

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**December 20, 1999 4:30 P.M.**

**SPECIAL PRESENTATIONS - 4:00 P.M.:**

(a) Connie Boesen

(b) Mary Conlow

(c) Twyla Woods

(d) Lifetime Achievement Award, presented by Asphalt Paving Association of Iowa - John P. Bellizzi

**INVOCATION:** Pastor Percy Smereck, Redeemer Lutheran Church

99-3730 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-3731 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3732 3. APPROVING CONSENT AGENDA - items 3 through 80: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

99-3733 4. Communication from Legal Department regarding December 20, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-3734 5. Pizza Hut of America, Inc., Brian H. Cole, President dba Pizza Hut, 5715 Douglas; Renewal - Expires 12-31-99 (With Sunday Sales) - Application submitted 11-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3735 6. Pizza Hut of America, Inc., Brian H. Cole, President dba Pizza Hut, 3704 NE 14th Street; Renewal - Expires 12-31-99 (With Sunday Sales) - Application submitted 11-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3736 7. Pizza Hut of America, Inc., Brian H. Cole, President dba Pizza Hut, 1435 Army Post Rd; Renewal - Expires 12-31-99 (With Sunday Sales) - Application submitted 11-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-3737 8. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 12-26-99 (With Sunday Sales) - Application submitted 11-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3738 9. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1320 East Euclid; Renewal - Expires 12-28-1999 (With Sunday Sales) - Application submitted 11-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3739 10. G.L. & J., Inc., Gary Kudrna, President dba Gary's Amoco, 145 University; Renewal - Expires 1-2-00 (With Sunday Sales) - Application submitted 12-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3740 11. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #24, 1142 - 42nd Street; Renewal - Expires 1-17-00 (With Sunday Sales) - Application submitted 11-3-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3741 12. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #2, 1307 Army Post Road; Renewal - Expires 1-7-00 (With Sunday Sales) - Application submitted 11-4-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3742 13. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #207, 4200 East Hubbell; Renewal - Expires 12-29-99 (With Sunday Sales) - Application submitted 10-12-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3743 14. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #208, 3200 SE 14th Street; Renewal - Expires 12-29-99 (With Sunday Sales) - Application submitted 10-12-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3744 15. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2729, 2827 Easton; Renewal - Expires 12-28-99 (With Sunday Sales) - Application submitted 10-20-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3745 16. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2742, 4164 Easton; Renewal - Expires 12-29-99 (With Sunday Sales) - Application submitted 10-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3746 17. Top Food Mart Corporation, Pinder Singh, President dba Top Food Mart, 2201 Ingersoll; Renewal - Expires 12-31-99 (With Sunday Sales) - Application submitted 11-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-3747 18. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 12-26-99 - Application submitted 11-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3748 19. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1320 E. Euclid; Renewal - Expires 12-28-99 - Application submitted 11-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3749 20. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2729; Renewal - Expires 12-28-99 - Application submitted 10-20-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3750 21. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2742; Renewal - Expires 12-29-99 = Application submitted 10-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Class "C" Beer-Wine Licenses

99-3751 22. Wong Enterprises, Wayne Wong, President dba Kwong Tung Restaurant, 2721 Ingersoll; Renewal - Expires 1-7-00 - Application submitted 11-17-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

99-3752 23. Christopher's, Inc., Evelyn Giudicessi, President dba Christopher's Dining Room & Lounge, 2816 Beaver Avenue; Renewal - Expires 12-31-99 (With Sunday Sales) - Application submitted 12-1-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**WITHDRAWN** 99-3753 24. 801 Steak and Chop House, L.C., Charles I. Colby, Trustee dba 801 Steak and Chop House, 801 Grand - Suite 200; Renewal - Expires 12-30-99 - Application submitted 12-1-99.

