

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 25, 1999

CLOSED SESSION

2:30 P.M.

99-117 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-118 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Vlassis to adopt. Motion Carried 6-0.**

99-119 (b) Closed Session to discuss matters of pending litigation.

99-120 (c) Terminate this closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 6-0.**

99-121 (d) Motion to recess and reconvene at 3:00 P.M. **Moved by Coleman to adopt. Motion Carried 6-0.**

3:00 P.M.

99-122 II. (A) Council Interviews of Ward IV Applicants. **Moved by Vlassis to receive and file; continue consideration and selection of the two finalists--Belken and Weisshaar to February 1, 1999 meeting at 3:45 P.M. City Clerk to provide each with an agenda book for 2-1-99.**

99-123 (B) Appointment of Council Member to fill

WITHDRAWN Ward IV vacancy.

4:00 - 4:30 P.M.

CULTURAL CONNECTION - Des Moines Choral Society

4:30 P.M.

INVOCATION: Pastor Tony Thurston

College Avenue Christian Church

99-124 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED. **Moved by Hensley to adopt. Motion Carried 6-0.**

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***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.**

99-125 3. APPROVING CONSENT AGENDA - items 3 through 86. **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

99-126 4. Communication from Legal Department regarding January 25, 1999 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-0.**

Class "B" Beer Licenses

99-127 5. Porky's Diner, LLC, Mitchell Noah, Member dba Porky's Diner, 4444 Douglas; New Application - With Sunday Sales and Beer Garden) - Application submitted 12-30-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

Class "C" Beer Licenses

99-128 6. Krause Gentle Corporation, William A. Krause, President dba Kum & Go #440, 821 East Euclid; Renewal - Expires 2-26-99 (With Sunday Sales) - Application submitted 12-14-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-129 7. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet Plus #503, 402 Euclid; Renewal - Expires 2-22-99 (With Sunday Sales) - Application submitted 12-18-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

Class "E" Beer Licenses

99-130 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #524, 3030 Ingersoll; Renewal - Expires 2-2-99 (With Sunday Sales) - Application submitted 12-22-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-131 9. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #542, 865 - 42nd Street; Renewal - Expires 2-2-99 (With Sunday Sales) - Application submitted 12-22-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

Class "A" Liquor Licenses

WITHDRAWN

99-132 10. V.F.W. Post #738, Erwin J. Goltz, Member dba V.F.W. Post #738, 2801 Dean; New Application submitted 10-6-98.

Class "C" Liquor Licenses

99-133 11. Bob's Sports Bar LLC, Robert Mickles, Owner dba Bob's Sports Bar and Grill, 918 East Euclid; New Application (With Sunday Sales and Beer Garden) - Application submitted 12-31-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-134 12. Benoit Enterprises, Jack L. Benoit, President dba Diamond Jack's, Iowa State Fairgrounds, 3000 East Grand Avenue; Renewal - Expires 1-31-99 (With Sunday Sales and Beer Garden) - Application submitted 12-31-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-135 13. Hy Vee, Inc., Ronald D. Pearson, President dba Des Moines Botanical Center, 909 East River Drive; Renewal - Expires 2-2-99 (With Sunday Sales) - Application submitted 1-8-99. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-136 14. Eastgate Lounge, Inc., Jerry E. Mercer, President dba Eastgate Lounge, 1512 East Euclid; Renewal - Expires 1-26-99 - Application submitted 12-7-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-137 15. Kambi & Modri, Inc., Muhamed Blazevic, President dba European Restaurant "Bosna", 900 East Army Post Road; New Application (With Sunday Sales) - Application submitted 12-2-98. **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

99-138 16. Ray Simbro, Jr., dba Old Timers Tavern, 2201 Easton Blvd; New Application (With Sunday Sales) - Application submitted 12-28-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-139 17. Plaza Lanes, Inc., Barbara J. Anderson, President dba Plaza Lanes, 2701 Douglas; Renewal - Expires 1-28-99 (With Sunday Sales) - Application submitted 12-2-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-140 18. Paul V Strome dba Sambettis, 1430 2nd Avenue; Renewal - Expires 1-31-99 (With Sunday Sales) - Application submitted 12-30-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-141 19. Wanda's, Inc., Wanda Chambers, President dba Wanda's, 4369 Merle Hay Road; Renewal - Expires 1-25-99 (With Sunday Sales) - Application submitted 12-22-98. **Moved by Hensley to adopt. Motion Carried 6-0.**

