

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 17, 1999 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) Nadean Hamilton

(b) Certificates for Excellence in Historic Preservation for 1999

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

A Showcase of Local Arts - Kindred Spirit

INVOCATION: Father Peter Cade

St. George Greek Orthodox Church

99-1426 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-1427 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1428 3. APPROVING CONSENT AGENDA - items 3 through 93: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-1429 4. Communication from Legal Department regarding May 17, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-1430 5. Des Moines Jaycees, Doreen Andrew, President dba Seniom Sed, 300 Locust St. - Nollen Plaza; Renewal - Expires 5-20-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-1431 6. Phillips 66 Company, James J. Mulva, President dba Phillips 66 Company #20236, 6222 Grand Avenue; Renewal - Expires 6-4-99 (With Sunday Sales) - Application submitted 4-27-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1432 7. Singh Food Market, Inc., Amrik Singh, President dba Singh Citgo Mart, 3804 Hubbell; Renewal - Expires 5-30-99 (With Sunday Sales) - Application submitted 5-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1433 8. K Mart Corporation, Floyd Hall, President dba K Mart, 2535 Hubbell; Renewal - Expires 6-1-99 (With Sunday Sales) - Application submitted 4-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-1434 9. K Mart Corporation, Floyd Hall, President dba K Mart, 2535 Hubbell; Renewal - Expires 6-1-99 - Application submitted 4-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

99-1435 10. Concession Corporation, Inc., Tom Altman, President dba Fiesta Restaurant, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 5-31-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1436 11. Lowell M. Coil dba University Library Cafe, 3506 University; Renewal - Expires 6-02-99 (With Sunday Sales) - Application submitted 6-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

99-1437 12. Ackerman Investment Company, James R. Bocken, President dba Best Western Starlite Village, 929 3rd Street; Renewal - Expires 6-1-99 (With Sunday Sales) - Application submitted 4-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-1438 13. Hattie J. Wilcox dba Brew Haus Lounge, 830 Southwest McKinley; Renewal - Expires 6-1-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-19-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1439 14. Donna's Lounge, Ltd., Donna J. Kuel, President dba Donna's Lounge, 4424 Southeast 14th Street; Renewal - Expires 5-30-99 (With Sunday Sales) - Application submitted 4-16-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1440 15. NBJ, Inc., Norma J. Brodersen, President dba Hickman Pub, 2335 Hickman Road; Renewal - Expires 6-2-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-29-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1441 16. Connie Derry dba The Hideaway, 4845 Merle Hay Road; Renewal - Expires 5-30-99 (With Sunday Sales) - Application submitted 4-27-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1442 17. Hitching Post, Inc. Billie L. Ore, President dba The Hitching Post, 607 Southeast 30th Street; New Application (With Sunday Sales) - Application submitted 4-23-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1443 18. R & F Mac, Ltd., Robert A. Mac Manus, President dba Melrose Bar & Grill, 422 Indianola; Renewal - Expires 5-31-99. (With Sunday Sales) - Application submitted 4-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1444 19. I-80 Spaghetti Works Corp., Brent Lambi, President dba Spaghetti Works/Julio's, 308-310 Court Avenue; Renewal - Expires 5-31-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-1445 20. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1446 21. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

99-1447 22. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-1448 23. Approving three Agreements with Iowa DOT and Union Pacific Railroad for grade crossing improvements at E. Hull Avenue, E. Walnut Street, and Dean Avenue. ([Council Communication No. 99-218](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

24. Items regarding Construction Phase Services on the Replacement of E. Douglas Avenue Bridge over Four Mile Creek:

99-1449 (A) Professional Services Supplemental Agreement No. 1 with Shuck-Britson, Inc., Robert A. Britson, P.E., President, 2409 Grand Avenue, compensation not to exceed \$39,896. ([Council Communication No. 99-228](#)). **Moved by Coleman to adopt. Staff to report on how we might bundle projects of this nature to include construction and construction management at the same time. Motion Carried 7-0.**

