

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 19, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Fair Housing Month
- (b) National Youth Service Day
- (c) Youth in Government Day

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

A Showcase of Local Arts--Deni Hoffman, Shoestring Productions

"No Strings Attached"

INVOCATION: Pastor LeAnn Stubbs

St. John's Lutheran Church

99-1039 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

I. Introduction of Visiting Delegation from Ukraine.

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

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

99-1041 3. APPROVING CONSENT AGENDA - items 3 through 82: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-1042 4. Communication from Legal Department regarding April 19, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-1043 5. Phranom Philavanh, owner dba Laos Restaurant, 418 E. 5th Street; Renewal - Expires 6-2-99 - Application submitted 3-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-1044 6. Randolph Investment Corporation, Sandra K. Losh, President dba 4th Street Grocery, 210 4th Street; Renewal (With Sunday Sales) - Expires 5-28-99 - Application submitted 3-22-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1045 7. Git-N-Go Convenience Stores, Inc., Dennis Flora, President dba Git-N-Go Convenience Store #1, 3735 Hubbell Avenue; Renewal (With Sunday Sales) - Expires 4-30-99 - Application submitted 2-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1046 8. Git-N-Go Convenience Stores, Inc., Dennis Flora, President dba Git-N-Go Convenience Store #3, 100 SW Watrous; Renewal (With Sunday Sales) - Expires 6-4-99 - Application submitted 4-1-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1047 9. Git-N-Go Convenience Stores, Inc., Dennis Flora, President dba Git-N-Go Convenience Store #31, 2601 SW 9th Street; Renewal (With Sunday Sales) - Expires 6-15-99 - Application submitted 4-1-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1048 10. Mora Inc., Manuel Mora, President dba La Tapatia, 1700 E. Grand Avenue; Renewal (With Sunday Sales) - Expires 5-1-99 - Application submitted 3-22-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-1049 11. Krueger Enterprises, Inc., Donald W. Krueger, President dba Southgate Amoco, 3401 SE 14th Street; Renewal (With Sunday Sales) - Expires 5-29-99 - Application submitted 4-6-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

99-1050 12. Git-N-Go Convenience Stores, Inc., Dennis Flora, President dba Git-N-Go Convenience Store #11, 3940 E. 29th Street; Renewal (With Sunday Sales) - Expires 6-26-99 - Application submitted 4-1-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1051 13. AJS, Inc., Amy Swacker, President dba Last Stop Beverage Shop, 2839 E. University; Renewal (With Sunday Sales) - Expires 4-30-99 - Application submitted 3-31-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1052 14. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #515, 1421 Ingersoll; Renewal (With Sunday Sales) - Expires 5-11-99 - Application submitted 3-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-1053 15. All In The Family Lounge, Inc., Helen L. Gordon, President dba All In the Family Lounge, 4413 Fleur Drive; Renewal (With Sunday Sales) - Expires 5-1-99 - Application submitted 3-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1054 16. Mills Corner Grocery Inc., Lisa M. LaValle, President dba Des Moines Art Center Restaurant, 4700 Grand Avenue; Renewal (With Sunday Sales and Beer Garden) - Expires 4-25-99 - Application submitted 3-26-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1055 17. 801 Steak and Chop House, L.C., James P. Lynch, Member dba 801 Steak and Chop House, 801 Grand Avenue; New Application - Application submitted 3-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1056 18. Flanagan Corporation, Tim Flanagan, President dba Tim Flanagan's Restaurant, 2100 Ingersoll Avenue; Renewal (With Sunday Sales and Beer Garden) - Expires 4-30-99 - Application submitted 2-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1057 19. Gene's Place, Inc., Ronald Goodrich, President dba Gene's Place, 2117 E. University; Renewal (With Sunday Sales) - Expires 5-9-99 - Application submitted 4-5-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1058 20. Les & Marcia, Inc., Lester L. Brewer, President dba Kelly's Little Nipper, 1701 E. Grand Avenue; Renewal (With Sunday Sales and Beer Garden) - Expires 4-28-99 - Application submitted 3-12-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1059 21. LUI Restaurants, Inc., Sue Lui, President dba The Mandarin Restaurant, 3520 Beaver Avenue; Renewal (With Sunday Sales) - Expires 4-30-99 - Application submitted 3-30-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-1060 22. D.T. Corner, Inc., Larry Smithson, President dba Papa's Planet, 206-208 3rd Street; Renewal (With Sunday Sales and Beer Garden) - Expires 5-4-99 - Application submitted 3-25-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1061 23. Sandi's Inc., Sandi Thompson, President dba Sandi's, 607 SE 30th Street; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-22-99. **RECOMMENDATION OF VICE CONTROL UNIT TO DENY. Moved by Belken to deny the license due to lack of good reputation, pursuant to Section 5 of the Des Moines Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 7-0.**

