

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 28, 1999 4:30 P.M.

INVOCATION: Pastor Bernie Colorado

Union Park United Methodist Church

SPECIAL PRESENTATION:

4:30 Sherman Hill Association - Historic Street Lighting

99-2007 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-2008 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2009 3. APPROVING CONSENT AGENDA - items 3 through 62: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-2010 4. Communication from Legal Department regarding June 28, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-2011 5. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 Locust; New five (5) day applications for Nightfall on the River Senior Golf Open on July 8, 1999 (With Outdoor Service) - Application submitted 6-23-99. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

(1) Booth A for Nightfall on the River Senior Golf, Walnut Street Bridge - East Side.

(2) Booth B for Nightfall on the River Senior Golf, Locust Street Bridge - East Side.

(3) Booth C for Nightfall on the River Senior Golf, Booth Middle of First Street between Locust Street and Walnut Street.

WITHDRAWN (4) Booth D for Nightfall on the River Senior Golf

99-2012 6. Society of Italian Americans, Inc., Thomas A. Renda, President dba Society of Italian Americans, 1801 Southwest McKinley; New five (5) day application for event July 29, 30, 31, and August 1, 1999 (With Sunday Sales and Outdoor Service) - Application submitted 6-17-99. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-2013 7. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #530, 2300 East 14th Street; Renewal - Expires 7-17-99 (With Sunday Sales) - Application submitted 6-7-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-2014 8. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #530, 2300 East 14th Street; Renewal - Expires 7-17-99 - Application submitted 6-7-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

9. NUMBER NOT USED.

99-2015 10. Benboe, Ent., Tim Holmes, President dba Reeds B & B Cafe, 2712 Beaver; New Application (With Sunday Sales) - Application submitted 6-10-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

99-2016 11. Beaverdale VFW Club, Inc., William J. Rogers, Member dba Beaverdale VFW Club, Inc., 4029 Urbandale Avenue; Renewal - Expires 7-17-99 - Application submitted 6-7-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2017 12. Wakonda Club, Thomas Child, Officer dba Wakonda Club, 3915 Fleur Drive; Renewal - Expires 7-15-99 (With Sunday Sales and Outdoor Service) - Application submitted 6-11-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

99-2018 13. Sixth Avenue Hotel Partnership, Gene Caleb, General Manager dba Holiday Inn Downtown, 1050 6th Avenue; Renewal - Expires 7-14-99 (With Sunday Sale) - Application submitted 6-17-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2019 (A) Temporary Outdoor Service for Sixth Avenue Hotel Partnership, Gene Galeb, General Manager dba Holiday Inn Downtown, 1050 6th Avenue for event - Splash for Cash

Summer Bash - US Sr. Open/Radio promotion on July 10, 1999. Application submitted 6-22-99. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2020 14. Principiant Hotel Company, LC, E. Jeffrey Hunter, Member dba Hotel Fort Des Moines, 1000 Walnut Street; New Application (With Sunday Sales) - Application submitted 6-17-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-2021 15. The Des Moines Playhouse, John Viars, Executive Director dba The Des Moines Playhouse, 831 - 42nd Street; New Application (With Sunday Sales) - Application submitted 6-7-99. (Service restricted to certain days and hours). **Moved by McPherson to adopt. License only applies to Playhouse use for intermission in conjunction with scheduled performances.**

99-2022 16. Hall of Fame, Inc., Frances Ulrich, President dba Johnny's on Court, 300 Court Avenue; Renewal - Expires 7-21-99 (With Sunday Sales and Outdoor Service) - Application submitted 5-10-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2023 17. P & M Enterprises, Inc., Paul J. Seghi, President dba Locust Tap, 434 East Locust; Renewal - Expires 7-19-99 (With Sunday Sales) - Application submitted 6-7-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2024 18. Gerleman Management Corp., Bruce W. Gerleman, President dba Splash Seafood Bar & Grill, 303 Locust; Renewal - Expires 7-13-99 (With Sunday Sales) - Application submitted 6-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2025 19. Super Toad, Inc., Louis McCormick, President dba Super Toad, 1424 East Euclid; Renewal - Expires 7-12-99 (With Sunday Sales) - Application submitted 5-28-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