Authorizing

99-142 20. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-143 21. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-0.**

Refunds

99-144 22. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 6-0.**

Transfers

99-145 23. Temporary transfer of Class "B" Beer Permit for Des Moines Jaycees dba Seniom Sed Friday Fest, 3rd & Locust (Nollen Plaza) to Kaleidoscope, 5th & Walnut - 3rd Floor for one day event on February 6, 1999 for golf tournament - Application submitted 1-8-99. Subject to submission of acceptable electrical inspection. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-146 24. Temporary transfer of Class "B" Beer Permit for S.A.O.C.C., Inc., Calvin Campbell, President dba The Depot, Iowa State Fairgrounds, 3000 East Grand to the Cattle Barn, Iowa State Fairgrounds, 3000 East Grand beginning February 15 thru 21, 1999 - Application submitted 1-8-99. **Moved by Hensley to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

99-147 25. Approving Professional Services Agreement with Veenstra & Kimm, Inc., (H. R. Veenstra, Jr., President, West Des Moines) in connection with Combined Sewer Overflow Flow Metering Installation - \$86,942. ([Council Communication No. 99-019](#)). **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

WITHDRAWN

99-148 26. Approving Agreement with Iowa Department of Transportation for Douglas Avenue Resurfacing from 34th Street to Beaver Avenue Project. [\(Council Communication No. 99-017\)](#).

27. Resolution Ordering Construction of the following:

99-149 (A) Burke Park Shelter, Receiving of Bids, (2-9-99), and Setting Date of Hearing, (2-15-99), (Construction Estimate - \$102,400). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-150 (B) Laurel Hill Cemetery Gate, Receiving of Bids, (2-9-99), and Setting Date of Hearing, (2-15-99), (Construction Estimate - \$41,506). **Moved by Hensley to adopt. Motion Carried 6-0.**

28. Approving Contract and Bond for the following:

99-151 (A) Fleur Drive Traffic Signal System Upgrading - Brown Bros., Inc., (Kimberly K. Constable, Pres., 107 E. 5th Street, Des Moines). **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman**

99-152 (B) 1998 Flood Sanitary Sewer Repair - Corell Contractor, Inc., (Steve Corell, Pres., 1805 Euclid Avenue, Des Moines). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-153 29. Approving request from Craig Shannon, Attorney for Margaret Richey and Robert L. Carter regarding continuation of Agricultural Deferment for special assessments for Evergreen Avenue Paving Project. **Moved by Hensley to receive, file and approve the request for continuation of Agricultural Deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy of this Resolution to Polk County. Motion Carried 6-0.**

99-154 30. Approving partial payments on six public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 6-0.**

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

99-155 (A) 1997 Sanitary Sewer Relining Contract No. 2, Insituform Central, Inc., \$3,067.60 is now due and remaining balance of \$22,437.50 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-156 (B) Southeast Airport Trunk Sanitary Sewer, Phase 1, McAninch Corporation, \$8,823.60 is now due and remaining balance of \$5,636.10 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-157 (C) Blank Park Zoo Fencing of Fort Des Moines Property, Des Moines Steel Fence Co., Inc., \$10,096.12 is now due and remaining balance of \$2,729.13 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-158 (D) Union Park Shelter Improvements, Big Boy's Construction, \$3,240.40 remaining balance is now due and payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

99-159 32. Resolution levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1999-33 and providing for payment. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-160 33. Resolution Levying Assessments for costs of Nuisance Abatement-NAC 1998 Sidewalk Replacement Program Schedule No. 1999-34 and providing for payment. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-161 34. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of December, 1998, for Certification to Polk County Treasurer (call the City Clerk's Office for amounts). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-162 35. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for December, 1998. **Moved by Hensley to approve/adopt. Place an item on the agenda for the next meeting with the Water Board, regarding ease of opening and abandoning accounts for water service. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