99-3754 25. Big Dog Enterprises, Kris Greiner dba Fish Bowl, 3029 Merle Hay Road; Renewal - Expires 1-4-99 (With Sunday Sales) - Application submitted 11-16-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3755 26. John Earl McCaughey dba Johnny Macs Lounge, 2301 Hubbell; Renewal - Expires 1-5-99 (With Sunday Sales) - Application submitted 11-22-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3756 27. Now or Later Restaurant & Lounge, Inc., John H. Moehle, President dba Now or Later Restaurant & Lounge, 3750 East University; Renewal - Expires 12-25-99 - Application submitted 10-12-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3757 28. Raccoon River Brewing Co., LLC, E. Jeffrey Hunter, Member dba Raccoon River Brewing Co., 200 - 10th Street; Renewal - Expires 12-31-99 (With Sunday Sales and Outdoor

Service) - Application submitted 11-22-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-3758 29. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3759 30. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

99-3760 31. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

99-3761 32. Professional Services Agreement with Snyder and Associates, Inc., Dennis Snyder, President, for Final Design Phase and Right of Way Services for Phase II and Preliminary Design of Phases III and IV of the 7th Ward Ditch Wooden Box Replacement, compensation not to exceed \$220,523. ([Council Communication No. 99-564](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3762 33. Approving agreement for Railroad Crossing Improvement Project between the City of Des Moines and Heartland Rail Corporation, Donald C. Byers, President, Newton, IA, and its operating subsidiary, Iowa Interstate Railroad, Ltd., for the public street railroad crossings on 6th Avenue and SW 7th Street at Vine Street. ([Council Communication No. 99-552](#)). **Moved by Coleman to adopt. Staff to prepare a detailed report on this project's budget and expenses to date. Motion Carried 7-0.**

99-3763 34. Approving Professional Engineering Services-Construction Phase Agreement with Metcalf & Eddy, Inc. (Jakabs Vittando, President, Wakefield, MA) for construction services on WRA Biosolids Facility project - \$414,180. ([Council Communication No. 99-570](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3764 35. Approving authorization to publish Public Notice of Intent to Request Release of Funds and execute Request for Release of Funds and Certification for 1998 HUD Disaster Recovery Initiative Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

36. Resolution Ordering Construction of the following:

99-3765 (A) Closes Creek - 27th Street to 28th Street and Forest Avenue Storm Sewer Improvements, Receiving of Bids, (1-18-2000), and Setting Date of Hearing, (1-24-2000). (Construction Estimate - \$962,584). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3766 (B) Southeast Airport Trunk Sewer Phase 2, Receiving of Bids, (1-18-2000), and Setting Date of Hearing, (1-24-2000). (Construction Estimate - \$1,129,388). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

99-3767 (A) 1998 Flood Storm Sewer Repair Contract 2, R. G. Elder & Son Company, \$14,799.51 is now due and \$12,299.97 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3768 (B) 1998 Flood Storm Sewer Repair Contract 1, VanHauen & Associates, Inc., \$9394.55 is now due and \$8,349.39 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3769 (C) Waveland Golf Course Storm Repair, The Underground Company, Ltd., \$26,448 is now due and \$3,397.50 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3770 (D) 1998 Flood Sanitary Sewer Repair, Corell Contractor, Inc., \$5,082.33 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3771 (E) South Side Trunk Relining, Insituform Technologies USA, Inc., \$35,074.19 is now due and \$12,356.91 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3772 (F) Court Avenue Streetlight Pole Painting, Evison Painting, Inc., \$779.70 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3773 (G) E. Euclid Avenue and Delaware Avenue Intersection Reconstruction, United Contractors, Inc.,(IDOT), \$0.00 is now due and \$119,733.11 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3774 (H) Storm Sewer Gatewell Modification and Abandonment, The Underground Company, Ltd, \$2,378.99 is now due and \$5,034.86 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3775 38. Approving partial payments on seven public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3776 39. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by one property owner and Paving or Curb Replacement Program, waivers signed by two property owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

99-3777 40. Settlement Agreement with West Summit Developers, Inc., regarding property at 3800 Army Post Road. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3778 41. Approving sale of vacant Airport property near SW 34th and Stanton, to Cooper Homes, Inc., \$29,100, subject to Cooper Homes selling or granting necessary fee and temporary easement interest in two small parcels necessary for construction of relocated SW 34th Street. ([Council Communication No. 99-569](#)). **Moved by Vlassis to defer action to 1-3-2000. Motion Carried 7-0.**