99-1450 (B) Resolution on submission of bids, and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President, Indianola), \$739,620.76. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1451 (C) Approval of Contract and Bond, and Permission to Sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1452 25. Approving MidAmerican Energy Company's request to relocate an existing double circuit Electric Transmission line and an existing line with distribution underbuild in City in conjunction with the East-West segment of Martin Luther King, Jr., Parkway project from SW 2nd Street to SW 16th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

26. Resolution Ordering Construction of the following:

99-1453 (A) SW 7th Street Sanitary Sewer Replacement-Elm Street to Tuttle Street, Receiving of Bids, (5-25-99), and Setting Date of Hearing, (6-7-99), (Construction Estimate - \$43,425). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1454 (B) 1998 Sanitary Sewer Relining, Contract No. 2, Receiving of Bids, (6-1-99), and Setting Date of Hearing, (6-7-99), (Construction Estimate - \$405,810). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1455 (C) 1998 Sidewalk Replacement Program, Receiving of Bids, (6-1-99), and Setting Date of Hearing, (6-7-99), (Construction Estimate - \$140,275). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1456 (D) North and South Side Libraries Exterior Repairs, Receiving of Bids, (6-1-99), and Setting Date of Hearing, (6-7-99), (Construction Estimate - \$32,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1457 27. Approving Change Order No. 1 with P.G. Construction for additional work in conjunction with the 1998 City-Wide PCC Pavement Replacement Program Contract in an amount not to exceed \$31,732.80. ([Council Communication No. 99-221](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1458 28. Approving Change Order No. 2 with Hydro-Klean for additional work in conjunction with the Elm & S.W. 7th Streets Sanitary Sewer Cleaning & Televising Contract in an amount not to exceed \$83,156.80. ([Council Communication No. 99-216](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1459 29. Approving contract and bond and permission to sublet on 7th Ward Ditch Wooden Box Replacement - Phase I, KRI Company, (Warren Rognes, President, Ames), \$1,161,201.40. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1460 (A) Approving and Authorizing the execution of Supplemental Agreement No. 1. ([Council Communication No. 99-223](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1461 30. Approving an extension of time and Change Order No. 3 with Layne Christensen Company, A. B. Schmitt, President, Mission Woods, Kansas for additional work in conjunction

with the S.W. 30th Street Sanitary Relief Sewer Project not to exceed \$119,581.60. ([Council Communication No. 99-219](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

31. 1995 Paving Program No. 1, Contract No. 3:

99-1462 (A) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1463 (B) Levying Final Schedule of Assessments, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1464 (C) Approving payment of \$26,499.67 to Eco-Tech Contractors, Inc., and \$39,924.66 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

31-I 1995 Paving Program No. 1, Contract No. 4:

99-1465 (A) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1466 (B) Levying Final Schedule of Assessments, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1467 (C) Approving payment of \$27,129.14 to Eco-Tech Contractors, Inc., and \$25,242.63 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1468 32. Approving Contract and Bond for E. Granger Avenue Emergency Sanitary Sewer Repair at SE 8th Street with The Underground Company, Ltd., Duane Burkhardt, President in amount of \$43,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1469 33. Approving Private Construction Contract for construction of street improvements for median modification at intersection of Guthrie Avenue and Dixon Street between Nuckolls Concrete Services, Inc., Scott Temple, President, Contractors and O'Reilly Auto Parts, Charlie O'Reilly, Chief Operating Officer, Owners - \$10,896.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1470 34. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the construction of the 7th and Mulberry Parking Garage Demolition, \$4,816.45 is now due and \$12,011.54 remaining balance is due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1471 35. Communication from Herberger Construction Co. requesting permission to sublet certain items on the Beaverdale Recreational Trail, Phase 2 public improvement project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1472 36. Approving partial payments on sixteen (16) public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1473 37. Authorization for acquisition of necessary right-of-way and easements for the 2612 Arthur Avenue Drainage Improvement Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-1474 38. Approving Deficiency Assessment Schedule No. 1999-39 and levying deficit balance on Certificate No. 19-00214, 19-00215, and 19-00216 for property located at 1800 Guthrie Avenue and 2713 Cleveland. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1475 39. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of April, 1999, for Certification to Polk County Treasure (call the City Clerk's Office for various amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1476 40. Authorizing Assessment Clerk to correct NAC-Sidewalk Replacement Schedule No. 1999-37 in which sidewalk/ approach replacement charges of \$199.60 were levied against 3208 Bowdoin Street, Public Works determined approach was replace with the 1998 NIRP PCC Curb Replacement Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1477 41. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for April 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-1478 42. Condemnation Commissioners' award of \$290,000 plus Sheriff's fees and jury expenses in conjunction with Martin Luther King, Jr. Parkway-6th Avenue/SW 7th Street Paving Project from Firststar Bank Iowa, N.A. as successor to Valley National Bank, 200 block of SW 7th Street. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1479 43. Accepting donation of land from the J. C. White Trust adjacent to the J. C. White Park located North of Aurora Avenue near 14th and 15th Streets to complete a 1979 transaction. [\(Council Communication No. 99-224\)](#) **Moved by Hensley to adopt. City Manager to ask the Park Board to make a policy recommendation on developing a maintenance fund/foundation to fund ongoing maintenance of properties we accept as donation; also assure that no hazardous materials exist on the property. Motion Carried 7-0.**