99-2026 20. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

Transfers

99-2027 21. Connie Derry dba The Hideaway Lounge, 4845 Merle Hay Road requesting outdoor service and temporary transfer of Class "C" Liquor License to Blank Park, Southwest 9th Street for one day event (Bob Marley Concert) on August 1, 1999 - Application submitted 6-23-99. Subject to submission of acceptable building, electrical, zoning and fire inspections. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

22. Resolution Ordering Construction of the following:

99-2028 (A) Skywalk Bridge 4D-4E (Locust Street - between 4th and 5th, and 7th between Locust and Walnut) Repair, Receiving of Bids, (7-6-99), and Setting Date of Hearing, (7-12-99), (Construction Estimate - \$30,000). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2029 (B) Franklin Avenue Library Asbestos Abatement, Receiving of Bids, (7-13-99), and Setting Date of Hearing, (7-26-99), (Construction Estimate - \$58,000). [\(Council Communication No. 99-304\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN 99-2030 (C) Water Service Backflow Preventers, Receiving of Bids, (7-13-99), and Setting Date of Hearing, (7-26-99), (Construction Estimate - \$68,000).

99-2031 (D) E. 20th Street Trunk Sanitary Sewer Relining at E. Euclid Avenue, Receiving of Bids, (7-13-99), and Setting Date of Hearing, (7-26-99), (Construction Estimate - \$1,167,750). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2032 (E) E. 14th Street Traffic Signal Interconnect Project NO. STPA-A-69-4(59)--22-77 (IDOT), Setting Date of Hearing, (7-12-99), (Construction Estimate - \$734,965). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2033 23. Approving Change Order No. 25 with The Weitz Company, Inc., for additional work for WRA Laboratory and Personnel Facilities Expansion - \$17,237. [\(Council Communication No. 99-316\)](#). **Moved by Vlassis to adopt. City Manager and City Engineer will report on development of plans and specifications. Motion Carried 6-1. Nays: Flagg.**

99-2034 24. Approving partial payments on six (6) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2035 25. Communication from Channell Construction Co., Inc., Michael D. Channell, President, requesting an extension of time until July 10, 1999, for the Park Shelter Improvements-Beaverdale and Pioneer. **Moved by Coleman to receive, file and grant the extension of time, until July 10, 1999. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-2036 26. Resolution Levying Assessments for costs of Nuisance Abatement-Sidewalk Replacement/Repair (Contractor Paved) Schedule No. 1999-43 and providing for payment. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2037 27. Authorizing the Assessment Clerk to delete charges on NAC-Emergency Orders Assessment Schedule No. 1999-40, clean-up charges were levied against 2006-08 E. 12th Street and payment was made to Community Development Department. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2038 28. Authorizing the Assessment Clerk to delete charges on NAC-Emergency Orders (Community Development) assessment Schedule No. 1999-40, clean-up charges were levied against 4017 Cambridge and Community Development Department Health And Zoning Division has made a payment arrangement. **Moved by Flagg to deny release of the lien and direct staff to continue to accept payments with interest, and when all is paid in full; release the lien. This is to apply to all subsequent payment arrangements for liens. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-2039 29. Authorizing Des Moines Development Corporation to negotiate with Norfolk Southern Corporation for acquisition of property north of Market Street between 11th and 16th, and to authorize City Manager to negotiate access agreement for environmental evaluation, (11th and Market Shuttle Parking Lot). ([Council Communication No. 99-317](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Vlassis.**