99-1062 24. The Sands Volleyball Club, Inc., Michael Sprecher, Secretary dba The Sands Volleyball Club, 6214 Grand Avenue; New Application for Six Month License (With Sunday Sales and Beer Garden) - Application submitted 3-23-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1063 25. Vic & Andy's, Inc., Mary Anne Victor, President dba Vic & Andy's, 5114 SW 9th Street; Renewal (With Sunday Sales) - Expires 4-30-99 - Application submitted 3-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1064 26. Parisian, Inc., Douglas G. Markham, Vice President dba Younkers Tea Room, 701 Walnut Street; New Application (With Sunday Sales) - Application submitted 3-31-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

99-1065 27. AJS, Inc., Amy Swacker, President dba Last Stop Beverage Shop, 2839 E. University; Renewal (With Sunday Sales) - Expires 4-30-99 - Application submitted 3-31-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-1066 28. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1067 29. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Beer Gardens

99-1068 30. Temporary beer garden for John McCaughey dba Johnny Mac's Lounge, 2301 Hubbell Avenue for Wedding Reception and Annual Barbecue, May 8, 1999. Subject to submission of acceptable building and fire inspections. **Moved by Coleman to defer to 4-26-99 Council Meeting. Motion Carried 7-0.**

Refunds

99-1069 31. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Transfers

99-1070 32. Parents Without Partners, 100 East Euclid, Suite 153; transfer Class "C" Beer-Wine License to 100 East Euclid, Suite 103 for one day event on 4-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-1071 33. Authorization to proceed with various stormwater improvements which are included in 1999-2000 Capital Improvements Program at South Union Street & Kirkwood Avenue Subdrain, Lower Beaver Road & Valdez Drive Storm Sewer, and 2612 Arthur Avenue Drainage Improvements. ([Council Communication No. 99-167](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

34. Resolution Ordering Construction of the following:

99-1072 (A) E. Douglas Avenue Bridge Over Four Mile Creek, (IDOT), Setting Date of Hearing, (5-3-99), (Construction Estimate - \$693,029). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1073 (B) 2940 State Avenue and 2935 Mahaska Avenue Demolition, Receiving of Bids, (5-4-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$17,500). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1074 (C) 1999 ACC Pavement Milling & Resurfacing, Receiving of Bids, (5-4-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$583,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1075 (D) 1999 Pavement Milling, Receiving of Bids, (5-4-99), and Setting Date of Hearing (5-17-99), (Construction Estimate - \$100,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1076 (E) Frisbie Park/E. Jackson Avenue Sanitary Sewer Pump Stations, Receiving of Bids, (5-11-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$755,605). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1077 (F) 6th Avenue and SW 7th Paving - Mulberry Street to Murphy street (Part of the M.L. King, Jr., Parkway Project), Receiving of Bids, (5-11-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$3,000,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1078 35. Communication from area property owners, in favor of paving of SE 9th Street from Hartford to Hillside Avenue. **Moved by Vlassis to receive, file and refer to City manager and City Engineer for review and recommendation. Motion Carried 7-0.**