99-1480 44. Accepting conveyance of three tax sale parcels from Polk County located within boundaries of former Diller Battery Site. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1481 45. Approve and Accept Quit Claim Deed from Polk County Tax Sale in the vicinity of Four Mile Creek for flood protection purposes. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1482 46. Approve and Accept Quit Claim Deed from Polk County Tax Sale in the vicinity of Lincoln Avenue and Martin Luther King, Jr. Parkway for Storm Water Utility. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1483 47. Authorize City Manager to negotiate an agreement with MidAmerican Energy for joint exercise of authority to acquire property for Martin Luther King, Jr., Parkway project, and for relocation of electric transmission line. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1484 48. Approving Lease Agreement with D.T.M.C., L.P., (Tom Mauro, General Manager), for vacated right-of-way property adjoining 208 Court Avenue -The Big Kahuna, (formerly Gilligan's), (sidewalk cafe). **Moved by Vlassis to adopt. Motion Carried 7-0.**

49. Approving Structure and Miscellaneous Removal Contracts in conjunction with the Airport Master Plan for the following:

99-1485 (A) 6544 SW 28th Court - \$8,360. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1486 (B) 6520 SW 28th Court - \$595. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1487 (C) 6593 SW 28th Court - \$4,150. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1488 (D) 6740 SW 30th Street - \$1,975. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1489 (E) 2915 Littell Avenue - \$2,100. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1490 (F) 2988 Littell Avenue - \$4,150. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1491 50. Offer to Purchase Real Estate and Acceptance, Warranty Deed in conjunction with Airport Expansion (Haverhill), from Rebecca Bernice Trasamar n/k/a Rebecca Bernice Nielsen, 6643 SW 30th - \$92,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

99-1492 (A) Edward E. Dykes and Cheryl M. Dykes, 2929 Garfield - \$4,667.20. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1493 (B) Larry J. Caldwell, 2932 Mahaska - \$4,375. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1494 52. Temporary Easement for Construction in conjunction with E. 37th Court and University Avenue, North Side Storm Water Improvements, from Crystal D. Henderson, 1213 E. 37th Court - \$1,751. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1495 53. Temporary Easement for Construction, Permanent Easement for Storm and Sanitary Sewer Right-of-Way and Future Title Work Compensation in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), Storm Sewer Outfall/Pump Station, from Iowa Power & Light Company n/k/a MidAmerican Energy Company, 1410 Market Street - \$10,040. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1496 54. Backslope and Property Adjustment Easement and Release in conjunction with East Indianola Avenue Widening at Evergreen Avenue, from Robert D. Burnett and Terri L. Burnett, 3600 E. Indianola Avenue - \$1,525. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1497 55. Approving Noise and Avigation Easements for 7011 S.W. 15th, in conjunction with the Airport Noise Compatibility Program, Phase II (Resale Assurance Program). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1498 56. Approving Noise and Avigation Easements for sixteen properties, in conjunction the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

