

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 5, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Census 2000 Day

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

A Showcase of Local Arts-Paul Micich - Electric Horn

Mark Nelson - Guitar

INVOCATION: Pastor Robert Connors

Union Park Christian Church

99-881 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

99-882 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

* * * * *

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

99-883 3. APPROVING CONSENT AGENDA - items 3 through 78: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-884 4. Communication from Legal Department regarding April 5, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-885 5. K O Restaurant, Inc., KO Xayavongvane, President dba K O Restaurant, 1254 East 14th Street; Renewal - Expires 4-14-99 (With Sunday Sales) - Application submitted 3-4-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-886 6. George Davis dba Davis Concessions, 2601 Hubbell - Savage Softball Field; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-1-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-887 7. William A. Tegeler, Inc., Robert F. Tegeler, President dba Army Post Amoco, 849 Army Post Road; Renewal - Expires 4-19-99 (With Sunday Sales) - Application submitted 3-15-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-888 8. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #556, 2930 Hickman Road; Renewal - Expires 4-23-99 (With Sunday Sales) - Application submitted 2-10-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-889 9. Phrasimmaly Philavanh dba New Oriental Food Store, 515 East Grand; Renewal - Expires 4-6-99 (With Sunday Sales) - Application submitted 3-26-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flag.**

Class "C" Beer-Wine Licenses

99-890 10. Java Joes Coffee House, Inc., Cyndy Coppola, President dba Java Joes Coffee House, 214-216 4th Street; Renewal - Expires 4-15-99 (With Sunday Sales) - Application submitted 2-15-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-891 11. Taylor WS, Inc., Ricci Silverstrini, President dba Silverstrini's Pizza, 3015 Merle Hay Road #1; Renewal - Expires 4-20-99 (With Sunday Sales) - Application submitted 3-11-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flag.**

Class "C" Liquor Licenses

99-892 12. FBM, Inc., Frank H. Baedaro, President dba Alpine Tap Room, 2720 Ingersoll; Renewal - Expires 4-20-99 - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-893 13. Benchmark Redevelopment, Inc., Andrew M. Massoth, President dba Buzzard Billy's, 100 Court, Lower Level; New Application (With Sunday Sales and Beer Garden) - Application submitted 2-5-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-894 14. Anthony DeFazio dba DeFazio Brothers, 2301 Southwest 9th Street; Renewal - Expires 4-15-99 - Application submitted 3-26-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-895 15. Gerri's, Inc., Janine K. Sturdivant, President dba Gerri's, 232 East 30th Street; Renewal - Expires 4-25-99 (With Sunday Sales) - Application submitted 2-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-896 16. PLIK Corporation dba Greenwood Lounge, 3707 Ingersoll; Renewal - Expires 4-23-99 - Application submitted 3-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-897 17. Canyon Man Productions, T.J. Montgomery, President dba Pumpers, 4020 Merle Hay Road; Renewal - Expires 4-11-99 (With Sunday Sales and Beer Garden) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-898 18. Raccoon River Brewing Co, LLC, E. Jeffery Hunter, Manager dba Raccoon River Brewing, 200 10th Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-22-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-899 19. Scornovacca Inc., Michael A. Vacco, President dba Scornovacca, Inc., 1930 Southeast 14th Street; Renewal - Expires 4-22-99 (With Sunday Sales and Beer Garden) - Application submitted 3-5-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-900 20. Service America Corporation, John T. Dee, President dba Service America Corporation, 350 Southwest 1st Street; Renewal - Expired 4-2-99 (With Sunday Sales and Beer Garden) - Application submitted 3-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

99-901 21. Service America Corporation, John T. Dee, President dba Service America Corporation, 350 Southwest 1st Street; Renewal - Expired 4-2-99 - Application submitted 3-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-902 22. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-903 23. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Beer Gardens

99-904 24. Temporary beer garden for Blair Stairs dba Drake University, Rathskellar/Olmstead Center, Upper Level/Drake Lounge/Sports & Recreation Center/Mainstay, 29th & Carpenter; for Drake Relays Alumni on April 23 & 24, 1999. Subject to acceptable fire inspection. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-905 (a) Temporary beer garden for Blair Stairs dba Drake University, Rathskellar/Olmstead Center, Upper Level/Drake Lounge/Sports & Recreation Center/Mainstay, 29th & Carpenter; for '94 Reunion on April 24, 1999. Subject to acceptable fire inspection. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-906 25. Temporary beer garden for Peggy's Tavern, Inc., Mike Simpson, President dba