99-163 36. Offer to Purchase Real Estate and Deed to City for property located at 826 Morton Avenue, in conjunction with Grand View Avenue Drainage Area, from Thomas L. Fogarty - \$46,000. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-164 37. Special Warranty Deed in conjunction with Southeast Diagonal Roadway Right-of-Way, from Kelderman Manufacturing, Inc. **Moved by Coleman to adopt. Motion Carried 6-0.**

99-165 38. Approving issuance of Corrective Deed, for an encroachment in the vicinity of 4001 Ovid to Morris and Kathleen Lobrecht. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-166 39. Permanent Easement for Traffic Signal and Street Lighting Systems, Future Title Work Compensation and Temporary Easement for Construction in conjunction with Martin Luther King, Jr. Parkway at Hickman Road Traffic Signal, from Michael H. Simmonds and Linda G. Simmonds, 2222 Martin Luther King, Jr. Parkway - \$1,775. **Moved by Hensley to adopt. Motion Carried 6-0.**

WITHDRAWN

99-167 40. Permanent Easement for Surface Water Flowage Diversion Levee and Future Title Work Compensation in conjunction with East 42nd and Washington Drainage Improvement, from Bill L. Peters, vacant land - \$51.

99-168 41. Approving Noise and Avigation Easements for ten properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-169 42. Authorizing the City Manager to acquire the necessary Right-of-Way for the Lincoln Place Drive Soil Stabilization. **Moved by Hensley to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-170 43. Approving extension of the City's Special Condition for the Charter Status of the Woodland Heights Neighborhood to December 31, 1999. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-171 44. Resignation of Jerry O'Rourke from the Park and Recreation Board effective immediately. **Moved by Hensley to receive, file and accept the resignation with appreciation for service. Motion Carried 6-0.**

99-172 (A) Approving recommendation of Council Member Hensley, for appointment of Joseph M. Galloway, to the Park and Recreation Board, to fill the unexpired term of Jerry O'Rourke, to expire June 30, 2002. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-173 45. Resignation of Roger Cleven from the Park and Recreation Board effective immediately. **Moved by Hensley to receive, file and accept the resignation with appreciation for service. Motion Carried 6-0.**

99-174 46. Resignation of Norman Iverson from the Electrical Board of Examiners effective November 30, 1998. **Moved by Hensley to receive, file and accept the resignation with appreciation for service. Motion Carried 6-0.**

99-175 46-I Appointment of Ms. Pat Parker by the City of Ankeny to the Greater Des Moines Sister City Commission to replace Jeanette Borich. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-176 (A) Recommendation of Council Member Vlassis, for appointment of Dr. Bruce Heilman, to the City Plan Commission, to fill unexpired term of Loren Christensen, to expire July 4, 2000. **Moved by Hensley to adopt. Motion Carried 6-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

99-177 47. On request from Drake University for vacation of a 9.0-foot portion of the south right-of-way of Meek Avenue immediately west of 27th Street, to permit a fence to be placed within such right-of-way, and permit the fence to be constructed upon the right-of-way by lease or easement rather than by sale. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-178 48. 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), and to refer rezoning request back to the Plan and Zoning Commission, to consider the applicant's amended application. **Moved by Hensley to receive and file the Plan and Zoning Commission's report, and to refer the proposed rezoning back to the Commission for consideration of the applicant's amended application for rezoning. Motion Carried 6-0.**

99-179 (A) Petition from area property owners in objection to the rezoning. **Moved by Hensley to receive and file. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

99-180 49. On sale of City-owned lot, in vicinity of 615 SE 4th, to Frank and Edith Brunia, \$5,000 (2-1-99). **Moved by Hensley to adopt. Motion Carried 6-0.**

WITHDRAWN

99-181 50. On proposal to convey an Easement for Public Highway, on portions of Outlots X and Y, Airport Business Park Plat No. 1, (east of SW 42nd and north of County Line Road), to the State, (2-1-99).

