

SUMMARY OF DES MOINES CITY COUNCIL MEETING
July 26, 1999 4:30 P.M.

INVOCATION: Pastor Thomas Cole

Our Savior Lutheran Church

99-2241 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-2242 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2243 3. APPROVING CONSENT AGENDA - items 3 through 81: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-2244 4. Communication from Legal Department regarding July 26, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

WITHDRAWN 99-2245 5. A & M Restaurant, Inc., Mersim Osmicevic, President dba A & M Restaurant, 2222 Forest; Renewal - Expires 7-28-99 (With Sunday Sales) - Application submitted 6-29-99.

99-2246 6. Eufrazio Mayorga dba Los Laureles, 1518 East Grand Avenue: Renewal - Expires 7-29-99 (With Sunday Sales) - Application submitted 5-21-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-2247 7. Benoit Enterprises, Jack L. Benoit, President dba Master Jack's, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 8-5-99 (With Sunday Sales and Outdoor Service) - Application submitted 7-7-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2248 8. Peggy's Tavern, Inc., Mark E. Graziano, President dba Peggy's, 3020 Forest; Renewal - Expires 8-16-99 (With Sunday Sales) - Application submitted 7-6-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2249 9. Shie Concession Company, Shie W. Foudree, President dba Shie Concession, 3000 East Grand - Iowa State Fairgrounds; New Application (With Sunday Sales and Outdoor Service) - Application submitted 7-9-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2250 10. Diversified Management Assoc., Ltd., Lyle Kreps, President dba Stockman's Inn, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 8-7-99 (With Sunday Sales and Outdoor Service) - Application submitted 7-6-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2251 11. Michael C. Young dba Tsing Tsao Chinese Fast Food, 2231 B East University; Renewal - Expires 8-7-99 (With Sunday Sales) - Application submitted 6-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2252 12. Classic Food & Beverage, Inc., David P. Stone, President dba Waveland Cafe, 4708 University; Renewal - Expires 8-26-99 - Application submitted 7-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-2253 13. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #560, 2300 M.L. King Pkwy; Renewal - Expires 9-25-99 (With Sunday Sales) - Application submitted 7-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2254 14. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #527, 1215 6th Avenue; Renewal - Expires 9-20-99 (With Sunday Sales) - Application submitted 7-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-2255 15. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #560, 2300 M.L. King Pkwy; Renewal - Expires 9-25-99 - Application submitted 7-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2256 16. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #527, 1215 6th Avenue; Renewal - Expires 9-20-99 - Application submitted 7-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-2257 17. City of Des Moines dba Blank Park Zoo, 7401 Southwest 9th Street; New Application (With Sunday Sales and Outdoor Service) - Application submitted 7-9-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2258 18. Five T Inc., Robert J. Tursi, President dba Latin King Restaurant, 2200 Hubbell; Renewal - Expires 8-1-99 (With Sunday Sales and Outdoor Service) - Application submitted 6-22-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2259 19. Raul F. Hernandez dba Raul's Taco House, 1541 East Grand Avenue; Renewal - Expires 8-3-99 (With Sunday Sales and Outdoor Service) - Application submitted 6-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2260 20. Hawkeye Highlife Ltd., Larry Strickler, President dba Waveland Coffee Shop, 4704 University; Renewal - Expires 9-10-99 (With Sunday Sales) - Application submitted 7-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2261 (A) Kenneth W. Schurman dba Cheers, 2102 SE 14th Street; Renewal - Expires 7-31-99 (With Sunday Sales) - Application submitted 7-16-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-2262 21. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

99-2263 22. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Name Change

99-2264 23. Communication from Tonic Inc., Sandy Trimmell, dba Friends Club, 101 - 4th Street changing dba name to Rock Island. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Outdoor Service

99-2265 24. R. M. Baier Investments, Inc., dba Michael's Restaurant and Lounge, 4041 Urbandale, requesting permission for temporary outdoor service for special event on September 18, 1999 for Beaverdale Fall Festival. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-2266 25. Authorizing RELEASE of Chapter 573, Code of Iowa Claim for labor and/or material by Longfellow Drilling, Inc. Sub-Contractor) against Layne Christensen Co. (Principal Contractor) for S.W. 30th Street Sanitary Relief Sewer Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