99-1079 36. Approving completion and recommending acceptance of Private Construction Contract for Sanitary Sewer Improvements for South Glen Village Shopping Center, located at 7401 U.S. Highway 65-69, between McAninch Corporation, Dwayne McAninch, President-Contractor and Hurd Real Estate Service, Inc., Richard Hurd, President-Owner - \$52,912.75. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1080 37. Approving designation of lowest responsible bidder as The Underground Company, Ltd. (Duane J. Burkhardt, President, 2407 SW 9th Street, DM) \$108,856.50, for the Storm Sewer Gatewell Modifications and Abandonment project, approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1081 38. Resolution to REJECT all bids on the City-Wide Sanitary Sewer Gates Repair project -- two bids received, over estimate. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

99-1082 (A) ICA W3 and Process Modifications, Accurate Mechanical Company, Inc., \$13,695.30 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1083 (B) 7th Street and Grand Avenue Parking Garage Relighting, Thompson Electric Company, \$9,453.75 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1084 (C) Fire Station No. 7 Reroofing, \$4,180 is now due and remaining balance of \$1,505 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1085 40. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by five property owners. (Call City Clerks Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1086 41. Approving completion and recommending acceptance of construction of Army Post Road and South Union Street Widening and Signalization Contract with M. Peterson Construction Co. (Merlin Peterson, President) and The Underground Co., Ltd. (Duane Burkhardt, President) and approving payment by Iowa Department of Transportation of \$0.00 now and \$41,290.28 at the end of thirty days and authorizing payment of \$168,894.50 as the City's share. **Moved by Vlassis to adopt. Motion Carried 7-0.**

42. Approving completion and recommending acceptance of the following Private Construction Contract:

99-1087 (A) Street Improvements to 4500 block of 41st Street to service Hickory Grove Townhouse between Eco-Tech Contractors, Inc. (R.S. Gillotti, President), Contractor and Hickory Grove, L.L.C. (Dennis K. Langonita, Managing Partner), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1088 (B) Storm Sewer Improvements for 110' East of 41st Street on Ingersoll Avenue to service Greenwood Court Townhomes at 601 41st Street between Cook Plumbing Corporation (Mark T. Cook, President), Contractor and Russ Stonier, Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1089 43. Communication from Manatt's, Inc. requesting permission to sublet certain items on one public improvement project, (1998 Paving Program, Contract No. 1). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1090 44. Authorizing City Engineer to repair, replace, or reconstruct sidewalks at 41 locations (call the City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1091 45. Approving partial payments on eight public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1092 46. Recision and Release of Liens for Resolution of Necessity for Asphalt Stabilization Schedule No. 1998-39. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-1093 47. Asphalt Stabilization Schedule No. 1998-37: Accepting Work and Ordering Preparation of Plat and Schedule of Assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1094 (A) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1095 48. Asphalt Stabilization Schedule No. 1998-38: Accepting Work and Ordering Preparation of Plat and Schedule of Assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1096 (A) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1097 49. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1999-36 and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1098 50. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility fees for the month of March, 1999, for certification to Polk County Treasurer, (call City Clerk's Office for amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1099 51. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for March 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-1100 52. Establishing Fair Market Value and approving acquisition of Disposition Parcel 4A in the Guthrie Avenue Urban Renewal Area by gift, negotiation or condemnation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1101 53. Offer to Purchase Real Estate and Acceptance Warranty Deed in conjunction with Airport Expansion (Haverhill) from Gary G. Glasford and Carol A. Glasford, 6595 SW. 30th Street - \$90,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

54. Approving Structure and Miscellaneous Removal Contracts with the highest responsive, responsible bidders for improvements at the following locations (Airport Expansion):

99-1102 (A) 6624 SW 28th Court. **Moved by Hensley to adopt. A challenge was offered to MidAmerican Energy to offer community funding to move houses within Des Moines, in an attempt to salvage and infill. Motion Carried 7-0.**

99-1103 (B) 6619 SW 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1104 (C) 6571 SW 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1105 (D) 2960 Littell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1106 (E) 3090 Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1107 55. Approving release of City Assessment against Polk County Tax Sale Property, 1653 Lyon, to clear title objection. **Moved by Flagg to adopt. City Manager to assure assessments are certified in a timely manner. Motion Carried 7-0.**