WITHDRAWN

99-182 (A) Designating additional highway property pursuant to the Addendum to Development Agreement with ABC Partners L.P. (Richard Margulies).

99-183 51. On vacation and conveyance of the East/West alley in vicinity of 2503 High Street, to Ronald Johnson and Kevin Shelby, \$50 plus costs, (2-1-99). **Moved by Vlassis to adopt. Motion Carried 6-0.**

WITHDRAWN

99-184 52. On vacation of the East/West alley right-of-way between E. 14th and E. 16th Street between Milton and Guthrie, and conveyance of right-of-way in vicinity of 1436 Guthrie Avenue to Robert and Tracy Edwards, \$25 plus costs, (2-1-99).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-185 53. Approving payment of \$18,238.74 to Bradshaw, Fowler, Proctor & Fairgrave, P.C. for outside legal counsel for the Des Moines International Airport to meet Federal Administration requirements. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-186 54. Approving payment of \$1,549.80 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for outside legal counsel to provide environmental law expertise in land lease agreements for the Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

99-187 55. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 6-0.**

99-188 56. Approving payment of \$27.00 to Jane McAllister of the Ahlers Law Firm in conjunction with development of the Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. City Manager to provide written report to Council on status of this project, copying the Committee. Motion Carried 6-0.**

99-189 57. Approving payment of \$902.50 from Thomas H. Burke of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al. **Moved by Hensley to approve payment. Motion Carried 6-0.**

99-190 58. Approving payment of \$740.58 to Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-191 59. Approving payment of \$3,639.77 to Michael C. Poland for settlement of Workers' Compensation claim, subject to approval of an agreement by the Iowa Workers' Compensation Commission. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-192 60. Approving payment of \$5,767.38 to Mark A. Dauterive for settlement of workers' compensation claim, subject to approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Hensley to adopt. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

99-193 61. Submitting out-of-state travel requests for Matthew Rosen, Dennis Hanson, Donna Boetel-Baker, Kathy Kahoun, and Erik Lundy. ([Council Communication No. 99-015](#)). **Moved by Hensley to adopt as modified, to authorize travel for either Matt Rosen or Dennis Hanson. Motion Carried 6-0.**

99-194 62. Submitting request for traffic control modifications along 12th Street between Euclid Avenue and Aurora Avenue. ([Council Communication No. 99-035](#)). **Moved by Hensley to receive, file and approve the recommendations of the Traffic Safety Committee and to refer to Legal Department for proper legislation for the four-way stop at 12th Street and Douglas Avenue. Motion Carried 6-0.**

99-195 63. Submitting various traffic regulation changes as follows, ([Council Communication No. 99-032](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-0.**

(1) Request for No Parking Restrictions in the vicinity of Stitzell Electric, 101-107 12th Street.

(2) Request for No Parking Restrictions adjacent to the West Driveway of 4004 Grand Avenue.

(3) Request for Changes to Municipal Code to Support Current Signing for Caulder Circle.

APPROVING

99-196 64. Authorizing Issuance of Certificate of Completion for Disposition Parcel No. 20A (1761 Guthrie Avenue)/ Guthrie Avenue Business Park Urban Renewal Area to MWM Properties, L.C. and release of good faith deposit. **Moved by Hensley to approve. Motion Carried 6-0.**

99-197 65. Resolution to approve Loan Agreements and related documents for a Community Economic Betterment Account (CEBA) Loan in the amount of \$50,000 and to approve a City Loan in the amount of \$50,000 to Des Moines Production Plating Company, Inc. ([Council Communication No. 99-020](#)). **Moved by Hensley to approve. Motion Carried 6-0.**

99-198 66. Loan Agreement and related documents for City Loan from Des Moines Action Loan Fund to Mercury Plastic Engineering Inc., 300 SE Allen - \$200,000. ([Council Communication No. 99-029](#)). **Moved by Hensley to approve. Motion Carried 6-0.**