26. Resolution Ordering Construction of the following:

99-2267 (A) Franklin Avenue Library Renovation, Receiving of Bids, (8-10-99), and Setting Date of Hearing, (8-16-99), (Construction Estimate - \$207,100). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2268 (B) Martin Luther King Jr. Parkway Paving at SW 7th Street (Part of M.L. King Parkway East/West Segment) Project No. RM-1945(502)--9D-77, Receiving of Bids, (8-10-99), and Setting Date of Hearing, (8-16-99), (Construction Estimate - \$297,076). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2269 27. 1998 Paving Program Contract No. 2: Ordering Bids, (8-10-99), approving plans, specifications and form of contract, notice to bidders, fixing bid security, and setting date of hearing (8-16-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2270 28. E. 14th Street Traffic Signal Interconnect: Resolution on submission of bids and designating lowest responsible bidder as Baker Electric, Inc., (David Hearn, President, 111 SW Jackson, DM, \$729,538.70). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2271 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2272 29. Approving Change Order No. 1 with M. Peterson Construction Co., for additional work in conjunction with the 6th Avenue and S.W. 7th Street Paving Contract in an amount not to exceed \$20,630.70. ([Council Communication No. 99-331](#)). **Moved by Coleman to adopt. Legal will review and report on utility use of City right-of-way. Motion Carried 7-0.**

99-2273 30. Authorization to proceed on various library improvements included in the 1999-2000 Capital Improvements Program. ([Council Communication No. 99-327](#)). **Moved by Coleman to defer one week for a report on sequence of Library Projects. Motion Carried 7-0.**

99-2274 31. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by 4 property owners, and Paving or Curb Replacement Program, waivers signed by 3 property owners, (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2275 32. Authorizing City Engineer to repair, replace, or reconstruct sidewalks at 96 locations, (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2276 33. Approving Private Construction Contract between Sternquist Construction, Inc., Britt Sternquist, President-Contractor, and Clarke Company, Ltd., John J. Clarke, Managing Partner-Owner, for Street Improvements for the proposed Woods on the River Plat #4 Subdivision, in the vicinity of River Woods Avenue and River Ridge Road and East King Avenue - \$158,196.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2277 34. Approving Contract and Bond and Permission to Sublet for Martin Luther King Jr., Parkway at Hickman Road Traffic Signal Improvements, Baker Electric, (Britt Baker, CEO) - \$123,400. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2278 35. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the 1998 Skywalk System Directories and Overhead Signs, \$4,575.30 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2279 36. Communications from various contractors requesting permission to sublet certain items on-7th Ward Ditch Wooden Box Replacement - Phase 1, and Skywalk Bridge 4D-4E

Repair, (4th to 5th over Locust--Capital Square to Savery Hotel). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2280 37. Approving partial payments on five public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-2281 38. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of June, 1999, for certification to Polk County, (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2282 39. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for June, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

40. NUMBER NOT USED.

99-2283 41. Revised Offer to Purchase Real Estate and Form of Warranty Deed in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), from Des Moines Register and Tribune Company, 200 SW 9th Street - \$463,500. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2284 42. Establishing Fair Market Values and Accepting Purchase Offers executed by the owners of four flood-damaged properties under the 1998 FEMA Flood Buy-Out Program, (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2285 43. Warranty Deed and Future Title Work Compensation in conjunction with Seneca Paving, from George H. Archer and Bertha Eleen Archer, 3900 11th Street - \$2,650. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2286 44. Warranty Deeds and Future Title Work Compensation in conjunction with 14th Street Paving-College Avenue to Clark Street, from Clark Street House of Mercy, 1404 College Avenue-\$1,675, and Mercy Hospital Medical Center, 1548 14th Street-\$1,700. **Moved by Coleman to adopt. City Manager to report on status of in-kind contributions from the hospitals and future PILOT negotiations.**

99-2287 45. Warranty Deeds, Permanent and Temporary Easements, and Future Title Work Compensation for eleven properties in conjunction with Birch Lane Paving Project-SW 12th Street to SW 14th Street-\$11,370, (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2288 46. Permanent Easement for Sanitary Sewer Right-of-Way and Future Title Work Compensation in conjunction with 1st Street and Reigert Street Sanitary Sewer Extension, from

Eric A. Sheldahl and William A. Price, 2341 2nd Avenue - \$1,900. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2289 47. Approving Noise and Avigation Easements for eight properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-2290 48. Communication City Clerk informing the Mayor and Council of a vacancy on the Mechanical Board of Examiners. **Moved by Vlassis to declare the seat vacant. Motion Carried 7-0.**