Peggy's Tavern, 3020 Forest Avenue; for Drake Relays, April 22, thru April 25, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-907 (a) Temporary beer garden for Peggy's Tavern, Inc., Mike Simpson, President dba Peggy's Tavern, 3020 Forest Avenue; for Drake Graduation, May 14 thru May 16, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-908 26. Temporary beer garden for Lowell M. Coil dba University Library Cafe, 3506 University; for Drake Relays. April 22, 1999 thru April 24, 1999. Subject to submission of acceptable electrical and fire inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Transfers

99-909 27. Parents Without Partners, 100 East Euclid, Suite 153; transfer Class "C" Beer-Wine License to 100 East Euclid, Suite 103 for one day event on 4-10-99. Subject to submission of building, electrical, and fire inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-910 27-I City Council discussion regarding El Jefe, located at 1820 E. Army Post Road, and shooting incident this past weekend. **Moved by Vlassis to refer to Vice Squad and Legal to report on possible license suspension for this establishment. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-911 28. Authorization to proceed with various projects which are included in the 1999-2000 Capital Improvements Program and Operating Budget. (Call City Clerk's Office for listing).[\(Council Communication No. 99-127\)](#) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

99-912 29. Approving agreement with Iowa Department of Transportation for replacement of S.W. 9th Street Bridge over Yeader Creek.[\(Council Communication No. 99-129\)](#) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-913 30. Approving Amendment No. 1 to Agreement with Earth Tech to perform professional services inc connection with planning and redesign service in conjunction with the Southeast Airport Trunk Sanitary Sewer in an amount not to exceed \$48,400. [\(Council Communication No. 99-133\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

99-914 31. Approving Change Order No. 31 with United Contractors, Inc. for additional work in conjunction with the E. Euclid Avenue and Delaware Avenue Intersection Reconstruction Contract in an amount not to exceed \$27,943.62. [\(Council Communication No. 99-128\)](#) **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.**

99-915 32. Approving form of release of Desman Associates in conjunction with Intermodal Transportation Facility, for cost of partial reconstruction; reimbursement of \$59,679 to the City. **Moved by McPherson to adopt. Motion Carried 7-0.**

33. Resolution Ordering Construction of the following:

99-916 (A) 1998 Flood Storm Sewer Repair Contract 2, Receiving of Bids, (4-20-99), and Setting Date of Hearing, (4-26-99), (Construction Estimate - \$222,010). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-917 (B) Jordan Park Playground Improvements, Receiving of Bids, (4-20-99), and Setting Date of Hearing, (4-26-99), (Construction Estimate - \$44,505). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-918 (C) Lincoln Place Drive Soil Stabilization, Receiving of Bids, (4-20-99), and Setting Date of Hearing, (4-26-99), (Construction Estimate - \$287,755). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-919 (D) Police Station Step Replacement Phase 2, Receiving of Bids, (4-20-99), and Setting Date of Hearing, (4-26-99), (Construction Estimate - \$250,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-920 (E) SW 22nd Street Levee Crossing at Fleur Drive, Receiving of Bids, (4-20-99), and Setting Date of Hearing, (4-26-99), (Construction Estimate - \$48,120). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-921 (F) 7th Ward Ditch Wooden Box Replacement-Phase 1, Receiving of Bids, (4-27-99), and Setting Date of Hearing, (5-3-99). (Construction Estimate - \$1,298,892.50) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-922 34. Communications from various contractors requesting permission to sublet certain items on two public improvement projects (Beaverdale Recreational Trail Phase 2 and Laurel Hill Cemetery Gate). **Moved by McPherson to adopt. Motion Carried 7-0.**

35. Accepting completion and recommending approval of Private Construction Contract to serve Easter Lake Park, Plat 4, between Excavators, Inc., Shan Gaar, President-Contractor, and George Fischer, Owner for the following:

99-923 (A) Sanitary Sewer Improvements - \$38,814. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-924 (B) Storm Sewer Improvements - \$34,710. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-925 36. Accepting completion and recommending approval of Private Construction Contract for Sanitary Sewer Improvements for Northwoods Townhomes Development in the 5200 block of Meredith Drive between Nelsen Development Services, Inc., Craig Nelsen, President-Contractor, and D.J. Development, Dick O'Conner, President-Owner - \$44,940. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-926 37. Accepting completion and recommending approval of Private Construction contract for Sanitary Sewer Improvements for Stanton Park Plaza Plat No. 1, Lot No. 3, between Corell Contractor, Inc., Steve Corell, President-Contractor, and John Mauro, Owner - \$10,347. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-927 38 Accepting completion and recommending approval of Private Construction Contract for construction of Sanitary Sewer Improvements to serve Lot 5, River Oaks Center, between Corell Contractor, Inc., Steve Corell, President-Contractor, and Riekes of Iowa, Tom Howard, President-Owner - \$55,195. **Moved by McPherson to adopt. Motion Carried 7-0.**

39. Approving Private Construction Contracts for the proposed Easter Lake Park Plat 5 subdivision for the following:

99-928 (A) Sanitary Sewer Improvements between Eco-Tech Contractors, Inc., R. S. Gillotti, President-Contractor and George Fischer, Owner - \$48,600. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-929 (B) Street Improvements between Eco-Tech Contractors, Inc., R. S. Gillotti, President-Contractor and George Fischer, Owner - \$68,525. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-930 (C) Storm Sewer Improvements between Eco-Tech Contractors, Inc., R. S. Gillotti, President-Contractor and George Fischer, Owner - \$51,326. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-931 40. Approving Private Construction Contract for Street Improvements for the proposed Three Lakes Estates Plat 2 Subdivision between Sternquist Construction, Inc., Britt Sternquist, President-Contractor and Erickson Development, Inc., Tim Erickson, President-Owner - \$76,134.50. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-932 41. Approving partial payments on seven public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-933 42. Resolution levying assessments for costs of Nuisance Abatement-Sidewalk/Drive Approach Repair (Public Works) Schedule No. 1999-37, and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-935 43. Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed in conjunction with Martin Luther King, Jr. Parkway - Central Business District Arterial Loop Bypass (CBD Loop), from Gerald A. Zimmerman and Sue Ann Zimmerman, 2020 Center Street - \$318,632. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-936 44. Form of Warranty Deed and Future Title Work Compensation in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), 6th Avenue/SW 7th Street Paving Project, from Hubbell Realty Company, property located at SW corner of SW 7th and Murphy Streets - \$345. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-937 45. Offer to Purchase Real Estate and Acceptance, Two Forms of Warranty Deeds in conjunction with Airport Runway Protection Zone, from Hunter Enterprises, Inc. and Margaret Lee Murphy, 4700 Fleur Drive - \$327,000. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

46. Temporary Easements for Construction, Easement for Storm Sewer and Surface Water Flowage, Permanent Easement for Sanitary Sewer Right-of-Way and Future Title Work Compensation in conjunction with 7th Ward Ditch Wooden Box Replacement, Phase I, from the following:

99-937 (A) Janelle Bos, 2929 Mahaska Avenue - \$244. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-938 (B) Peter C. Panada and Tammy R. Panada, Contract Buyers, Richard H. Carlson, Jr. and Penny S. Carlson, Titleholder, 2924 Mahaska Avenue - \$396. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-939 (C) Harold W. Bryan, 2932 State Avenue - \$361. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-940 (D) Bobbie L. Mongar, 2923 Garfield Avenue - \$760. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-941 47. Approving Noise and Avigation Easements for ten properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-942 48. Approving adoption of Sherman Hill Neighborhood Action Plan and approving as an Amendment to Des Moines 2000 Land Use Plan. ([Council Communication No. 99-146](#)). **Moved by Hensley to refer to staff and Neighborhood Association to come back with policy issue recommendation on April 19, 1999. Motion Carried 7-0.**

99-943 (A) Communication from Attorney William Lillis, representing the Thompson Trust, regarding property owned by the Trust in the Sherman Hill District. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

99-944 49. Ratification of the West Des Moines City Council representative to the Greater Des Moines Sister City Commission, Ms. Becky Pool. **Moved by McPherson to adopt. Motion Carried 7-0.**

STREET CLOSINGS

99-945 50. Approving closure of the following City Streets. **Moved by McPherson to adopt. Motion Carried 7-0.**

(1) Bill Pierce, representing the Lincoln high School, 2400 SW 9th, requesting permission to close Bell Avenue and Loomis from SW 9th Street to SW 11th Street, on Saturday, April 24, 1999, from 8:00 P.M. to 12:00 Midnight - After Prom alcohol free party.