99-3779 42. Offer to Purchase Real Estate, Warranty Deed, Permanent Easements for Sanitary Sewer Right-of-Way, Temporary Easements for Construction and Future Title Work Compensation in conjunction with Southeast Airport Trunk Sanitary Sewer Project Phase 2, from Airport Commerce Park, L.C., various locations-vacant land, Hurd Real Estate Services, Inc., vacant land, and Army Post Development, L.C., 3000 County Line Road - \$15,001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3780 43. Authorizing issuance of corrected deed for a portion of vacated alley in the vicinity of 2521 Logan Avenue identifying the conveyance is to Glen E. Cosner, Jr. and Mary L. Cosner, husband and wife, as joint tenants with right-of-survivorship. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3781 44. Approving Final Subdivision Plat entitled AIRPORT COMMERCE PARK WEST PLAT 3 in vicinity south of Park Avenue and in area east of 63rd Street. ([Council Communication No. 99-551](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

45. Permanent Easement from the Fifth Judicial District Department of Correctional Services for the following:

99-3782 (A) Water Main Right-of-Way through Blank Park - \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3783 (B) Sanitary Sewer Right-of-Way and Covenant on former Fort Des Moines Property - \$500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3784 46. Permanent Easement for Surface Water Flowage and Future Title Work Compensation in conjunction with 2612 Arthur Avenue Drainage Improvements from Edgar R. Jesse and Darlene Jesse, west of 2621 E. Sheridan Avenue - \$201. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3785 47. Approving Noise and Avigation Easements for six properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

99-3786 48. On recommendation to approve request from Amos M. Cooper, to rezone property at 3200 Martin Luther King Jr. Parkway, from "C-1" (Neighborhood Retail Commercial), to "C-1A" (Neighborhood Commercial Reuse District), to allow automobile repair and truck rental operation, subject to limitations, (1-3-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3787 49. On recommendation to deny request from RS Sales and Service, Darrell M. Rodwell, to rezone property at 2303 Merle Hay Road, from "C-1" (Neighborhood Retail Commercial), to "C-2" (General Retail and Highway Oriented Commercial), to allow used automobile sales, (1-24-00). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3788 50. On proposed supplement to Governmental Lease-Purchase Master Agreement, with Banc of America Leasing & Capital LLC, \$365,000, for an Airport Rotary Snowblower, (1-3-00).([Council Communication No. 99-568](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3789 (A) Communication from Airport Board Chair, regarding Airport's utilization of the City Master Lease-Purchase Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

99-3790 51. Approving payment of \$1,425. to Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-cv-70724. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3791 52. Approving payment of \$3,467.05 to Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway for representation of Officer Terry Mitchell in case of Joyce Wilson and Val Wilson, Jr. Administrators of Estate of Jerome LeRoy Mozee. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

99-3792 53. Approving payment of \$7,849.01 to John L. Corbett of Spiegel & McDiarmid Law Firm for consultation and representation services in conjunction with FAA concerns regarding City's Airport PILOT charge. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3793 54. Approving payment of \$388.83 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in resolution of environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3794 55. Approving payment of \$2,919.50 to Petosa, Petosa, Boecker & Nervig for outside counsel to provide legal service in conjunction with real estate acquisition. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3795 56. Approving payment of \$6,379.53 to Duncan, Green, Brown, Langeness & Eckley for representation of City in matters relating to the airport parking garages. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3796 57. Approving payment of \$18,000 to Richard P. Colbert and his attorney, Paige Fiedler for settlement for personal injuries for his claim against the Police Department. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

99-3797 58. Submitting out-of-state travel requests for Ron Wakeham and John Meeker. ([Council Communication No. 99-543](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **APPROVING**

99-3798 59. Space Allocation Agreements with Polk County to provide congregate meal sites at Archie Brooks, Logan, Scott Four Mile and Southeast Community Centers. ([Council Communication No. 99-558](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3799 60. Designation of Kurt A. Rueckel as the City's authorized representative to FEMA and Christopher M. Johansen as the alternate. ([Council Communication No. 99-563](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3800 61. Communication from Des Moines Water Works submitting their adopted budget for calendar year ending December 31, 2000, and authorizing City Clerk to certify to Polk County. **Moved by Vlassis to receive, file and authorize the City Clerk to forward to Polk County. Motion Carried 7-0.**