99-2291 49. Reappointment recommendation of Mayor Preston A. Daniels, for Holly Ross to the Park and Recreation for a 4-year term to expire June 30, 2003. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2292 (A) Approving recommendation of Chris Coleman, for appointment of Fred Weisshaar to the Airport Board, 4-year term to expire June 30, 2003. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2293 50. Oral resignation of Paulette Wiley from the Neighborhood Revitalization Board effective immediately. **Moved by Vlassis to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

99-2294 (A) Appointment recommendation from Council Member Chris Hensley, Ward III, to the Neighborhood Revitalization Board of Claudia Hawkins, for a three-year term to expire June 30, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

99-2295 51. Request from Hazel Neil, 2207 51st Street, requesting permission to close 51st Street from Hickman to Lincoln, Saturday, July 31, 1999 from 4:00 to 10:00 P.M., for a neighborhood block party. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

99-2296 52. Regarding request from KC Real Estate, L.C., represented by William C. Knapp (Trustee), for vacation and conveyance of a portion of Keosauqua Way in vicinity of Fourth and Keo. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

99-2297 53. Regarding request from City Engineer, for vacation and conveyance of a portion of 30th Street and 31st Street, vacation and conveyance of a portion of a North/South alley between 30th and 31st and south of Carpenter, and dedication of new street right-of-way north of University Avenue to be named 30th Street. **Moved by Hensley to adopt the recommendation**

as to condition number 1 only, and refer to the City Manager and Legal Department for implementation. The surfacing of the alley is referred to the City Engineer for report on the alternatives and costs. The possibility of allowing parking along 30th Street north of University is referred to City Engineer for a report and recommendation; staff to look at a short term parking plan to add additional parking, working with those affected and neighborhood associations. Motion Carried 6-1. Pass: Flagg.

99-2298 54. Recommendation from Architectural Advisory Board regarding design concept for the Blank Park Zoo Interpretive Center. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-2299 55. On one-year lease of property at 1251 University Avenue, Suite E, for the Model Cities Program Office, \$1,100/ month, (8-2-99). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-2300 56. Approving payment of \$11,331.47 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-2301 57. Approving payment of \$14,602.60 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2302 58. Approving payment of \$1,086.80 to Hopkins & Huebner, P.C. for representation of Charles Negrete, Jack Kamerick, Kurtis Bender and Bobby Stanley in case of John William Dungan v. Officer C. Negrete, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2303 59. Approving payment of \$174.38 to George LaMarca of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al, Case No. CL 73934. **Moved by Vlassis to approve payment. Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-2304 60. Submitting request for a four-way stop at 19th and Pleasant Streets. ([Council Communication No. 99-340](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. First and Final reading to be on August 2 agenda. Motion Carried 7-0.**

99-2305 61. Submitting traffic regulation changes as follows, ([Council Communication No. 99-336](#)): **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Two-Sided Parking Restriction--Both sides of Dickman Road from SW 9th Street east to the Dead End.
- (2) Extend Existing Parking Restriction--South Side of Guthrie Avenue east and west of East 14th Street.
- (3) Delete Proposed Placement of Parking Meters--Mulberry Street between 7th Street and 8th Street, 7th Street between Grand Avenue and Locust Street and between Mulberry Street and Walnut Street.
- (4) Prohibit Right Turns on Red--Intersection of 8th Street and Mulberry Street.
- (5) Corner Clearance Parking Restriction--South Side of Davisson Road east of 38th Street.

99-2306 62. Submitting out-of-state travel requests for Robert Davis, James Grant, Semsudin James Jasarovic, Eric Moorman, Kristen Tuttle, and Tom Vlassis. ([Council Communication No. 99-329](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

99-2307 63. Residential Rental Agreement with William Johnson and Wendy Clopper, for Greenwood Park Residence, \$725 per month. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2308 64. Professional Service Agreement with History Pays!, James E. Jacobsen, for consulting services for development of National Register of Historic Places nomination for six Bungalow and Square Housing Historic Districts, \$30,000. ([Council Communication No. 99-334](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**

99-2309 65. Third Amendment to the 28E Agreement between City and the Blank Park Zoo Foundation to extend current Agreement until July 21, 2000 to allow adequate time to negotiate a new agreement. ([Council Communication No. 99-343](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2310 66. Weed & Seed Project Agreement (\$3,000) with Park & Recreation Department for February 1, 1997 to October 29, 1999 for the EC Graffiti Removal Program Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2311 67. Weed & Seed Project Agreement (\$6,300) with Park & Recreation Department for June 7, 1999 to August 20, 1999 for the Evelyn Davis Summer Program Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2312 68. Amendment One to Human Services Coordinating Board Weed & Seed Project to delete VISTA worker staffing and adding "Community Youth Mapping", Tiny Tot's "Project Jumpstart" and Urban Dream's "Sports Mentoring Program". **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2313 69. Application through the Metropolitan Planning Organization to IDOT, for Congestion Mitigation and Air Quality Program funds for the Martin Luther King Jr. Parkway Project from Ingersoll Avenue to Fleur Drive. ([Council Communication No. 99-339](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2314 70. Various actions regarding Downtown Traffic Signal System Project. ([Council Communication No. 99-341](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg. Council Member Coleman registered a NO vote on Items #1 and #4.**