99-1108 56. Authorizing City Manager to acquire the necessary right-of-way for the Des Moines International Airport Storm Water Control Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1109 57. 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

99-1110 58. Recommendation from Council Member Tom Vlassis, Ward I, to reappoint Reggie Jackson to the Des Moines Human Rights Commission, three-year term to expire April 1, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

99-1111 59. Approving closure of the following City Streets. **Moved by Coleman to adopt item (2) Amy Jones, and defer item (1) Kim Sieck, to 4-26-99 to clarify information from staff regarding this event.**

DEFER (1) Kim Sieck, 2311 3rd Street SW, Altoona, requesting permission to close Elizabeth from Hubbell to alley between Hubbell and Dubuque, on Saturday, May 8, 1999 from 4:00 until 10:00 P.M. for a block party/wedding reception.

ADOPT (2) Amy Jones, 1333 Richmond Avenue, requesting permission to close Richmond Avenue from York Street to E. 14th Street on Sunday, April 25, 1999 from 12:00 Noon to 6:00 P.M. for a block party.

99-1112 60. Approving exception regarding length of time request from Preston Muhammad, representing Torchlight Foundation, 2105 Forest to close 21st Street from 1404 21st Street at alleyway to Forest Avenue on Saturday, April 24, 1999 from 11:00 A.M. until 6:00 P.M. for a Community Peace Jam. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

99-1113 61. Regarding request from Ray Porter II for vacation and conveyance of the north/south alley right-of-way west of 16 E. Livingston Avenue. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

99-1114 62. Regarding request from Bruce Gerleman, Splash Seafood Bar and Grill, for vacation and lease of a 12' strip of Third Street and Locust Street rights-of-way for an outdoor cafe. **Moved by Coleman to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-1115 63. On Issue of Industrial Revenue Bonds, Wesley Acres Retirement Services, 3520 Grand, and approving execution of preliminary agreement, (5-17-99) ([Council Communication No. 99-164](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN 99-1116 64. On text amendment to Section 2A-7 (C)(3) of the Zoning Ordinance, to allow accessory buildings to cover up to 30% of the rear yard area, (5-3-99).

99-1117 65. On text amendment to Section 2A-27 of the Zoning Ordinance, to allow a governmental entity to utilize property through the Special Permit process, (5-3-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1118 66. On vacation of a portion of the Meek Avenue right-of-way west of 27th Street, to allow Drake University to erect a fence on the property in conjunction with the adjoining practice field, \$2,700, (4-26-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-1119 67. Approving payment of \$890.50 to Bradshaw, Fowler, Proctor & Fairgrave for outside legal counsel services in conjunction with the NPDES Permit and assist and participate in negotiations with the Iowa Department of Natural Resources for the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1120 68. Approving payment of \$1,340 to Petosa, Petosa, Boecker & Nervig for outside legal counsel services in conjunction with real estate acquisition and leasing matters for the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1121 69. Approving payment of \$190.35 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for outside legal counsel services in conjunction with environmental matters regarding development of Kiwanis Nature Island at Riverview. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1122 70. Approving payment of \$1,148.95 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley in case of Smithson, et al. v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1123 71. Approving payment of \$1,121 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in case of Smithson et al. v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1124 72. Approving payment of \$135.50 from 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.**

CITY MANAGER COMMUNICATIONS

99-1125 73. Submitting out-of-state travel request for Caroline Gathright, Bob Schulte, Mark Lahey, Brad Fousek, Bill McCarthy, William Boggs, Jack Morton, and Eric Anderson. ([Council Communication No. 99-170](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