(2) Jack Carey, representing Des Moines Park & Recreation Dept., 3226 University Avenue, requesting permission to close East 1st Street from Locust Street to Grand Avenue, on Saturday, April 17, 1999, from 8:00 A.M. to 2:00 P.M. for the Mayor's Annual Ride.

51. Approving exception regarding length of time request from the following:

99-946 (A) Jane Foreman, representing Principal Financial Group, 801 Grand Avenue, Suite 3600, requesting permission to close East Second Street from the Firestone Driveway to the Civil Rights Commission Driveway from 7:30 A.M. to 2:00 P.M., Tuesday, July 27, 1999 for a tenant luncheon. **Moved by McPherson to adopt. Motion Carried 7-0.**

51. Approving exception regarding length of time request from the following:

99-947 (B) Jack Carey, representing City of Des Moines Park and Recreation Department, 3226 University, requesting permission to close East First Street from Locust Street to Grand Avenue, on Friday, June 11, 1999 from 6:00 P.M. until 8:00 P.M. on Saturday, June 12, 1999 for a 3 on 3 Basketball Tournament. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-948 (C) Pete Putney, representing U.S.W.A. Local #164, 2727 East Market Street, requesting permission to close East Market Street from SE 28th Street to SE 27th Court, SE 27th Court from East Market to Elm Street and Elm Street from SE 27th Court to SE 28th Street on Saturday, May 1, 1999 from 8:00 AM to 6:00 P.M. for a Union Solidarity and Parade at Union Hall. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

99-949 52. Regarding Council-initiated rezoning and vacation of various properties generally located between 3rd and 5th Street, and between Court and Vine, (Court Avenue Entertainment Complex). **Moved by McPherson to adopt the recommendation of the City Plan and Zoning Commission to rezone the property and vacate the rights-of-way as described. The City Manager is directed to bring the rezoning back before the City Council to schedule a public hearing at such time as the City has acquired title to such property and can consent to the imposition of the zoning limitations. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-950 53. On Council-initiated request to rezone properties in the vicinity of SW 28th Court and Littell, easterly to Relocated Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District), and to vacate the portion of Littell Avenue right-of-way generally located between SW 28th Court and Relocated Army post, Road, and find in conformance with the Des Moines 2000 Lane Use Plan, (4-19-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-951 54. On vacation and conveyance of air rights over Hubbell Avenue and the northwesterly/southeasterly alley in vicinity of E. 22nd and Hubbell, Anderson-Erickson Dairy, (4-19-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-952 55. On application from Sherry R. Sheridan, to rezone property to the rear of 1617, 1619 and 1621 Army Post Road, from "R1-60" (One Family - Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial), (4-19-99). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Belken.**

99-953 56. On Consolidated Annual Performance and Evaluation Report (CAPER) (HUD), for the 1998 Program Year, (4-26-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-954 57. Approving payment of \$123.50 to Nyemaster Law Firm for outside legal counsel for review of legal issues relating to the City's employee benefit and health care benefit proposals. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-955 58. Approving payment of \$3,162.95 to Montgomery Brown of Cook & Brown, P.L.C. for representation of Officer Kenneth Brown in case of Leverette, et al. v. Heller, et al. **Moved by McPherson to approve payment. Motion Carried 7-0.**

99-956 59. Approving payment of \$13,722.40 to Jesus H. Rincon for payment of workers' compensation benefits for injury incurred in the course and scope of employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-957 60. 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.**

CITY MANAGER COMMUNICATIONS

99-958 61. Submitting out-of-state travel requests for Kevin Riper, Mayor Preston Daniels, Christine Hensley, Pamela McAdams, Eric Anderson, Michael Berry, Bernell Edwards, Dustin Flynn, Greg Gourd, Douglas Harvey, Robert Cox, and Kerry Schneider. ([Council Communication No. 99-130](#)). **Moved by Belken to adopt and add Council Member Coleman to item No. 2 (Chamber Trip). Motion Carried 7-0.**