99-2315 71. Amendment to Lease Agreement with Cownie Furs, L.L.C. for property located at 508 Market Street extending rental agreement until August 31, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN 99-2316 72. Lease Agreement with Ledcor Communications, Inc. for lease of city property at 205 SW 11th Street on a month-to-month tenancy not to extend beyond December 31, 1999. ([Council Communication No. 99-338](#))

99-2317 73. Negotiation and Execution of Agreement with Barker, Lemar & Associates for Phase I of Environmental Assessment of Riverpoint West Area - \$15,000. ([Council Communication No. 99-333](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**

99-2318 74. Amendment to Zoning Ordinance granting Community Development Director, in his capacity as Planning Director, authority and discretion to administratively grant exceptions to district bulk regulations. **Moved by Vlassis to refer the proposed amendment to the Plan and Zoning Commission for report and recommendation back to the City Council; amending item 2(C) to the (10) business days. Motion Carried 7-0.**

99-2319 75. 3M Company, (St. Paul, MN, Bret Anderson, Iowa Representative), sole source provider, for experimental durable pavement markings on Army Post Road from SE 14th Street to SE 36th Street, \$18,000. ([Council Communication No. 99-342](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

76. Bids for the following:

99-2320 (A) Omaha Business Furniture, (Omaha, NE, Joseph Kalina, President) for office furniture to be used by Police Department, \$74,602.50. (Seven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2321 (B) A & D Technical Supply, (Omaha, NE, Delbert Dale, President) for electronic survey station to be used by the Engineering Department, \$25,368.25. (Four bids-mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2322 (C) Approving low compliant bid for purchase of mosquito adulticide to be used by the Community Development Department (Neighborhood Inspections Division). Bid opening July 23, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2323 77. Report of Civil Service Commission submitting Entrance Lists for Police Information Typist, Neighborhood Inspector, and Promotional Lists for Fire Lieutenant, Sewer Maintenance Worker, and Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-2324 78. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2325 79. Authorizing Finance Director to draw checks on register of July 30, 1999, and the bills of the Des Moines Municipal Housing Agency for week beginning July 26, 1999, and the biweekly payroll due employees on July 30, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-2326 80. On proposed connection fee ordinance for Southeast Airport Trunk Sewer System Benefitted District. **Moved by Vlassis that this ordinance do now pass, [#13,729](#). Motion Carried 6-1. Nays: Flagg.**

ORDINANCES - SECOND CONSIDERATION

81. Amending various Chapters of the Municipal Code regarding Special Events Street Use:

99-2327 (A) Chapter 5 regarding license and permit fees for special events. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2328 (B) Chapter 6 regarding timed and athletic events. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2329 (C) Chapter 23 regarding street parade permits. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2330 (D) Chapter 23 regarding entertainment districts. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2331 (E) Chapter 23 regarding sidewalk sales. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2332 (F) Chapter 23 regarding farmer's or public markets. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2333 (G) Adding a new Subchapter 18 to Chapter 23 regarding street use permits. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Hearing Items 90 through 95 next****

ORDINANCES - FIRST CONSIDERATION

99-2334 82. Amending Chapter 17 of the Municipal Code regarding deer hunting. ([Council Communication No. 99-330](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

99-2335 83. From Mayor Daniels, to discuss rule for neighborhood groups and Board and Commissions, to submit minutes to the Council/City Clerk. **Moved by Vlassis to receive, file and refer to City Manager and staff and N.R.B. to review the policy regarding recognized neighborhood organizations. Motion Carried 7-0.**

99-2336 84. From Council Member Mike McPherson for T. J. Nelson to discuss removal of "No Parking" sign, north of E. Douglas Ave. and E. 38th St. **Moved by McPherson to receive, file and discuss; refer to City Manager and Traffic Safety Committee to consider restoration of parking after school, evenings and weekends. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