99-1126 74. Amendment Five to the Low-Income Home Energy Assistance Program (LIHEAP) contract Number LIHEAP-2299-07J, with Iowa Department of Human Rights/Division of Community Action Agencies, increasing the budget \$22,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1127 75. Tenant/Landlord Education Program Project with Home Ownership Made Easy, Inc. (HOME, Inc.), for \$10,000 of Weed and Seed Funding for the period from March 15, 1999 to October 31, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1128 76. Assignment of Redeveloper's Interest in Agreement to Purchase Land for Private Redevelopment of 1901 Dixon Street (Guthrie Avenue Business Park Urban Renewal Area) from Frederick C. James to Point Builders, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1129 77. Memorandum of Understanding with Department of Transportation allowing traffic officers to acquire registration and warrant information through connection of laptop computers to IDOT's Mobile Data System. ([Council Communication No. 99-158](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

78. Communications from Downtown Partnership for permission to hang the following banners in the downtown business district:

99-1130 (A) Months of June and July - Promotion of the Des Moines Metro Opera. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 7-0.**

99-1131 (B) Month of July - The Des Moines Register's 150th anniversary. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 7-0.**

99-1132 79. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1133 80. Report of Civil Service Commission submitting Entrance Lists for Recreation Specialist, Assistant Operator, and Promotional Lists for Light Equipment Operator and Senior Fire Prevention Inspector. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

81. Bids for the following:

99-1134 (A) SAI Computers, (Greenville, NC, Shiv Ajmera, Owner) for Norton Antivirus software to be used by the Information Technology Department, \$15,975.40. (Eleven bids mailed-nine received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1135 (B) Primary and secondary suppliers, Newell Construction Co., (1221 SE Phillips, Ted Newell, President) and Metro Construction Services, (3300 SW 7th, Joe Baxton, President) for an annual contract and two (2) renewal options for furnishing board-up services to be used by the Community Development Department (Housing Code Enforcement Division), \$83,000. (Nineteen bids mailed-three received). (Call City Clerk's Office for price breakdown). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1136 (C) Primary and secondary contractors for an annual contract with a one year renewal option to furnish portland cement concrete, (A-1 Ready Mix, Inc., Norwalk Ready Mix Concrete, Inc., and American Concrete Products, Inc.) to be used by the Public Works Department, \$338,525. (Five bids mailed-four received). (Call City Clerk's Office for price breakdown). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1137 (D) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for one (1) 4-wheel drive pickup truck, two (2) cargo vans with specific accessories, and Mid-States Ford/Sterling, (4400 NE 14th Street, Marv Perry, President) for one (1) 2-wheel drive pickup truck, one (1) one-ton truck with specific accessories, and one (1) one-ton truck with specific accessories to be used by the Engineering Department (Wastewater Reclamation Facility, total cost \$162,323.53. (Eleven bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1138 (E) Bid awarded to Swab Wagon Co., Inc., (Elizabethville, PA, Fred Margarum, President) for three (3) animal transport units to be used by the Police Department (Animal Control), \$35,700. Bid from Schroer Manufacturing Co. did not meet specifications, therefore

non-compliant. (Five bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1139 (F) Bid awarded to Sioux Sales Company, (Sioux City, IA, Kurt Bornholtz, President) for lightbars, sirens and speakers to be used by the Police Department, \$24,383.97. Bids from three low dollar bidders did not meet specifications, therefore, non-compliant. (Ten bids mailed-six received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1140 (G) Jermaine's Hauling and Services, Inc., (4906 Ingersoll, Jermaine E. McGregor, President), Thoroughbred Construction Co., (200 SE 6th, Mark Anderson, President), and P.G. Construction, Inc., (34 SE Gray, Keith Purdy, President) for annual contract with two renewal options for clean-up services to be used by the Community Development Department (Housing Code Enforcement), \$183,000. (Fourteen bids mailed-three received). **Moved by Coleman to defer one week to 4-26-99, to allow staff to report on staffing concerns raised. Motion Carried 7-0.**

99-1141 82. Authorizing Finance Director to draw checks on the check register of April 23, 1999 and the bills of the Des Moines Municipal Housing Agency for the week beginning April 19, 1999, and the biweekly payroll due employees on April 23, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