APPROVING

99-959 62. Report from Local Law Enforcement Block Grant Advisory Board, disbanding of the Board and authorizing Federal Follow-up Information Form for submission to Bureau of Justice Assistance. ([Council Communication No. 99-134](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

63. Contracts with Iowa Department of Human Rights/Division of Community Action Agencies for provision of weatherization assistance to low income persons for the following:

99-960 (A) DOE-99-07J, for a period from April 1, 1999 through March 31, 2000, total contract budget of \$169,408. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-961 (B) HEAP-00-07J-99, for a period from April 1, 1999 through April 30, 2000, total contract budget of \$201,856. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-962 64. Amendment No. Four to Low Income Home Energy Assistance Program (LIHEAP) Contract No. LIHEAP-2299-07J to increase budget in the amount of \$37,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-963 65. Supportive Housing Program (SHP) Grant Agreement with U.S. Department of Housing and Urban Development (HUD) for supplemental funding for a local homeless program to address service gaps, grant award of \$194,700, (YMCA Transitional Housing Program). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-964 66. Loan Agreements and Documents for Community Economic Betterment Account (CEBA) Loan in amount of \$350,000 and approving City Loan-\$200,000, to Trans-Lux Midwest Corporation, (plant address--2245 Dean, Corporate office--1700 Delaware), (John A. Long, Vice Pres and General Manager).([Council Communication No. 99-144](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-965 67. West Des Moines State Bank/City of Des Moines Grant Application for Federal Home Loan Bank Affordable Housing Program. ([Council Communication No. 99-142](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-966 68. Reprogramming of unspent 1998 City and State Emergency Shelter Grant (ESG) funding as recommended by City's Neighborhood Revitalization Board (NRB). ([Council Communication No. 99-140](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

99-967 69. Release of City Lien against property at 1317 E. 14th, for Nonprofit Low Income Housing Project for Habitat for Humanity. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-968 70. Annual License and Areaway Permits for Tran-Sit Bench Company, (Jan Johnson, 765 Foster Drive, DM, President), 215 benches in public right-of way at various locations. **Moved by Coleman to adopt. City Manager to report on fee structure for these permits.**

99-969 71. Authorization to negotiate a professional services agreement with Development Dimensions International (DDI), to provide City employees with Customer Service Training. ([Council Communication No. 99-147](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-970 72. Agreement with Des Moines Metropolitan Transit Authority, for Center Street Park & Ride Facility Shuttle Service. ([Council Communication No. 99-151](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-971 73. Execution of US West Communication contract for telephone trunk lines; 60 months at rate of \$2849.98/month. ([Council Communication No. 99-135](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

74. Bids for the following:

WITHDRAWN 99-972 (A) Jermaine's Hauling and Services, Inc., (4906 Ingersoll Avenue, Jermaine E. McGregor, President) for clean-up services of public and private properties within corporate limits of City of Des Moines to be used by the Community Development Department (Neighborhood Health and Zoning), \$183,000. (Fourteen bids mailed-three received).

99-973 (B) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for a van to be used by the Fire Department for fire investigations, \$18,509.90. (Seven bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-974 (C) Hupp Electric Motors, (Cedar Rapids, IA., Bob Hupp, President) for collection and analysis of thermography and vibration data analysis, data base maintenance and training of personnel to be used by the Engineering Department (WRA), \$50,000. (seven mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-975 (D) Kut Kwick Corporation, (Brunswick, GA, Robert Torras, Sr., President) for a Slope Mower to be used by the Park and Recreation Department (Horticultural), \$36,045. (Twelve bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Coleman.**

99-976 (E) Motorola C & E, Inc., (Urbandale), State of Iowa Contract No. 1199F (Municipal Code Section 2-86(c) for communications equipment to be used by the Police Dept (Communications Division), \$11,948.40. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-977 (F) ASAP Software, (Buffalo Grove, IL), State of Iowa Contract 2545 (Municipal Code Section 2-86(c) for 200 sets of Microsoft VLA SQL Client Access 7.0 software to be used by the Information Technology Department, \$18,194. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-978 (G) Bid awarded to Mid-States Ford/Sterling, (4400 NE 14th Street, Marv Perry, President) for thirteen (13) utility vehicles to be used by the Police Department (Neighborhood Based Delivery Service Program and School Resource Officer Program), \$298,634.05. Bid from Winterset Auto L.C. did not meet wheel base specifications, therefore non-compliant. (Ten bids

