull Avenue, DM), \$390,216. **Moved by Coleman to defer consideration until after the 1999/2000 C.I.P. has been approved. Motion Carried 6-0.**

WITHDRAWN 99-88 71. (A) Approving contract and bond.

99-89 72. On Demolition Contract No. 167, B.H.N.A.C. (18 properties): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Metro Wrecking & Excavating, Inc., (Kurt Pagliai, President, 4041 E. 16th Street, DM), \$119,000. **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Vlassis.**

99-90 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Vlassis.**

99-91 73. On 1998 Flood Sanitary Sewer Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, 1805 Euclid, DM), \$117,950. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-92 74. On Sherman Hill Historic Lighting Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Brothers, Inc., Electrical Contractors, (Kimberly K. Constable, President, 107 E. 5th Street, DM), \$16,944. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**

99-93 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**

99-94 75. On Fleur Drive Traffic Signal System Upgrading, (IDOT Project): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Bros., Inc., Electrical Contractors, (Kimberly K. Constable, President, 107 E. 5th Street, DM), \$418,442. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**

99-95 76. On appeal from Candace Brandt, 1512 Park Street, regarding taxicab license denial. **Moved by Coleman to grant license. Motion Carried 6-0.**

* * END HEARINGS at 7:35 P.M. * *

****Council considered Items 38 & 44 next****

APPROVING

99-96 77. Report Card for Operation Downtown and Budget for Downtown Self-Supported Municipal Improvement District (SSMID) budget for fiscal year 1999-2000. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-97 78. Appointment of Council Member Chris Coleman as Mayor Pro Tem for the 1999 Calendar year. **Moved by Flagg to approve the recommendation of Mayor Daniels for the appointment hereinabove stated, until the first regular meeting of the City Council in January 2000, or as soon thereafter as possible, and give appreciation for Council Member Vlassis services in 1998. Motion Carried 5-1. Pass: Coleman.**

99-98 79. Intergovernmental 28E Agreement with Des Moines School District to provide funding for portion of the cost of School Resource Officer program to place Police Officers in district high schools. ([Council Communication No. 99-003](#)). **Moved by Vlassis to adopt. Motion Carried 4-1. Nays: Flagg. Council Member McPherson declares a conflict of interest and abstains from voting.**

99-99 80. Professional Services Agreement with Black & Veach, (P.J. Adams, CEO, Kansas City, MO) to provide a cost of service analysis, establish a sewer rate structure based on the analysis and prepare an automated rate model for the sanitary sewer system, not to exceed \$59,000. ([Council Communication No. 99-002](#)). **Moved by Coleman to adopt. Motion Carried 4-2. Nays: Flagg and McPherson. Previous motion to adopt failed on a 3-3 vote, NAYS: Coleman, McPherson and Flagg, and was reconsidered after Extra Item No. 1.**

81. Various actions regarding the Draft Court Avenue Neighborhood Urban Design Plan: ([Council Communication No. 99-012](#)).

99-100 (A) Approval by the Architectural Advisory Committee. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

99-101 (B) Approval by the Historic District Commission. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

99-102 (C) Communication from Robert L. King, Chairperson, Neighborhood Revitalization Board. **Moved by Vlassis to receive, file and refer to the City Manager. Motion Carried 6-0.**

99-103 (D) Approval by the Park and Recreation Board with stipulations and conditions. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

99-104 (E) Approval by the City Plan and Zoning Commission. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

99-105 (F) Communication from William Dikis, Chairman, Urban Renewal Board. **Moved by Vlassis to receive, file and refer to the City Manager. Motion Carried 6-0.**

99-106 (G) Resolution to adopt the Court Avenue Neighborhood Urban Design Plan. **Moved by Vlassis to adopt. Motion Carried 6-0.**

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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.

99-107 1. Accepting letter of resignation from Ward IV Council Member Gene Phillips. **Moved by Vlassis to receive, file and accept with deep appreciation for years of service. Motion Carried 6-0.**

99-108 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:42 P.M. Motion Carried 6-0.**

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