57. Approving Zoning Board of Adjustment items as follows:

99-1499 (A) Resignation of Charles Bloyer from the Zoning Board of Adjustment effective immediately. **Moved by Vlassis to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

99-1500 (B) Appointment recommendation from Mike McPherson, Council Member Ward II, for Harold Belken, to fill the unexpired term of Charles Bloyer, to expire April 1, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1501 58. Appointment recommendation from Council Member Tom Vlassis, Ward I, for Stewart Ross Card to the Park and Recreation Board for a four-year term commencing in 1998, to expire June 30, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1502 59. Resignation of Bill Davis from the Public Housing Board effective immediately. **Moved by Vlassis to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSINGS

60. Approving closure of the following streets, (exceptions - length of time):

99-1503 (A) Susan Joynt, representing Childrens & Families of Iowa, requesting to close Walnut Street from 7th Street to 8th Street, Saturday June 5, from 1:00 PM to Noon on Sunday June 6, to host a benefit gala. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1504 (B) Tom Vlassis, representing Greek Orthodox Church of St. George, requesting to close Cottage Grove Avenue from intersection of 35th Street to driveway on Cottage Grove, Sunday, June 6 from 10:00 AM to 7:00 PM, Annual Greek Food Fair. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

99-1505 61. Approving closure of the following City Streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Cathy Bergman, representing Iowa Dance Theatre, 6720 Hickman, requesting permission to close 4th Street from Walnut to Court, Wednesday, June 30, from 5:00 to 10:30 P.M. for dance performance by local and central Iowa talent.

(2) Skip Moore, representing Mayor's Charity Cruise, requesting permission to close E. 1st and E. 2nd, from Grand to Locust, and Grand from E. 1st to E. 4th, Sunday June 6, from 9:00 A.M. to 1:00 P.M. for a charity benefit.

SETTING DATE OF HEARINGS

99-1506 62. On application from Amy Peel-Wood, of Amy Peel Dance School, Inc., to rezone property at 3127 SW 30th Street from "R1-80" (One Family Residential) to Limited "C-1" (Neighborhood Retail Commercial), (6-7-99). **Moved by Flagg to adopt. Staff to report at time of hearing on applicants' ownership interest in this property and the alternative of taking the request to the Zoning Board of Adjustment. Motion Carried 7-0.**

99-1507 63. On voiding of approved Development Plan for 108 Apartments, dated September 28, 1992, for Lot 12, River Oaks Centre, vicinity of SW 63rd and Creston, (6-7-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1508 64. On proposal to amend Lease Agreement with United States Postal Service, for property at the Airport, to change commencement date and reduce building square footage, (5-24-99). ([Council Communication No. 99-229](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-1509 65. Approving payment of \$19,500 for settlement of litigation, Capital Industries, Inc., C & S Properties II, L.C. Seneca Corporation, Seneca Companies, Inc., v. City of Des Moines et al, Polk County No. Cl 70887. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1510 66. Approving payment of \$1,478.44 to George LaMarca of LaMarca & Landry, P.C. in amount of \$1,478.44 for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al., Case No. CL 73934. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

99-1511 67. Approving payment of \$2,079.70 to Thomas Foley of Nyemaster, Goode, Voigts, West, Hansell & O'Brien for representation of Officer Michael McBride in case of Leverette, et al. v. Heller, et al., Case No. 4-97-CV-80749. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1512 68. Approving outside legal services from Guy Cook of Grefe & Sidney and Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway in the amount of \$95 per hour plus costs and expenses to represent Police Officers Joseph Morgan and Terry Mitchell in case of Joyce Wilson and Val Wilson, Jr. as Administrators of Estate of Jerome LeRoy Mozee vs. City of Des Moines, Joseph Morgan and Terry Mitchell. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1513 69. Approving payment of \$1,021.09 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1514 70. Approving payment of \$21,277.60 to Jesus H. Rincon for payment of special compromise settlement of workers' compensation claim subject to approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-1515 71. Announcing appointment of Floyd Bentz as City Engineer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-1516 72. Submitting out-of-state travel requests for David Doolittle, Michael Shay, Richard Fedson, David Brown, Keith Hoferman, Ellen Walkowiak, Jackie Nickolaus and Todd Clark. [\(Council Communication No. 99-215\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1517 73. Submitting various traffic regulation changes as follows, [\(Council Communication No. 99-211\)](#). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-South Side of Lincoln Avenue West of 31st Street.