99-3801 62. Enterprise Community Steering Committee recommendation that \$18,500 of Weed and Seed Funding be reallocated to include Safe Haven Activity (Grubb YMCA - \$2,000), Safe Haven Enrichment Activities (Community Development Department for activities at King and Moulton Schools - \$4,000), Economic Development Survey (Iowa State University - \$5,000), Tutoring (Children and Families of Iowa - \$5,000), Prevention Through the Arts - \$1,000, and Travel (Weed and Seed Coordinator - \$1,500). **Moved by Coleman to adopt. Council requests a report on the impact of this funding in the community. Motion Carried 6-1. Nays: Hensley.**

99-3802 63. Grant Agreement with Iowa Department of Transportation, for Fiscal Year 2000 Rebuild Iowa Infrastructure Grant, for the Airport, \$320,083. ([Council Communication No. 99-547](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3803 64. Submission of Grant Application to Iowa Arts Council for Highland Park Mural Project. **Moved by Vlassis to receive, file and approve. Motion Carried 7-0.**

99-3804 65. Grant Agreement with Iowa Commission on Volunteer Services for 2000 AmeriCorp Program allowing Park and Recreation Department to manage the Program. ([Council Communication No. 99-560](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flag.**



99-3805 66. Submission of application to Iowa Department of Transportation for Traffic Safety Funds to cover portion of construction costs for various projects (Call City Clerk's Office for list). ([Council Communication No. 99-555](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3806 67. Execution and implementation of 1999 Public Housing Drug Elimination Grant from U.S. Department of Housing and Urban Development. ([Council Communication No. 99-545](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3807 68. Execution of Section 8 Moderate Rehabilitation Annual Contributions Contract Renewal for Project No. IA020MR0003/004, 012, 008 and IA020MR0002/011. ([Council Communication No. 99-546](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3808 69. Receipt of communication from Human Resources regarding new position descriptions for Wastewater Treatment Plant Team Leader Positions-WRA Facilities Team Leader, Regulatory Compliance Team Leader-Solids Team-Team Treatment Leader. ([Council Communication No. 99-554](#)). **Moved by Vlassis to receive and file. Motion Carried 6-1. Pass: Flagg.**

99-3809 70. Receipt of communication from Finance Director and City Engineer regarding financial statements for the Wastewater Reclamation Authority (WRA), fiscal year 1998-99. ([Council Communication No. 99-557](#)). **Moved by Hensley to receive and file. Motion Carried 7-0.**

99-3810 71. Authorizing execution and delivery of first supplemental indenture to Commercial Development Revenue Bond Series 1985 (East Grand Office Park Project) to allow appointment of new remarketing agent and to add weekly floating interest rate. **Moved by Vlassis that the resolution be adopted and approved. Motion Carried 7-0.**

99-3811 72. Approving Request for professional consulting services for design, development and implementation of public safety communications projects and authorization to enter into a contract with RCC Consultants, Inc.(100 Woodbridge Center, Woodbridge, NJ) as provided in Capital Improvement Program. ([Council Communication No. 99-549](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