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

****Mayor Daniels left the meeting at 7:30 P.M.****

ORDINANCES - FIRST CONSIDERATION

99-1142 83. Amending Chapter 19 of the Municipal Code regarding operation of Limousines in Des Moines. **Moved by Vlassis that this ordinance be considered and given first vote for passage, as amended. Motion Carried 4-2-1. Nays: McPherson and Belken. Absent: Daniels.**

WITHDRAWN99-1143 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

99-1144 (B) Communication from Chair of the International Airport Board. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

99-1145 84. Amending Chapter 19 of the Municipal Code regarding operation of Taxicabs in Des Moines. **Moved by Belken that this ordinance be considered and given first vote for passage, as amended, to delete reference to a required FBI check/investigation, and adding reference to provision of clean luggage space. Motion Carried 6-1. Absent: Daniels.**

99-1146 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Belken 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, [#13,699](#). Motion Carried 6-1. Absent: Daniels.**

99-1147 85. Amending Chapter 27 of the Municipal Code regarding installation of additional parking meters in the Central Business District. **Moved by Hensley that this ordinance be considered and given first vote for passage Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

99-1148 86. Amending Chapter 27 of the Municipal Code to designate Beaver Avenue from Urbandale to Madison, and from 100 feet south of Shawnee Avenue to Aurora Avenue, as a three-lane facility. **Moved by Vlassis that this ordinance be considered and given first vote for passage Final reading to be delayed until a neighborhood meeting is held with Council Member Vlassis. Motion Carried 6-1. Absent: Daniels.**

99-1149 (A) Petition from area residents, in opposition to Beaver Avenue restriping for one lane traffic north and south, a turning lane in center of street, and two bike paths on either side. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

COUNCIL REQUESTS

WITHDRAWN 99-1150 87. Oral request from Council Member Mike McPherson, Ward II, to discuss process of testing keyboard skills of applicants applying for clerical positions with the City of Des Moines.

COMMUNICATIONS/REPORTS

99-1151 88. From Jeanne Lillig, Womens' Christian Temperance Union, to speak regarding property at 2110 E. 13th. **Moved by McPherson to receive, file and grant the request to speak, and to authorize staff to proceed with demolition. Owner to be given two weeks to remove his personal property. Motion Carried 4-2-1. Nays: Coleman and Flagg. Absent: Daniels.**

99-1152 89. From Vickie Harbert, Harbert Creative, 1421 Locust, requesting to speak regarding Gateway Expansion Project. **Moved by Hensley to receive, file and defer to another meeting. City Clerk to advise Ms. Harbert. Motion Carried 7-0.**

99-1153 90. From Des Moines Spiritual Assembly regarding equality. **Moved by Vlassis to receive, file and grant the request so speak. Motion Carried 6-1. Absent: Daniels.**

99-1154 91. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by Hensley to receive and file the attached report. Motion Carried 4-3. Absent: Daniels, McPherson and Vlassis.**

****Council considered Item 101 through end of agenda next****

HEARINGS (Opened at 5:34 P.M.) (Items 92 thru 100-I)

99-1155 92. On Proposed Resolution of Necessity for the 1999 Intermediate Paving Project, Schedule No. 1999-35 **Moved by Vlassis to adopt, as amended by Schedule of Amendments. All objections filed or made having been duly considered and overruled.**

DELETE (A) E. 25th Street from Guthrie to E. Sheridan.

99-1156 (1) Petition in objection. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Vlassis.**

ADOPT (B) Carrie Avenue from SW 14th Street to Wakonda Parkway.

99-1157 (1) Communication in favor. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Vlassis.**

99-1158 (2) Communication in objection. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Vlassis.**

ADOPT (C) Orchard Lane from Ravina Drive to 300 ft. East.

ADOPT (D) 14th Street from College Street to Clark Street.

99-1159 (1) Communication in favor. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

ADOPT (E) E. 15th Street from E. Hull Avenue to E. Ovid Avenue.

99-1160 (1) Communication in favor. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-1161 (2) Communication in objection. **Moved by McPherson to receive and file. Motion Carried 7-0.**

ADOPT (F) Alley between Second Avenue and 3rd Street, Douglas to Seneca.