99-2040 30. Certificate of Completion for Disposition Parcel No. 30A (1901 DeWolf Street), Guthrie Avenue Business Park Urban Renewal Area, to Fred Nesbit Distributing Company, Inc., and Fitz-Gold, L.L.C. and release of good faith deposit. **Moved by McPherson to approve. Motion Carried 7-0.**

99-2041 31. Establishing Fair Market Values, Offers to Purchase Real Estate and Acceptances in conjunction with 1998 FEMA Flood Hazard Mitigation Program, from Paul F. Bisanti and Linda A. Bisanti, 4212 Leonard Place, \$122,459, and Judith A. Goodwin, 3221 Elmwood Drive, \$165,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2042 32. Offer to Purchase Real Estate and Acceptance in conjunction with Guthrie Avenue Business Park from Robert L. Rice, \$4,000, Robert L. Rice and Audrey J. Rice, \$28,000 and Audrey J., Ltd., \$8,000 for vacant land at the NW corner of vacated E. Jefferson Avenue and Vacated Dixon Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2043 33. Two forms of Warranty Deeds, Two Forms of Temporary Easements for Construction and Consideration for Reconstruction of Existing Facilities in conjunction with the Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass, from Polk County, 616 Cherry Street - \$21,000. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2044 34. Warranty Deed, Temporary Easement for Property Adjustment, and Future Title Work Compensation in conjunction with Birch Lane Paving from Alice M. Siedel, 1324 Birch Lane - \$1,200, Jennie L. Davis, fka Jennie L. Hudnall and Duane C. Davis, 3707 SW 13th Street - \$1,383 and Ralph and Dorothy Hillabolt, 3714 SW 13th Street - \$1,798. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2045 35. Warranty Deed, Temporary Easement for Property Adjustment, and Future Title Work Compensation in conjunction with Seneca Paving from Greg Lindstrom and Laura J. Lindstrom, 3903 11th Place - \$2,212. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2046 36. Approving Noise and Avigation Easements for Margaret C. Roux, 1406 Havens Avenue, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-2047 37. Approving appointment of members to the Public Housing Board, effective July 1, 1999. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2048 38. Communication from Human Resources Director, informing the Mayor and City Council of the resignation of Derald Leaming from the Civil Service Commission effective immediately. **Moved by McPherson to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

STREET CLOSINGS

99-2049 39. Approving closure of the following City Streets, **Moved by McPherson to adopt. Motion Carried 7-0. (Council Member Coleman declares a conflict of interest on item (4) only.**

(1) Brenda Erickson, 1220 Broad, requesting permission to close Moonlight Drive and Timberwolf Lane on Saturday, July 3, 1999, from 11:00 A.M. until 5:00 P.M. for a neighborhood block party.

(2) Dale W. Dyer, 2414 Reynolds Lane, requesting permission to close Reynolds Lane from Farwell Street to Arthur on Saturday, July 10, 1999, from 2:00 until 7:00 P.M. for a neighborhood block party.

(3) Sheila Hirsch, 2205 52nd Street, requesting permission to close 52nd Street from Hickman to Lincoln Avenue on Saturday, July 10, 1999, from 6:00 until 10:00 P.M. for a neighborhood block party.

(4) Marcie Coleman, 3512 48th Place, to close 48th Place, from 3512 to end of cul de sac, Sunday, July 11 from 2:00 to 9:00 P.M. for a neighborhood block party.