mailed-nine received) (Council Communication No. 99-155). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-979 (H) Bid awarded to Clarke Mosquito Control Products, Inc., Roselle, IL, J Lyell Clarke, III, President) for mosquito adulticide and mosquito larvacide to be used by the Community Development Department (Neighborhood Health and Zoning), \$10,929.60. Bid from Mug-A-Bug did not meet price specifications. (Six bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-980 75. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-981 75-I Communication from City Clerk, submitting report on City Council meeting/meal expenses for the month of March, 1999. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-982 76. Authorizing Finance Director to draw checks on registers of April 9, 1999 and April 16, 1999; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning April 4, 1999 and April 12, 1999, and the biweekly payroll due employees on April 9, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-983 77. On vacation of East/West and North/South alleys in the south ½ of the block bounded by Grand, E. Fifth, E. Sixth and Des Moines Streets, (Boyt). **Moved by McPherson that this ordinance do now pass, [#13,693](#). Motion Carried 7-0.**

99-984 78. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance do now pass, [#13,694](#). Motion Carried 7-0.**

(1) Commercial Loading Zone--west side of Sixth Avenue south of Douglas Avenue.

(2) Corner Clearance Parking Restriction--west side of Cambridge Street north of Sheridan Avenue.

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

ORDINANCES - FIRST CONSIDERATION

79. Enacting new sections of the Municipal Code regarding the following:

WITHDRAWN 99-985 (A) Operation of Taxicabs in Des Moines.

WITHDRAWN 99-986 (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

WITHDRAWN99-987 (B) Operation of Limousines in Des Moines.

WITHDRAWN99-988 (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

99-989 80. Adopting Policy and approving supporting documents to authorize placement of street banners in City-owned right-of-way. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-990 (A) Amending Chapter 23 of the Municipal Code to exempt recognized neighborhood associations or other organizations which have tax exempt status, from payment of fees for encroachments over public property. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-991 (B) Final consideration of ordinance above, (waiver requested by Legal Department), 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, [#13,695](#). Motion Carried 7-0.**

****Council considered Informal Hearing Items next****

99-992 81. Amending Chapter 16 of the Municipal Code to clarify calibration process for noise monitoring meters.[\(Council Communication No. 99-145\)](#). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-993 (A) 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, [#13,696](#).**

99-994 82. Amending Chapter 27 of the Municipal Code removing Saturday daytime parking restriction on Sixth Avenue from Walnut to Locust. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-995 (A) 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, [#13,697](#). Motion Carried 7-0.**

99-996 83. Amending Chapter 27 of the Municipal Code regarding Traffic Regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Stop Signs-SW 15th Street at Burnham Avenue.

(2) Corner Clearance Parking Restriction-East Side of 46th Street North of University Avenue.

(3) Corner Clearance Parking Restriction-East Side of 54th Street north and south of Aurora Avenue.

(4) Traffic Controls-Thornton Avenue from SW 56th Street to SW 63rd Street.

99-997 (A) 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, [#13,698](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

99-998 84. From Peter M. Sand, Board Member of Chautauqua Park Neighborhood Association requesting permission to speak regarding traffic concerns at the corner of 13th Street and Chautauqua Parkway. **Moved by Vlassis to receive, file and grant the request to speak and refer to City Manager and Traffic Department to work with Neighborhood Association to develop some safety measures. Motion Carried 7-0.**

99-999 85. From Jack Porter and Ed Conlow, requesting to speak representing West Central Coalition of Neighborhoods regarding the need for a traffic plan for 31st and 42nd Streets at I-235, and for Woodland Avenue at MLK Parkway and related issues. **Moved by Hensley to receive, file and grant the request to speak, and refer to Martin Luther King Citizens Committee and I-235 Steering Committee and staff for study and a recommendation. Motion Carried 7-0.**

99-1000 86. From Lee Knutson of 4214 University Avenue requesting to speak regarding a conflict of interest in the business community and a solution to urban sprawl. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 7-0.**

99-1001 87. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly. **Moved by Vlassis to receive and file report. Motion Carried 7-0.**

****Council considered Items 98 thru end of agenda next****

INFORMAL HEARINGS (Opened at 5:33 P.M.) (Item 88)

99-1002 88. On Voluntary Acquisition of Flood Damaged Properties in accordance with FEMA Hazard Mitigation Program April 1999, (19 properties). **Moved by Coleman to adopt. Motion Carried 7-0.**

END INFORMAL HEARINGS at 5:54 P.M.