99-1162 (1) Communication in favor. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-1163 (G) Authorization for acquisition of necessary right-of-way and easements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

93. Items regarding \$10,000,000 Airport Passenger Facility Charge Commercial Paper Revenue Notes, (continued from 4-5-99), ([Council Communication No. 99-166](#)):

99-1164 (A) Public Hearing on Authorization and Issuance. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1165 (B) Resolution to take additional action to issue notes. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1166 (C) Authorizing and providing for issuance and securing payment of Revenue Notes, Series A and B. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1167 94. On approval to vacate and convey excess city right-of-way and repurchase of an easement in the excess right-of-way, and the release of unused storm water easement in vicinity of E. 22nd Street and Hubbell Avenue; to vacate and lease air rights over a portion of Hubbell Avenue; and to provide an economic development grant to Anderson Erickson Dairy. ([Council Communication No. 99-163](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1168 (A) First consideration of ordinance above. **Moved by McPherson to that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1169 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by McPherson that this 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, #13,700. Motion Carried 7-0.**

99-1170 95. On Council-initiated request to rezone properties in the vicinity of SW 28th Court and Littell, easterly to Relocated Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1171 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1172 96. On vacation and conveyance of the East/West alley extending between 19th Street and Martin Luther King Jr., Parkway, north of Ingersoll, to The Thompson Trust, in exchange for a 50-foot wide storm sewer easement on and along the alley. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1173 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN99-1174 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

WITHDRAWN99-1175 97. On City Plan Commission recommendation of denial for an application from John Grandquist of Westridge Real Estate Partnership for amendment to conceptual plan for River Oaks PUD, SE corner of SW 63rd and Creston, to allow for use of approx. 3 acres of land for office/warehouse and mini-storage, (continued from 4-5-99); or,

99-1176 (A) ALTERNATE RESOLUTION to approve application and amendment outlined above, (six affirmative votes required for approval). **Moved by Hensley to adopt, as modified regarding elimination of warehouse and of construction office building, prior to mini-storage facility; mini-storage facility to have a lock-up time of 10:00 P.M. Motion Carried 7-0.**

99-1177 98. 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 "Limited C-2" (General Retail and Highway Oriented Commercial). **Moved by Belken to deny the application to rezone. Motion Carried 7-0.**

WITHDRAWN 99-1178 (A) First consideration of ordinance above.

99-1179 (B) Petition from area property owners. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-1180 99. On Fire Station No. 1 Overhead Door Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Adams Door Co., Inc., (Larry D. Bain, Owner-President, 6550 NE 14th Street, DM), \$32,190. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1181 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1182 100. On 1998 Flood Storm Sewer Repair Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, 1805 Euclid, DM), \$446,696.35. **Moved by Coleman to adopt. Motion Carried 7-0.**

101-I Actions regarding development of the Court Avenue Entertainment Center Project:

99-1183 (A) Second consideration of ordinance vacating Fourth Street right-of-way, and alleys in the two block area bounded by Court, Third, Fourth and Vine Street. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

99-1184 (B) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,701](#). Motion Carried 6-1. Nays: Flagg.**

99-1185 (C) Execution of Private Development Agreement with Centertainment Development, Inc., regarding purchase and development of land south of Court Avenue between Third and Fifth Streets, Riverpoint Capitol-Center Development Area and Capitol-Center Development Area Urban Renewal Areas. **Moved by Coleman to approve. Motion Carried 6-1. Nays: Flagg.**

99-1186 (D) Establishing Fair Market Value and authorizing acquisition of property south of Court Avenue between Third and Fifth Streets, Riverpoint Capitol-Center Development Area and Capitol-Center Development Area Urban Renewal Areas. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

[\(Council Communication No. 99-169\)](#)

* * END HEARINGS at 7:17 P.M. * *

****Council considered Items 83 through 91 next****

****Council Member McPherson left the meeting at 8:55 P.M.****

CITY MANAGER RECOMMENDATIONS

99-1187 101. Submitting staff recommendations for implementation of a Procedure for Closing of Streets and Special Event Policy. [\(Council Communication No. 99-157\)](#). **Moved by Hensley to receive, file and adopt the recommendation contained in Council Communication No. 99-157 and refer to staff to finalize the Policy and to Legal for preparation of proper legislation, also, refer to Des Moines Neighbors and Neighborhood Revitalization Board of review and recommendation. Motion Carried 5-2. Absent: Daniels and McPherson.**