(2) Extension of No Parking Restriction-East Side of East 16th Street North of University Avenue.

(3) No Parking Restriction-West Side of Maine Street South of Washington Avenue.

(4) Stop Signs-13th Street and Chautauqua Parkway.

APPROVING

99-1518 74. Acknowledgement and Consent to Assignment with Water Tower Development, Corp. and Iowa Colo Investments, LLC, directing \$100,000 Good Faith Deposit held by the City, be paid upon its release to Bank One. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1519 75. Receipt of Des Moines Water Works Financial Audit from KPMG Peat Marwick for year ended December 31, 1998. (Copy on file in City Clerk's Office). **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-1520 76. Approving contract with The RJA Management Services, Inc. for recruitment of Housing Services Director position vacancy, \$21,500 plus out-of-pocket expenses. ([Council Communication No. 99-209](#)). **Moved by Hensley to adopt. Staff to work with the consultant to reduce out of pocket expenses for travel, etc. Motion Carried 5-2. Nays: Flagg and Brooks.**

77. Items regarding Private Redevelopment by LADCO Development, Inc., Disposition Parcel No. 4A, (South of Mattern Avenue west of Dixon Street, - 1800 Dixon), Guthrie Avenue Business Park Urban Renewal Area, ([Council Communication No. 99-213](#)):

99-1521 (A) Execution of Agreement to purchase land. **Moved by Vlassis to approve. Motion Carried 7-0.**

99-1522 (B) Evidence of Financing and Final Design Plan **Moved by Vlassis to approve. Motion Carried 7-0.**

99-1523 (C) Resolution to approve, execute and deliver special warranty deed. **Moved by Vlassis to approve. Motion Carried 7-0.**

99-1524 78. Issuance of Notice to Centertainment Development, Inc., committing to Surface Parking Lot Improvements - Court Avenue Entertainment Center Project. ([Council Communication No. 99-231](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1525 79. Application for \$405,320 in Community Services Block Grant (CSBG) funds for the time period of October 1, 1999 to September 30, 2000, for the 1999-00 CSBG Program Year. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1526 80. Grant Award in the amount of \$4,500 from the Iowa Arts Council for the Nitefall on the River Concert Series. ([Council Communication No. 99-226](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1527 81. Grant Application for Polk County Housing Trust Fund to fund the construction component of the Home Improvement Loan Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1528 82. AmeriCorps 28E Agreement with Des Moines Independent Community School District for 10 AmeriCorps members to provide 17,000 service hours assistance to Park and

Recreation Department. ([Council Communication No. 99-225](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Brooks.**

99-1529 83. Approval of Contracted Services Agreement by and between the City of Des Moines and Midwest Concessions for management of Gray's Lake Beach concessions. ([Council Communication No. 99-227](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1530 84. Approving Payroll Processing Agreement with the Public Library of Des Moines Foundation providing payroll and benefits administration. ([Council Communication No. 99-208](#)). **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-1531 85. Purchase of two new Elgin Series P street sweepers to enhance City's ability to remove dirt and debris from city streets, (Road Machinery & Supplies of Des Moines), total cost of \$153,292 to be used by the Public Works Department. ([Council Communication No. 99-222](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