99-199 67. Resolution Approving and Authorizing the Execution and Delivery of a First Amendment to Loan Agreement and First Supplemental Indenture with respect to \$3,500,000 Industrial Development Revenue Bonds (The Printer, Inc. Project) Series 1994. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-200 68. Resolution approving Partial Release of Low Income Rental Covenants to permit Construction of Owner-Occupied Housing at 13th Place and Carpenter Avenue. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-201 69. Modified Intergovernmental 28E Agreement with seven counties to provide continuation of Central Iowa Employment Training Consortium (CIETC). **Moved by Hensley to adopt. Motion Carried 5-0. Council Member Vlassis declares a conflict of interest and abstains from voting.**

99-202 70. Tax Abatement applications for additional value added by improvements made during 1998, (116 applications on file in Clerk's Office). ([Council Communication No. 99-028](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-203 71. Receipt of communication from Des Moines Water Works, submitting adopted budget for calendar year ending December 31, 1999, for certification to Polk County. **Moved by Hensley to receive and file. Motion Carried 6-0.**

99-204 72. Grant application to Prairie Meadows Race Track and Casino for funds to offset fee reductions for senior citizens at City of Des Moines golf courses. ([Council Communication No. 99-025](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-205 73. Submitting City Manager's Monthly Financial Report for November, 1998, (Copy on file in City Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 6-0.**

74. Bids for the following:

99-206 (A) Triad Productions, Inc., (1910 Ingersoll, Richard Trump, President) for audio visual equipment upgrades for communication system in City Council Chambers to be used by the City Offices, \$21,744. (Seven bids mailed-two received). **Moved by Coleman to adopt. Motion Carried 6-0.**

99-207 74. (B) Commercial Turf and Tractor, (Chillicothe, MO, Bryan Wood, President) for a soil renovator to be used by the Park and Recreation Department, \$15,200. (Eleven bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-208 (C) Perficut Lawn and Landscape, Inc., (Ankeny, IA, Kory Ballard, President) for mowing and trimming services to be used by the Park and Recreation Department, \$46,080. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-209 (D) Spreitzer, Inc., (1820 SE Delaware Avenue, J. E. Spreitzer, President) for a rubber tired industrial loader to be used by the Engineering Department (Wastewater Reclamation Facility), \$101,449. (Eight bids mailed-six received). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-210 (E) Bid awarded to Smurfit Stone Container Corporation, (2201 Bell Avenue, Jim Bailey, Manager) for degradable yard waste bags to be used by the Public Works Department, \$21,300. Bid from Unisource Worldwide Inc., (Mansfield, MA) did not meet specifications, therefore non-compliant. (Seven bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-211 (F) GE Capital IT Solutions, (11180 Aurora Street, Urbandale, IA,) State of Iowa Contract No. 01-02199 (Municipal Code Section 2-86(c) for Microsoft Select Software to be used by the Information Technology Department for City wide network, \$103,475.80. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-212 (G) Leydens Auto Plaza, (Pella, IA, John Kingma) for 1999 Chevrolet Monte Carlo and Winterset Auto L.C. (Winterset, IA, Jim Sherman) for 1999 Pontiac Grand Prix, State of Iowa Contract No. 2047, (Municipal Code Section 2-86(c) to be used by the Police Department, total cost \$35,970.87. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-213 74. (H) Torrence Electric, (3811, Dixon, Steve Gallagher, President) for six (6) motor drive units manufactured by Reliance Manufacturing Co., (Municipal Code 2-86(a)(7) for purchase of goods that are compatible with existing city needs, \$69,270.00. **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

99-214 (I) Printrak International Corporation, (Anaheim, CA) for Livescan Automated Fingerprint Identification system to interface with State of Iowa Department of Public Safety, Division of Criminal Investigation, sole area distributor, (Municipal Code 2-86(a)(7), \$143,050. [\(Council Communication No. 99-021\)](#). **Moved by Hensley to adopt. Motion Carried 5-1. Pass: Flagg.**

99-215 75. Report of Civil Service Commission submitting entrance lists for Firefighter, Custodial Worker, and Industrial PreTreatment Technician, and promotional list for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 6-0.**

99-216 76. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-217 77. Authorizing Finance Director to draw warrants on register of January 29, 1999, and the bills of the Des Moines Municipal Housing Agency for the week beginning January 25, 1999, and the biweekly payroll due employees on January 15, 1999 and January 29, 1999. **Moved by Hensley to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