APPROVING

99-1188 102. Adoption of Sherman Hill Neighborhood Action Plan and approving as an Amendment to Des Moines 2000 Land Use Plan, (continued from 4-5-99). **Moved by Hensley to defer to June 7, 1999 meeting. Motion Carried 5-2. Absent: Daniels and McPherson.**

99-1189 103. Amendment to Municipal Code to increase price of yard debris bags, single use stickers and annual stickers effective July 1, 1999 and recommending bi-weekly curbside collection of recyclables. [\(Council Communication No. 99-159\)](#). **Moved by Belken to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and McPherson.**

99-1190 104. Memorandum of Understanding with Des Moines Development Corporation, regarding its contribution of \$5,000,000 in cash and property and an additional \$1,000,000 in financing assistance toward implementation of the Gateway Project. [\(Council Communication No. 99-165\)](#). **Moved by Belken to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and McPherson.**

99-1191 105. Professional Services Agreement with Rosales, Gottenmoeller & Associates, Inc., (Miguel Rosales, President, Boston, MA) for architectural/engineering analysis and design for Streetscape improvements and traffic circulation modifications for East Locust Street from E. 1st

Street to E. 7th Street (Pennsylvania) - \$211,200. ([Council Communication No. 99-160](#)). **Moved by Belken to defer one week to 4-26-99. Staff to provide information on scope of services. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and McPherson.**

106. NUMBER NOT USED.

107. NUMBER NOT USED.

108. Various Economic Development Items - Community Economic Betterment Accounts (CEBA):

99-1192 (A) Submission of (CEBA) to State on behalf of John Willemsen Corp. dba Battery Patrol, 1901 E. University, in the amount of \$460,000 for lease of facility to be constructed in Guthrie Business Park by LADCO Development, Inc. ([Council Communication No. 99-162](#)). **Moved by Vlassis to approve. Motion Carried 5-2. Absent: Daniels and McPherson.**

99-1193 (B) Documents related to Prime Plating, Inc. 2250 Delaware Avenue in the amount of \$65,000 (CEBA) and \$65,000 Economic Development Enterprise Account for new zinc plating facility. ([Council Communication No. 99-161](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

99-1194 (C) Submission of CEBA to State on behalf of Modular Products, Inc., 4485 Delaware, in the amount of \$100,000 (CEBA) and \$135,000 (City Loan) for building purchase, remodeling, equipment and training at 315 SW 14th Street. ([Council Communication No. 99-168](#)). **Moved by Vlassis to approve. Motion Carried 5-2. Absent: Daniels and McPherson.**

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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.

99-1195 1. Request of Council Member Flagg, to discuss the matter of intergovernmental cooperation between Polk County and the City, as referenced in today's article in the Des Moines Register. SPONSOR: Flagg. **Moved by Flagg to receive and file. A retreat with the Polk County Board of Supervisors was suggested. Motion Carried 5-2. Absent: Daniels and McPherson.**

99-1196 2. Approving appointment of Mike Blouin, to the Downtown Coordinating Council. SPONSOR: Mayor Daniels. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

A G E N D A

BOARD OF HEALTH

April 19, 1999

99-1197 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and McPherson.

AUTHORIZING

99-1198 1. Court authority to abate the public nuisance, authorize demolition and removal of structure at 1622 - Sixth (vacant) titleholder: Primo Acquisitions I, LLC, Contract Buyers: Shirley Kitto, Dorothy Razor, Rolland Razor; Legal Interest Holder: Norwest Bank, Iowa, N.A. Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.

99-1199 MOTION TO ADJOURN. Moved by Hensley to adjourn at 9:45 P.M. Motion Carried 5-2. Absent: Daniels and McPherson.