86. Bids for the following:

99-1532 (A) Motorola, Inc., (Glen Rock, NJ, Robert Growney, President) for a service monitor to be used by the Police Department (Radio Communications), \$13,550. (Five bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1533 (B) Quality Ford of West Des Moines, (West Des Moines, IA, Franklin Green, President) for a sub-compact vehicle to be used by the Fire Department (Fire Prevention), \$11,900. (Ten bids mailed-three bids received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1534 (C) Quality Ford of West Des Moines, (West Des Moines, IA, Franklin Green, President) for a maintenance van - \$18,545. Dewey Ford, Inc., (Mark Vukovich, President) for a sport utility vehicle - \$28,883.32 to be used by the Fire Department. (Total \$47,428.32) (Nine bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1535 (D) Tri-States, (West Grimes, IA., Hugh Stafford, President) for two (2) 52" Outfront Rotary Mowers to be used by the Park and Recreation (Cemetery Division) single source manufacturer, \$24,250. (Fifteen bids mailed-one received). ([Council Communication No. 99-230](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1536 87. Annual License and Areaway permits for Signature Communications, Inc., for twenty-five (25) benches in public right-of-way at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1537 88. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1538 89. Authorizing Finance Director to draw checks on register of May 21, 1999 and bills of the Des Moines Municipal Housing Agency for the week beginning May 17, 1999, and to

draw checks for biweekly payroll due employees on May 21, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-1539 90. On vacation of the East/West alley extending between 19th Street and Martin Luther King Jr., Parkway, north of Ingersoll, in exchange for a 50-foot wide storm sewer easement on and along the alley, (continued from 5-3-99). **Moved by Vlassis that this ordinance do now pass, #13,712. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

99-1540 91. On text amendment to Section 2A-27 of the Zoning Ordinance, to allow a governmental entity to utilize property through the Special Permit process. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-1541 92. Amending Chapter 23 of the Municipal Code regarding fees for temporary street banners within public rights-of-way. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-1542 93. Changing the name of West Drive, to Fanny Pruce Drive. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-1543 (A) Amending Chapter 27 of the Municipal Code to reflect the renaming. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

99-1544 94. Amending Chapter 19 of the Municipal Code regarding operation of Limousines in Des Moines. **Moved by McPherson that this ordinance be considered and given first vote for passage; amending definition of "Contracted Limousine Service". Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

WITHDRAWN99-1545 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

99-1546 (B) Petition in objection to the proposed limousine ordinance, and suggesting changes. **Moved by Hensley to receive and file. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

****Council considered Hearing Items 100 through 113 next****

COUNCIL REQUESTS

99-1547 95. Communication from Council Members Brooks and McPherson regarding a proposed joint School Board, Polk County Board of Supervisors and City Council cooperative team effort to utilize new legislation to retain operation of Brooks and Lucas Schools. **Moved by Flagg to receive and file the communication and the apparent statute that is going to be hopefully signed into public law, and go on record, at this time, in favor, as an option, as a possibility, the implementation of the new state law, that we advise all of the various bodies that are named in the State law, that we are willing to cooperate and do everything we can to try to keep the public schools open in a terribly deprived area of our City, and that this is one of the many options available to us to help solve some of the problems, and to move forward at this time and to include appointment of Brooks, McPherson and Flagg to work with Polk County and the School District to address this issue, and other shared services, such as fire, library and police. This will authorize discussion, no commitment of funds, and is to include a citizen participation process at the appropriate time. Motion Carried 5-2. Nays: Daniels and Hensley.**

COMMUNICATIONS/REPORTS

99-1548 96. From State of Iowa Citizens' Aide Ombudsman in recognition of a City employee who has gone "The Extra Mile" in providing services to the public. **Moved by Vlassis to receive, file and authorize presentation of the Award to Steve Gunson, with congratulations and thanks. Motion Carried 7-0.**

WITHDRAWN99-1549 97. From Margaret Streeter, 1446 Tiffin, to speak regarding a proposed curfew for juveniles.