73. Bids for the following:

99-3812 (A) Carnival Coaches, (1619 - 48th Street, Robert Diggins, President) for motor coach and driver series for 2000 Leisure Time Travel Program to be used by the Park and Recreation Department, \$31,458. (Eight bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3813 (B) Ed M. Feld Equipment Co., Inc., (Carroll, IA, Bill Feld, President) for thermal imaging camera equipment to be used by the Fire Department, \$33,850. (Eleven bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3814 (C) Two suppliers for man hole castings to be used by the Public Works Department (Sewer Maintenance). GCI Castings, (Shawnee Mission, KS) (\$3,240) and Neenah Foundry, Co., (Neenah, WI, Bill Barrett, President), \$37,770.00, Total Cost - \$41,010. (Five bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3815 (D) Great American Outdoor, (719 East Army Post Road, Don VanHouwling, President) for a turf truckster to be used by the Park and Recreation Department (Glendale Cemetery), \$12,000. (Five bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3816 (E) Intergraph Corporation, (Chicago, IL, Jim Meadlock, President) for Geo Media Software to be compatible with existing software, sole area-wide distributor to be used by the Engineering Department. (Municipal Code section 2-86(a)(6) sole source, \$17,024. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3817 (F) DIAD, Inc., (Longmont, Colorado, Illse Gayl, President) for Storm Watch Base Station Software Y2K upgrades to be compatible with existing software, sole area-wide distributor to be used by the Engineering Department. (Municipal Code section 2-86(a)(6) sole source, \$22,160. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3818 (G) Midwest Office Technology, Inc., (1707 High Street, Marv Perry, President), State of Iowa Contract No. 2034, (Municipal Code section 2-86(c) for copy machine to be used by the Community Development Department (NCS), \$10,462. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3819 (H) 3M Company Traffic Control Materials Division, (St. Paul, MN, Dennis J. Johnson, CEO), State of Iowa Contract No. 02700, (Municipal Code section 2-86(c) for reflective traffic sign materials to be used by the Engineering Department (Traffic and Transportation), \$17,546.47. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3820 (I) ASAP Software, (Buffalo Grove, IL, Analyd Gama, President), State of Iowa Contract No. 2545, (Municipal Code section 2-86(c) for Microsoft software to be used in computer upgrades for the Police Department, \$10,561.69. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3821 (J) Tri-State Pump and Control, Inc. (120 NW 54th Avenue, Scott Obernolte, President) for recirculating chipper pump to be used by the Wastewater Reclamation Facility, \$39,593. (Eight bids mailed-one received). [\(Council Communication No. 99-565\)](#). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

99-3822 74. Report of the Civil Service Commission submitting Promotional Lists for Fire Engineer and Plumbing Inspector. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-3823 75. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3824 76. Authorizing Finance Director to draw checks on registers of December 24, 1999 and December 31, 1999, to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks beginning December 20, 1999 and December 27, 1999, and to draw checks for biweekly payroll due employees on December 17, 1999 and December 31, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

99-3825 77. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance do now pass, [#13,773](#). Motion Carried 7-0.**

- (1) Conversion to two-way operation: Mulberry Street from 7th to 5th; designation of Traffic Signals on Cherry Street at 5th, 6th and 7th; designation of one-way Streets, parking restrictions and speed limits on 6th Avenue and 7th Street.
- (2) Placement of three-way stop control - SE 5th and County Line Road.
- (3) Installation of handicapped parking adjacent to Trinity United Methodist Church, 1548 8th Street.
- (4) Installation of Loading zone in from of 420 Keo Way.

99-3826 78. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance do now pass, [13,772](#). Motion Carried 7-0.**

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

## ORDINANCES - SECOND CONSIDERATION

99-3827 79. Amending Chapter 15 of the Municipal Code regarding golf course fees for 2000. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-3828 80. Amending Chapter 15 of the Municipal Code regarding cemetery fees for 2000. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

99-3829 81. Amending Chapter 16 of the Municipal Code regarding posting of notices on public right-of-way. **Moved by McPherson that this ordinance be considered and give first vote for passage. Motion Carried 7-0.**

## COUNCIL REQUESTS

99-3830 82. From Council Member Brooks regarding legal assistance for Neighborhood Associations. **Moved by Brooks to receive, file and discuss; refer to Legal to come back with a procedure for Council consideration. Motion Carried 7-0.**

99-3831 83. From Council Member McPherson suggesting that staff contact the Iowa Department of Transportation regarding the need for a left-hand turn signal at E. 14th Street and Hull Avenue. **Moved by McPherson to receive, file and discuss; refer to City Manager and Traffic Safety Committee for review and recommendation, keeping Ms. Olson informed of progress. Motion Carried 7-0.**

99-3832 84. From Council Member McPherson suggesting consideration for placement of traffic signals at Guthrie Avenue and Interstate I-235 exit. **Moved by McPherson to receive, file and discuss; refer to City Manager and Traffic Safety Committee for review and recommendation, keeping Ms. Mahafey informed of progress. Motion Carried 7-0.**

99-3833 85. From Council Member McPherson regarding the City's "Clean Team" procedures and a phone number. [\(Council Communication No. 99-572\)](#). **Moved by McPherson to receive, file and discuss; refer to staff to enhance public awareness. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