99-2337 85. Letter and petition regarding renaming of the drive west of Sixth Avenue between the athletic field and Consolidated Supply as "Polar Bear Way". **Moved by McPherson to receive, file, endorse the concept and refer to City Manager and Traffic Safety Committee for a recommendation at earliest possible convenience. Motion Carried 7-0.**

99-2338 86. From Gundel D. Basart, 2024 9th Street, regarding property at 2005-9th Street. **Moved by Vlassis to receive, file and refer to City Manager and Legal to use all resources available to confront this situation, as well as utilizing the team now in place. Motion Carried 7-0.**

99-2339 87. From Dennis Eppard, 1349 Washington Avenue, to speak regarding renovation work on houses under public nuisance status. **Moved by Hensley to receive, file and deny request for an extension of time to renovate the properties. Motion Carried 7-0.**

99-2340 88. From Lawrence White, 2422 Drake Park Avenue, to speak regarding various issues. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 7-0.**

99-2341 89. From Jack Baird, 3304 Lindlavista Way, to speak regarding various safety issues. **Moved by Coleman to receive, file, and grant the request to speak.**

****Council considered Item 98 through end of agenda next****

HEARINGS (Opened at 5:40 P.M.) (Items 90 thru 95)

99-2342 90. On E. 20th Street Trunk Sanitary Sewer Relining at E. Euclid Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Insituform Technologies USA, Inc., (Anthony W. Hooper, President, Chesterfield, MO), \$822,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2343 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2344 91. On Franklin Avenue Library Asbestos Abatement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as HMA Corporation, (Ron Hall, President, Ankeny), \$31,788. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

99-2345 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

99-2346 92. On vacation of the Littell Avenue right-of-way extending west from Fleur to SW 28th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2347 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2348 (B) Final consideration of ordinance above, (waiver requested by Airport Director), requires 6 votes. **Moved by Hensley 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, [#13,730](#). Motion Carried 7-0.**

99-2349 93. On vacation of portions of Army Post Road between Fleur Drive and SW 42nd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2350 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2351 (B) Final consideration of ordinance above, (waiver requested by Airport Director), requires 6 votes. **Moved by Hensley 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, [13,731](#). Motion Carried 7-0.

99-2352 94. On request from Don Barnes, to rezone property at 2025 E. Grand Avenue from "R1-60" (One Family, Low Density Residential), to "C-2" (General Retail and Highway Oriented Commercial). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-2353 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2354 95. On Building Official's determination that structure at 15 Granger Avenue constitutes a public nuisance. ([Council Communication No. 99-335](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

**** END HEARINGS at 5:48 P.M. ****

****Council considered Items 82 through 89 next****

APPROVING

99-2355 96. Final consideration of ordinance rezoning property in the 6900 block of Indianola Avenue from "R-5" (Mobile Home Residential) to "R-2A" (General Residential), and "R1-80" (Single-Family Residential), (communication from City Plan and Zoning Commission attached), deferred from 6-21-99. **Moved by Brooks to defer consideration of final reading to August 16, 1999. Motion Carried 7-0.**

99-2356 (A) ALTERNATE RESOLUTION--to schedule new Hearing to reconsider "R-5" Development Plan for Property in vicinity of 6900 Indianola Road and defer final reading of rezoning ordinance. **Moved by Brooks to adopt and refer back to City Plan Commission to consider and make a recommendation to the Council at its August 16 hearing on this issue. Motion Carried 7-0.**

99-2357 97. Sherman Hill Neighborhood Action Plan and approving it as amendment to the Des Moines 2000 Land Use Plan. ([Council Communication No. 99-332](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: McPherson and Brooks.**

****Council Member Flagg left the meeting at 7:40 P.M.****

99-2358 98. Selection of Bankers Trust as City's provider of Banking and Custodial Services, four-year term with two one-year renewal options and negotiation of contract. ([Council Communication No. 99-337](#)) **Moved by Hensley to adopt. Motion Carried 4-1. Absent: Flagg. Council Member Brooks and Mayor Daniels declare a conflict of interest, and abstain from voting.**

99-2359 99. Grant application to Iowa Department of Natural Resources for a Resource Enhancement and Protection (REAP) Grant to be used for two mile section of American Discovery Trail in Riverpointe Business District - \$300,000. ([Council Communication No. 99-328](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

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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.

99-2360 1. Approving recommendation of Mayor Daniels, for appointment of Jinny Gail Garrison Nickerson to the Civil Service Commission, term to expire April 6, 2002. SPONSOR: Mayor Daniels. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2361 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:48 P.M. Motion Carried 7-0.**