99-1550 98. From Carolyn Hill, 902 North 14th, #12 (Indianola) for waiver of liens and assessments against property she owns at 1407 - 11th Street. **Moved by Flagg to receive, file and grant the request to speak; refer to staff for review and recommendation by 5-24-99. Motion Carried 7-0.**

99-1551 99. From Jill Armentrout, 3901 Richmond, to speak requesting ordinance amendment to allow keeping of a pygmy goat at her residence. **Moved by McPherson to receive, file and grant the request to speak; refer to Legal to prepare necessary legislation to allow her to keep the goat. Motion Carried 5-1. Nays: Vlassis.**

****Council considered Items 115 through end of agenda next****

HEARINGS (Opened at 5:50 P.M.) (Items 100 thru 113)

99-1552 100. On Issue of Industrial Revenue Bonds, Wesley Acres Retirement Services, 3520 Grand, and approving execution of preliminary agreement, ([Council Communication No. 99-212](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1553 (A) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**

101. On General Obligations Bonds for the following, ([Council Communication No. 99-214](#)):

99-1554 (A) Misc. Essential Corporate Purpose Projects, such as Bridge Repair, Fire Equipment and Flood Control, \$13,645,594. **Moved by Coleman to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1555 (1) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1556 (B) Essential Corporate Purposes - Court Avenue Entertainment Project/Urban Renewal Capitol-Center and Riverpoint/Capitol-Center, \$3,151,750. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1557 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1558 (C) Essential Corporate Purposes - Gateway East and West Projects/Urban Renewal Capitol-Center and Riverpoint/Capitol-Center, \$3,151,750. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1559 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1560 (D) General Corporate Purposes - Fire Stations, Library Improvements and various buildings and facilities, \$783,022. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1561 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Brooks. Absent: Flagg.**

99-1562 (E) General Corporate Purposes - Municipal Buildings, Blank Park Zoo, Sec Taylor, and other Park facilities, \$961,046. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1563 (1) Authorization for additional action. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1564 (F) General Corporate Purposes - Municipal Building Improvements, such as Police Station and Argonne Armory, \$940,707. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1565 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1566 (G) General Corporate Purposes - Fire Station improvements, equipment and remodeling, \$966,131. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1567 (1) Authorization for additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1568 (H) Notice of Sale, \$17,100,000, (6-7-99) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1569 (I) Notice of Sale, \$6,300,000, (6-7-99) **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Brooks.**

99-1570 102. On vacation and conveyance of the North/South and East/West alleys between Woodland Avenue and High Street, west of 10th Street, to Principal Life Insurance Company, \$120,560. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

99-1571 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

99-1572 (B) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,713](#). Motion Carried 6-1. Absent: McPherson.**

99-1573 103. On application from Daryl Mayfield for the rezoning of 24.53 acres of property at 7103 Fleur drive, from "R1-80" (One Family Residential), to "PUD" (Planned Unit Development). **Moved by Hensley to continue the hearing to 6-7-99 to allow additional input from staff. Motion Carried 7-0.**

WITHDRAWN 99-1574 (A) First consideration of ordinance above.

99-1575 104. On 1999 Pavement Milling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Company, (Robert G. Horner, President, 903 SE 22nd Street, DM), \$94,400. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1576 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN 99-1577 (B) Communication from Fairground Neighbors for Community Improvement.

99-1578 105. On 1999 ACC Pavement Milling & Resurfacing: Receive and file bids, close the hearing and defer any further action to 5-24-99. **Moved by Vlassis to continue hearing to 5-24-99 to allow additional staff input. Motion Carried 7-0.**

WITHDRAWN 99-1579 (A) Approving contract and bond.

99-1580 106. On plans, specifications, and estimate of costs for construction of the 1999 Intermediate Paving Program, Schedule No. 1999-35. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1581 107. On SE 14th Street and Maury Street Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO, 111 SW Jackson Avenue, Des Moines), \$159,700. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

99-1582 108. On Frisbie Park/E Jackson Avenue Sanitary Sewer Pump Stations: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), \$770,000. ([Council Communication No. 99-217](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1583 109. On E. 37th Street and E. University Avenue North Side Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as R.G. Elder & Son company, (Jared Elder, President, 5088 E. University Avenue, DM), \$44,927.50. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and Hensley.**

99-1584 110. On Police Garage Roof Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Academy Roofing Co, Inc., (John L. McDermott, Pres., Ankeny), \$29,875.00. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