99-218 78. Amending Chapter 27 of the Municipal Code regarding traffic regulations changes for the following: **Moved by Hensley that this ordinance do now pass, [#13,678](#). Motion Carried 6-0.**

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

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

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

99-219 79. On vacation of 41st Street between Grand and Ingersoll. **Moved by Hensley that this ordinance do now pass, [#13,671](#). Motion Carried 6-0.**

99-220 80. Amending Section 15-174 of the Municipal Code increasing Tournament Rental Fee for Soccer Fields. **Moved by Hensley that this ordinance do now pass, [#13,672](#). Motion Carried 6-0.**

99-221 81. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the Center Street Park and Ride Facility. **Moved by Hensley that this ordinance do now pass, [#13,673](#). Motion Carried 6-0.**

99-222 82. On rezoning of property at 3350 Evergreen Avenue, from "R1-90" (Large Lot-One Family Residential), to a Ltd. "R1-80" (One Family Residential). **Moved by Hensley that this ordinance do now pass, [#13,674](#). Motion Carried 6-0.**

99-223 83. On amendment to Section 2A-16 of the Zoning Ordinance, to permit gas stations with a maximum of 8 fueling stations to be located along Army Post Road, from Fleur Drive to East city limits within the areas zoned to the "C-1" Districts. **Moved by Hensley that this ordinance do now pass, [#13,675](#). Motion Carried 6-0.**

99-224 84. On rezoning of property in vicinity of 7300 Fleur Drive, from "R1-80", a portion of Airport Commerce Park "PUD" and "PBP", to a PUD entitled Airport Commerce Park South. **Moved by Hensley that this ordinance do now pass, [#13,676](#). Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

99-225 85. On proposed rezoning of 4301, 4609 and 4619 Grand, from R-3 (Multiple Family Residential), to Ltd. R-3. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

99-226 86. Amending Chapter 20 of the Municipal Code, to add regulations for facility use and conduct at Birdland Marina. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

****Council considered Item 89 next****

ORDINANCES - FIRST CONSIDERATION

99-227 87. Amending Chapter 27 of the Municipal Code regarding parking on Cherry Street--for fire department use. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

99-228 88. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

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

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

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

COUNCIL REQUESTS

99-229 89. Oral request of Council Member Hensley to discuss locating the Reagan Historical Project in the Court Avenue District. **Moved by Hensley to receive, file, and refer to City Manager and Legal for review and recommendation; also referral to appropriate Boards and agencies as appropriate. Motion Carried 5-1. Pass: Daniels.**

99-230 90. Request from Council Member Flagg to discuss taxicab accessibility at Des Moines International Airport. **Moved by Hensley to receive, file and refer to appropriate staff for review and recommendation. Motion Carried 6-0.**

COMMUNICATIONS/REPORTS

99-231 91. Report from the Ad-Hoc Committee on Pedestrian Crossing of Court Avenue and referral to various City Boards and Commissions for review and recommendation. **Moved by Hensley to receive and file and request review and recommendation to the City Council on this report from the Plan & Zoning Commission, Architectural Advisory Committee, Skywalk Commission and the Urban Renewal Board. Motion Carried 6-0.**

99-232 92. From Terri Cole, P.O. Box 41282 requesting to speak regarding canines residing at a residence in her neighborhood. **Moved by Hensley to receive, file, and grant the request to speak; City Manager will review the safety issue mentioned, and fencing. Motion Carried 4-2. Absent: Coleman and Vlassis.**

INFORMAL HEARINGS (Opened at 5:50 P.M.) (Item 93)

99-233 93. On Recommended City of Des Moines Capital Improvement Program 1999-2000/2004-05. **Moved by McPherson to receive, file, and refer to the City Manager. Motion Carried 6-0.**

99-234 (A) Presentation from AMOS (A Metropolitan Organizing Strategy) regarding 1999-2000 Capital Improvement Plan Budget. **Moved by Coleman to receive and file. Motion Carried 6-0.**

* * END INFORMAL HEARINGS at 6:30 P.M. * *

HEARINGS (Opened at 6:30 P.M.) (Items 94 thru 104)

99-235 94. On vacation and conveyance of East/West and North/South alleys in the south 1/2 of the block bounded by Grand, E. Fifth, E. Sixth and Des Moines Streets, to James O. Boyt, \$2,500, continued from 1-4-99. **Moved by Vlassis to defer consideration to the second meeting in February at 5:30 P.M. (2-15-99). Motion Carried 6-0.**

WITHDRAWN

99-236 (A) First consideration of ordinance above.