99-3834 86. From City Plan and Zoning Commission responding to City Council's request for report and recommendation on appropriate land uses for the Gateway West area. **Moved by Vlassis to receive and file. Motion Carried 6-1. Nays: Flagg.**

87. From Chair of the Neighborhood Revitalization Board, regarding the following:

99-3835 (A) Homeless mentally handicapped. **Moved by Vlassis receive and file; authorize Mayor to contact the County to begin County-wide discussion with appropriate organizations and neighborhoods to address this issue. Motion Carried 7-0.**

99-3836 (B) Proposed changes to the Home Occupation Ordinance. **Moved by Coleman to receive and file. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

88. From Des Moines Neighbors:

99-3837 (A) Regarding creating positions on the Gateway Steering Committee and subcommittees. **Moved by Hensley to receive, file and grant the request to speak. Staff to assure agendas are pre-published and there is time on the agenda for public input. Motion Carried 6-1. Pass: Flagg.**

99-3838 (B) Regarding creating positions on the Grays Lake Development Committee. **Moved by Coleman to receive, file and grant the request to speak, and endorse the request. Des Moines Neighbors to present the City Manager with a list of at least four names to consider. Committee meeting dates are to be pre-published and minutes passed on to the Park Board. Motion Carried 6-1. Pass: Flagg.**

99-3839 89. Request from a representative of the Forever B.R.A.V.E. Foundation to speak regarding and endorsement from the City Council for a public art display of painted pigs throughout the Des Moines Metro area from May through October, 2000. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager for review and recommendation. Motion Carried 7-0.**

#### **HEARINGS (Opened at 6:15 P.M.) (Items 90 thru 97)**

99-3840 90. On Notice of Intent to acquire acquisition Parcel B-8, National Association of Letter Carriers, 107 Jefferson and commencement of Disposition Parcel 39 Project pursuant to Central Place Urban Renewal Plan. ([Council Communication No. 99-566](#)). **Moved by Coleman to defer action for a least 90 days to allow staff to negotiate with them to reach a conclusion. City Manager will bring back at his discretion. Motion Carried 6-1. Absent: Flagg.**

99-3841 91. On Notice of Intent to continue previously approved Court Avenue Entertainment Center Project with Capitol-Center Development Area and Riverpoint Capitol-Center Development Area Urban Renewal Projects, and to continue acquisition of properties not yet acquired. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3842 92. On vacation and conveyance of alley right-of-way west of Pennsylvania Avenue between E. Grand and Des Moines Street, to State of Iowa, for construction of a parking garage. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3843 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

99-3844 (B) Final consideration of ordinance above, (waiver requested by State of Iowa), requires 6 votes. **Moved by Brooks 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, [#13,774](#). Motion Carried 6-1. Absent: Flagg.**

99-3845 93. On Plan and Zoning Commission initiated request to rezone property at the southwest corner of Martin Luther King Jr. Parkway and Forest Avenue, from "C-2" (General Retail and Highway Oriented Commercial, to "NPC" (Neighborhood Pedestrian Commercial), for a new senior center. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3846 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

99-3847 (B) Final consideration of ordinance above, (waiver requested by Polk County, (requires 6 votes). **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, [#13,775](#). Motion Carried 6-1. Absent: Flagg.**

99-3848 94. On vacation and conveyance of the North/South alley between M.L. King Jr. Parkway and 21st Street, south of Forest, to Polk County, for proposed site of a senior center. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3849 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

99-3850 (B) Final consideration of ordinance above, (waiver requested by Polk County), requires 6 votes. **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, [#13,776](#). Motion Carried 6-1. Absent: Flagg.**

99-3851 95. On vacation and conveyance of alley right-of-way in between 30th and 31st Streets, south of Forest, to McDonald's Corporation, \$12,663. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3852 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Flagg.**

99-3853 (B) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes. **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, [#13,777](#). Motion Carried 6-1. Absent: Flagg.**

99-3854 96. On appeal from Gerald Rankin, 1710 E. 13th Street, regarding denial of limousine license. **Moved by Brooks to grant the license for a probationary period of one year. Motion Carried 7-0.**

99-3855 97. On appeal from Larry Williams, Carlisle, Iowa, regarding denial of taxicab license. **Moved by Flagg to grant the license for a one year probationary period. Motion Carried 6-1. Absent: Vlassis.**