99-1585 111. On Martin Luther King Jr., Parkway Demolition & Asbestos Removal, Contract No. 2 East/West: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Al DeCarlo Demolition Co., (Al DeCarlo, Pres., 260 NE 44th Avenue, DM), \$208,366.00. **Moved by Hensley to adopt. Council requests a status report on budget and actual expenses for the various pieces of this project; also, the roll call naming the loop by-pass for Martin Luther King., Jr. Motion Carried 7-0.**

99-1586 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1587 112. On 2940 State Avenue and 2935 Mahaska Avenue Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as DF Trucking, (Mae Dillard, Pres, Indianola), \$14,750. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

99-1588 (A) Approving contract and bond, and permission to sublet. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

99-1589 113. On 6th Avenue and SW 7th Street Paving - Mulberry Street to Murphy Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co., (Merlin Peterson, President, 4000 Delaware Avenue, DM), \$3,234,643.35. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:25 P.M. * *

****Council considered Items 95 through 99 next****

CITY MANAGER RECOMMENDATIONS

WITHDRAWN99-1590 114. Responding to Council Member Hensley's inquiry regarding economic development impact of the Martin Luther King, Jr. Parkway project in the area south of downtown. (Council Communication No. 99-220)

APPROVING

99-1591 115. Recommendations from the Mayor and Council Compensation Task Force. **Moved by Vlassis to receive, file and refer to Legal for preparation of proper legislation to increase the Council's annual salary to \$27,000, plus \$50 a week for expenses; and to increase the Mayor's annual salary to \$34,000, plus \$50 a week for expenses, effective January 1, 2000; no other expenses and reimbursements to be allowed so long as they occur in the City; continue to utilize current City Travel Policy for in-state and out-of-state travel; and refer to the City Manager the issue of the amount per diem allowed for all City employees for mileage - is now at 21 cents a mile - report on a recommended increase. Motion Carried 4-3. Nays: Hensley, McPherson and Brooks.**

99-1592 (A) Communication from Alice Rodine, 2328 Amherst, regarding proposed Council salary increase. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-1593 (B) Addendum to Compensation Commission Proposal to recommend establishment of a permanent elected Official's Compensation Commission. **Moved by Vlassis to defer consideration to June 21, 1999.**

99-1594 116. Professional Service Agreement for Reproduction Rights, between City and Development Dimensions International (DDI) to provide city employees with customer service training - \$127,375. ([Council Communication No. 99-210](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1595 117. Receipt of communication from Fleur Corridor Redevelopment Group, submitting Mission Statement and Conceptual Plan for the Fleur Gateway Proposal. **Moved by Hensley to receive and file; refer to staff to work with them and make recommendations for a consistent theme, utilizing Economic Development, the Chamber and other avenues we can work through. Motion Carried 7-0.**

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A G E N D A

BOARD OF HEALTH

May 17, 1999

99-1596 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:

99-1597 (A) 3418 Clark (vacant) Titleholder: Family Plan 2000, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1598 (B) 505 Lally (vacant) Titleholder: Bonnie F. Thompson; Contract Buyer: Richard S. Privia a/k/a Robert Privia. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1599 (C) 1850 Logan (vacant) Titleholders: Paul L. Hulbert, Mary E. Hulbert. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1600 (D) 905 Shaw (vacant) Titleholders: Khamphout Senephansiri, Chanhsty Senephansiri; Legal Interest Holders: Patti Maier Groth, Richard L. Groth, Tax 62. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1601 (E) 2328 S.E. 14th (vacant) Titleholders: Ruby Robey and Verne L. Robey, Sr. Estate; Legal Interest Holders: John Holtz, Becky Holtz. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1602 (F) 1521 - 22nd (vacant) Titleholders: Rodney L. Idso, Karen A. Idso; Legal Interest Holders: New Century Mortgage Corporation, TBC Tax, Inc.. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1603 (G) 664 - 35th (vacant) Titleholder: Rollo Bergeson Trust. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1604 2. Release of Demolition Cost Reserve Escrowed for renovation of the fire damaged structure at 4209 Beaver Crest, owned by Patrick J. and Kathleen M. DeCarlo. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1605 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:25 P.M. Motion Carried 7-0.**