99-237 95. On conditional approval of application from Virgil Moore, Tempus Utile, L.C. for voluntary annexation of property in vicinity of 6800 Chaffee Road. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: McPherson.**

99-238 96. On vacation and conveyance of east/west alley between SE 15th and SE 16th Street south of Maury, to Bud J. and Leola M. Sonderleiter, \$400 plus costs. **Moved by Flagg to adopt. Motion Carried 6-0.**

99-239 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

99-240 (B) Final consideration of ordinance above, (waiver requested by the Legal Department), requires 6 votes. **Moved by Flagg 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, [#13,677](#). Motion Carried 6-0.**

99-241 97. On conveyance of vacated Mahaska Parkway right-of-way between SW 33rd Street and vacated SW 35th Street to The Trustee of the William Wellesley Trust, by an unrestricted quit claim deed, \$11,450. **Moved by Flagg to adopt. Motion Carried 6-0.**

99-242 98. On Lease Agreement with Drake University for use of property at 3110 Forest Avenue by the Des Moines Police Traffic Unit, \$1 per year for two-year term. ([Council Communication No. 99-034](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

99-243 99. On South Side Trunk Relining: 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), \$240,102. **Moved by Coleman to adopt. Motion Carried 6-0.**

99-244 100. On Botanical Center Parking Lot Lighting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Wolin Electric, L.C., (Thomas Mass, President, 600 SW 7th Street, Suite P, DM), \$19,400. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-245 101. On E. University Avenue Widening at E. 9th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (Ralph Steven Gilotti, President, 4000 Westown Parkway, Suite 100, WDM), \$649,335. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-246 102. On Skywalk Bridges 2C-3C, 2C-2D, Sound Attenuation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corn States Metal Fabricators, Inc., (Randall Golay, President, 1323 Maple Street, WDM), \$17,500. ([Council Communication No. 99-024](#)). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: McPherson.**

99-247 103. On Equipment Maintenance Center Renovations and Car Wash: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Martin Gorgas, President, 1719 Hull Avenue, DM), \$362,731, ([Council Communication No. 99-018](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-248 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-249 (B) Approving Permission to Sublet. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-240 104. On application for renewal of Pawnbrokers License, for Jeffrey Pocock dba The Pawn Store, 3005 Douglas. **Moved by Vlassis to adopt; and suspend license for 30 days commencing midnight 1-26-99; license will be probationary for balance of calendar year 1999. Any conviction during probationary period may result in revocation after appropriate action. Motion Carried 4-2. Nays: Daniels and McPherson.**

* * END HEARINGS at 7:28 P.M. * *

APPROVING

99-251 105. Proposed Tax Increment Financing Policy, ([Council Communication No. 99-016](#)). **Moved by Hensley to receive, file, and adopt recommendations as outlined in Council**

Communication No. 99-016, and as amended regarding interest earned on TIF dollars City Manager to provide amended policy to Council at next Budget Workshop on 1-28-99. Motion Carried 6-0.