\* \* END HEARINGS at 6:40 P.M. \* \*

## **CITY MANAGER RECOMMENDATIONS**

99-3856 98. Regarding Tax Increment Needs for FY 2000/2001. ([Council Communication No. 99-571](#)). **Moved by Coleman to adopt the recommendations contained in [Council Communication No. 99-571](#), and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$10,948,817 of tax increment revenue for the 2000/2001 fiscal year. Motion Carried 6-1. Absent: Vlassis.**

## **APPROVING**

99. Items regarding extension of the City-wide Urban Revitalization (tax abatement) Program for an additional five years, to 12-31-2005.

99-3857 (A) Recommendation from City Plan and Zoning Commission. **Moved by Vlassis to receive and file, and to direct the City Manager and Legal Department to prepare the proper legislation and plan amendments for Council to consider on January 24, and set February 7 as the hearing date, following review and recommendation from Neighborhood Associations and considering all options and formulas suggested. Motion Carried 5-2. Nays: Flagg and Brooks.**

99-3858 (B) Recommendation from Council Member Archie Brooks, to refer the item to neighborhood associations, and setting date of hearing for February 7, 2000. **Moved by Brooks to receive, file and discuss. Motion Carried 7-0.**

99-3859 100. Spirit of Des Moines Business Recognition Program. ([Council Communication No. 99-550](#)). **Moved by Vlassis to defer to 1-24-2000. Motion Carried 7-0.**

**WITHDRAWN**99-3860 101. Final consideration of ordinance rezoning property at 1420 E. 14th Street, from Conditional "C-2" (General Retail and Highway Oriented Commercial), to amended "C-2", (six votes required due to Planning Commission denial).

**WITHDRAWN**99-3861 (A) Communication from Des Moines Neighbors.

99-3862 102. Submission of Grant Application for \$150,000 to U.S. Environmental Protection Agency (EPA) Supplemental Assistance for Brownfields Assessment Demonstration Pilot

Program-Riverpoint West. ([Council Communication No. 99-562](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

99-3863 103. Application to Iowa Department of Economic Development, for Physical Infrastructure Assistance Program Grant Funds in support of non-stop services between Des Moines and Atlanta. ([Council Communication No. 99-544](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

99-3864 104. Preliminary approval of a \$70,000 Economic Development Loan to Architects Smith Metzger, 2111 Grand, for renovation of the building. ([Council Communication No. 99-556](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3865 105. Local contribution loan to Principiant Hotel Company, L.C., (Hotel Fort Des Moines and parking ramp renovation) \$400,000. ([Council Communication No. 99-561](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3866 106. Amended Agreement for Joint Planning Services with Warren County to participate in creation of a comprehensive plan for the unincorporated areas adjoining the City. ([Council Communication No. 99-548](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-3867 107. Master Plan for Martin Luther King Jr. Park and recommendation to vacate and convey the pocket park at E. 19th and Cleveland upon completion of Martin Luther King Jr. Park improvements. ([Council Communication No. 99-559](#)). **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-3868 108. Recommendation from Airport Board, that the new parking structure and accompanying skywalk at the Des Moines International Airport, be named in honor of John R. Fitzgibbon. **Moved by Flagg to adopt. Motion Carried 7-0.**

99-3869 109. Recommendation from City Manager, to approve "Plan A" of the report of the Gateway Urban Landmark Steering Committee, as the Urban Design Plan for the Western Gateway. ([Council Communication No. 99-567](#)). **Moved by Vlassis to adopt Plan "A". Motion Carried 6-1. Nays: 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.**

99-3870 1. City Staff presentation regarding Y2K Contingency Plan. SPONSOR: Mayor Daniels. **Moved by Vlassis to receive and file. Motion Carried 7-0.**



99-3871 2. Appointment of Des Moines Area Metropolitan Planning Organization (MPO) representative for 2000. SPONSOR: Mayor Daniels. **Moved by Hensley to adopt regular members and bring back recommended alternates on January 3, 2000. Motion Carried 7-0.**

99-3872 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:42 P.M. Motion Carried 7-0.**

*DES MOINES-CITY OF SKYWALKS*