HEARINGS (Opened at 5:54 P.M.) (Items 89 thru 97)

99-1003 89. On City Plan Commission recommendation of denial for application from Lana C. Fogue, to rezone property at 34 E. Fulton Drive from "R1-60" (One Family Low Density Residential) to "R-2" (One and Two Family Residential). **Moved by Belken to adopt denial of rezoning. Motion Carried 7-0.**

99-1004 90. On City Plan Commission recommendation of denial for an application from John Grandquist of Westridge Real Estate Partnership for amendment to conceptual plan for River Oaks PUD, SE corner of SW 63rd and Creston, to allow for use of approx. 3 acres of land for office/warehouse and mini-storage. **Moved by Coleman to continue hearing to 4-19-99 to allow developer and townhome association to meet. Motion Carried 6-1. Nays: Flagg.**

WITHDRAWN99-1005 (A) ALTERNATE RESOLUTION to approve amendment, (six affirmative votes requires for approval).

99-1006 91. On application from Phillip M. Watters to rezone property at 1436 E. 14th Street, from "C-1" (Neighborhood Retail Commercial) to "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson to deny rezoning request. Motion Carried 7-0.**

WITHDRAWN 99-1007 (A) First consideration of ordinance above.

99-1008 92. On vacation of Fourth Street right-of-way, and alleys in the two block area bounded by Court, Third, Fourth and Vine Street, for development of the Court Avenue Entertainment Center Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1009 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1010 93. On conveyance of vacated alley right-of-way east of E. 14th Street between Guthrie and Milton Avenue, to nine abutting property owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1011 94. On conveyance of vacated alley right-of-way in vicinity of 810 E. Jackson Avenue, to Lee W. Myers, Jr, \$50 plus costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1012 95. On Storm Sewer Gatewell Modification and Abandonment: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1013 96. On City-Wide Sanitary Sewer Gates Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Belken to adopt. Motion Carried 6-1. Nays: Vlassis.**

99-1014 97. On issuance of not to exceed \$10,000,000 Airport Passenger Facility Charge Commercial Paper Revenue Notes, and to continue to 4-19-99 to allow receipt of FAA approval. **Moved by Hensley to adopt. Motion Carried 7-0.**

END HEARINGS at 7:00 P.M.

****Council considered Items 81 thru 87 next****

APPROVING

99-1015 98. Report on Improved Pedestrian Access from the Skywalk System to the area south of Court Avenue. ([Council Communication No. 99-139](#)). **Moved by Coleman to approve. Motion Carried 7-0.**

99-1016 (A) Recommendations from various Boards and Commissions. **Moved by Coleman to approve. Motion Carried 7-0.**

99-1017 99. Economic Development Loan Agreement and related documents for interest-free loan, \$300,000 to Teachout Properties, L.C.C. (Kirk Blunck) for renovation and redevelopment of the Teachout Building-Eastern Gateway Project, ([Council Communication No. 99-156](#)). **Moved by Hensley to adopt. City Manager to report on funds expended to date on Gateway, both East and West. Motion Carried 6-1. Absent: McPherson.**

****Council Member Flagg left the meeting at 7:50 P.M.****

99-1018 100. Request for Proposals (RFP), for Banking and Custodial Service--deposit, safekeeping and withdrawal of City's cash and investments, continued from 3-22-99. ([Council Communication No. 99-126](#)) **Moved by McPherson to adopt, with change of points assigned to proving and reinvestment in the Community at 25% for each. City Treasurer to report on viability of splitting banking services. Motion Carried 5-1. Absent: Flagg. Council Member Hensley declares a conflict of interest, and abstains from voting.**

101. The following reports:

99-1019 (A) Follow-up report from Hayes and Associates, LLC regarding fiscal year 1998 financial statements for Municipal Housing Agency. ([Council Communication No. 99-131](#)) **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

99-1020 (B) 1998 Statutory Management Letter and Plan 60 Audit Letter from KPMG Peat Marwick LLP. ([Council Communication No. 99-132](#)) **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