99-252 (A) Communication from Alice Rodine regarding a written policy for handling of interest earned on TIF dollars. **Moved by Vlassis to receive and file Motion Carried 5-1. Absent: Coleman.**

106. Agreements with Central Parking System of Iowa, Inc. for the following:

99-253 (A) Amended agreement for management services for Municipal Parking Facilities incorporating Center Street Park and Ride Facility. ([Council Communication No. 99-031](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-254 (B) Increase in management fee from \$10,500 per month to \$11,167 per month and extension of contract for one year period - July 1, 1999 through June 30, 2000. ([Council Communication No. 99-030](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

107. The following items regarding Airport Passenger Facility Charge Program at Des Moines International Airport:

99-255 (A) Communication from Chairperson of Des Moines International Airport Board. **Moved by Hensley to adopt. Motion Carried 6-0.**

99-256 (B) Request for Proposal (RFP) for Line of Credit Facility backed by Passenger Facility Charge (PFC) Collections. ([Council Communication No. 99-027](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

WITHDRAWN

99-257 108. First Amendment with Eastgate Plaza, LLC. to allow Redeveloper an extension of time to complete the project. ([Council Communication No. 99-036](#))

109. The following items regarding Kemin Industries, Inc. (2100 Maury), ([Council Communication No. 99-033](#)):

99-258 (A) Application for Enterprise Zone Benefits for project in Des Moines Agribusiness Park Enterprise Zone and authorizing Enterprise Zone Property Tax Exemption. **Moved by McPherson to approve. Motion Carried 6-0.**

99-259 (B) Subordination Agreement and Financing Amendments with respect to Iowa Community Economic Betterment Account (CEBA) Loan. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-260 110. Agreement with Iowa Department of Transportation for Recreational Trails Funding for further progress on Four Mile Creek Trail, Phase III. ([Council Communication No. 99-026](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

99-261 111. Authorizing staff to negotiate three-year Agent/Broker Services Contract with Jester Insurance Services with the option for two one-year renewals. ([Council Communication No. 99-023](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

99-262 112. Bill Review and Payment Service Agreement with EMC Risk Services, to provide occupational injury bill review and payment services for claims submitted by police and fire personnel and employees covered under Chapter 85 of the Code of Iowa. ([Council Communication No. 99-022](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

99-263 113. City of Des Moines Legislative Update for the 78th Iowa General Assembly. **Moved by Vlassis to receive and file the attached report. Motion Carried 6-0.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Approving nominations recommendations of Mayor Daniels, for appointment of the following to the Civic Center of Greater Des Moines Board of Trustees, terms to expire June 1, 2000:
SPONSOR: Mayor Daniels.

99-264 (A) David Feehan. **Moved by Vlassis to adopt. Motion Carried 6-0.**

99-265 (B) Christine Hensley. **Moved by Vlassis to adopt. Motion Carried 6-0.**

99-266 2. Approving recommendation of Mayor Daniels, for appointment of Ad Hoc Compensation Study Committee. SPONSOR: Daniels. **Moved by Vlassis to adopt. Motion Carried 6-0.**

A G E N D A

BOARD OF HEALTH

January 25, 1999

99-267 MOTION TO CONVENE. Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-0.

AUTHORIZING

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

99-268 (A) 432 E. Livingston (vacant) Titleholder: Edward S. Slothouber, Jr.; Contract Buyer: Betty J. Lyman; Legal Interest Holders: Fred Lewis Pack, Jr., Tax 1. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-269 (B) 1903 6th (vacant) Titleholder: Rick E. Agan; Legal Interest Holders: Hubert E. Hoff, Dorothy Hoff, Norwest Bank - Minnesota, N.A. as Trustee under that certain Pooling and Servicing Agreement dated as of September 1, 1997, for Southern Pacific Secured Assets Corp., Mortgage Loan Asset-Backed Pass-Through Certificates, Series 1999-3. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-270 (C) 1926 10th (vacant) Titleholders: Faren Q. Balkmon-Jones, Greg Jones; Legal Interest Holder: Glendower Corporation. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-271 (D) 901 23rd (vacant) Titleholder: Rebecca L. Shumaker; Legal Interest Holders: FUNB as Custodian for Propco, Inc., Tax 23, Halaina Acquisitions, L.L.C. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-272 (E) 1304 E. 26th (vacant) Titleholders: Rhonda M. Gillespie, Steven Gillespie; Legal Interest Holder: Bill Holtz. **Moved by McPherson to adopt. Motion Carried 6-0.**

99-273 MOTION TO ADJOURN. Moved by McPherson to adjourn at 8:18 P.M. Motion Carried 6-0.