99-1021 102. Professional Services Agreement with Foresite RDG for Project Management Services for the Gateway Project. ([Council Communication No. 99-153](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1022 103. Resolution to adopt Development Principles, Good Neighbor Policy, and form of and process to implement Good Neighbor Agreements, in the Des Moines AgriBusiness Enterprise Zone. ([Council Communication No. 99-143](#)) **Moved by Belken to approve. Motion Carried 6-1. Absent: Flagg.**

99-1023 (A) Establishing Fair Market Value, -- \$1,416,270 and authorizing condemnation of approx. 166 acres in the proposed Des Moines AgriBusiness Park, SE Agribusiness Urban Renewal Area--Archer Daniels Midland. ([Council Communication No. 99-154](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

104. NUMBER NOT USED.

105. Items regarding Developer-initiated Redevelopment Proposal, Disposition Parcel No. A, 1800 Dixon, Guthrie Avenue Business Park Urban Renewal Area:

99-1024 (A) Accepting developer-initiated proposal from LADCO Development Inc., (John D. Garnaas, 2951 86th Street, Urbandale). **Moved by McPherson to approve. Motion Carried 6-1. Absent: Flagg.**

99-1025 (B) Authorizing advertisement for competing redevelopment proposals subject to certain requirements and notice of intent to enter into agreement if no competing proposals are received. ([Council Communication No. 99-138](#)). **Moved by McPherson to approve. Motion Carried 6-1. Absent: Flagg.**

99-1026 106. Awarding Single Beverage Provider Agreement with Pepsi-Cola General Bottlers, Inc. for designated Park and Recreation Facilities. ([Council Communication No. 99-148](#)). **Moved by Vlassis to accept bid and award contract. Motion Carried 4-2-1. Nays: Coleman and Hensley. Absent: Flagg.**

99-1027 (A) City Council discussion regarding expenditure of funds from Pepsi Cola contract. **Moved by Vlassis to refer to City Manager and Park Director, for a recommendation for definite expenditure of funds - no money to be expended without Council approval. Motion Carried 6-1. Absent: Flagg.**

99-1028 107. Agreement with City of West Des Moines, for joint and cooperative action for teaching and training fire and emergency medical personnel, utilizing West Des Moines training facilities. ([Council Communication No. 99-141](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1029 108. Beaver Avenue Restraining Project Report, Urbandale to Aurora, and selection of option for implementation. ([Council Communication No. 99-149](#)). **Moved by Vlassis to receive,**

file and approve Option "C" and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1. Absent: Flagg.

99-1030 (A) City Manager recommendation that Beaver Avenue be eliminated as a truck route. [\(Council Communication No. 99-150\)](#). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. As part of the notification process, staff is also directed to convey that Lower Beaver is not a truck route and to post "No Truck Route" signs on Lower Beaver. Motion Carried 6-1. Absent: Flagg.**

* * * * *

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.

99-1031 1. Approving appointment of O'Dell McGee, to the Board of Water Works Trustees, to fill unexpired term of Rolland Grefe, to expire 4-2-2001. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1032 2. Recommendation of Mayor Daniels, for appointment of Celeste K. Morris, to the Neighborhood Revitalization Board, three-year term to expire June 30, 2001. SPONSOR: Mayor Daniels. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1033 3. Recommendation of Mayor Daniels, for appointment of a Council Member as a representative to the Wastewater Reclamation Authority Board, to replace Gene Phillips. SPONSOR: Mayor Daniels. **Moved by Hensley to appoint Council Member Vlassis, effective immediately. Motion Carried 6-1. Absent: Flagg.**

A G E N D A

BOARD OF HEALTH

April 5, 1999

99-1034 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

HEARING

99-1035 1. On resolution to demolish and remove dangerous structure(s) at 644 - 36th. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

AUTHORIZING

2. Court authority to abate the public nuisance, authorize the demolition and removal of structure(s) at the following locations:

99-1036 (A) 512 Hackle (vacant) Titleholder: Capitol City Erectors, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1037 (B) 4017 - 50th (vacant) Titleholder: JB Development, Ltd.; Legal Interest Holders: First Interstate Bank of Urbandale n/k/a Boatmen's Bank of Iowa N.A. n/k/a Boatmen's Bank of Urbandale n/k/a NationsBank, N.A.; State Federal Savings & Loan Association of Des Moines. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1038 MOTION TO ADJOURN **Moved by Vlassis to adjourn at 8:44 P.M.**