SETTING DATE OF HEARINGS

99-2050 40. On request from O'Reilly Automotive, Inc., to rezone property at 1335 E. Ovid from "R1-60" (One Family Low Density Residential), to a Limited "C-2" (General Retail and Highway Oriented Commercial), to allow for a 6,400 square foot retail auto parts store, (7-12-99). **Moved by Flagg to adopt. Planning staff will follow up with a report to Council on rezoning applicants and property ownership. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-2051 41. Approving payment of \$71.25 to George LaMarca of law firm of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al. Case No. CL 73934. **Moved by McPherson to approve payment. Motion Carried 7-0.**

99-2052 42. Approving payment of \$167,156.60 to Everett S. Wolfe for settlement of appeal of condemnation award in case of State of Iowa v. Everett S. Wolfe, Polk County No. CL 77376. **Moved by McPherson to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-2053 43. Submitting out-of-state travel request for Mark Durham. ([Council Communication No. 99-301](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING

99-2054 44. Investment Agreement FY 1999-2000 with United Way of Central Iowa for Community Development Department's Outreach Program to be used for funding staff salaries for the period of time from July 1, 1999 through June 30, 2000 - \$17,511. **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Coleman declares a conflict of interest, and abstains from voting.**

99-2055 45. Amendment One to 1999 Community Business Center, Inc. Micro-Grant and Comprehensive Small Business (micro-enterprise) Technical Assistance Projects to change name of designated Operating Agency from Community Business Center, Inc. to Mid-City Vision Coalition, Inc. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2056 46. Application for the COPS Universal Hiring Program, for hiring of 8 new police officers, effective July 1, 2000. ([Council Communication No. 99-302](#)). **Moved by Hensley to adopt. Council Member Brooks requests a description of the funding plans for the PILOTs received by the City. Motion Carried 7-0.**

99-2057 47. Request to share Federal Asset Forfeiture Funds to support Des Moines Police Federal Drug Enforcement Administration "Drug and Violent Crime Task Force" operations in Enterprise Community to be included with Community Development's Weed and Seed application. ([Council Communication No. 99-303](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2058 48. Receipt of communication from Human Resources Director, regarding new job specifications for Contract Compliance Officer, Deputy Community Development Director, Guest Services Manager and WTA Accounting Analyst, and revised job specifications for Deputy City Engineer and Housing Services Director. ([Council Communication No. 99-305](#)). **Moved by Coleman to receive and file. Motion Carried 6-1. Nays: Flagg.**

49. Renewal of HMO Group Master Contracts and Indemnity Medical Plans for Union Employees:

99-2059 (A) Self-insured Traditional Health Plan with Principal Financial Group, establishing new rates for the period July 1, 1999 through June 30, 2000. ([Council Communication No. 99-313](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2060 (B) SecureCare of Iowa, Inc., no changes other than the monthly premiums are being made to the contracts, effective July 1, 1999 for a twelve month period. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2061 50. Approving a process for preparation of a Request for Proposals (RFP), assisted by a private consultant, for contracting the management of the three public golf courses. ([Council Communication No. 99-318](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Vlassis. Previous motion to eliminate use of a consultant failed on a 4 to 3 vote.**

****Council considered Hearing Items 70-74 next****

51. Renewal of Residential Rental Agreements with the following:

99-2062 (A) Pioneer Park residence, with Steve and Kimberly Dyer, \$550 per month. **Moved by Hensley to adopt. Parks Director to report on Supervisor's residence at Grandview Park. Motion Carried 7-0.**

99-2063 (B) Ewing Park residence, with Mary Wilson, \$450 per month. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2064 52. Communication from Downtown Partnership on behalf of The Civic Center of Greater Des Moines to hang banners to promote upcoming Disney's "Beauty and the Beast" in the downtown area from August through October. **Moved by McPherson to receive, file and approve banner design as submitted. Motion Carried 7-0.**

53. Bids for the following:

99-2065 (A) POM, Inc. electronic parking meter mechanisms with doors and top locks to match existing electronic parking meters by Bob Vollbrecht & Associates, single area-wide distributor of POM equipment to be used by the Traffic & Transportation Department. (Municipal Code Section 2-86(a)(6) sole source and competitively bid), \$24,625. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2066 (B) Federal ADP, Inc. for 2000 year compliant software for parking control equipment at city's parking garages by Access Controls Technologies, single area-wide distributor of parking control equipment to be used by the Traffic and Transportation Department. (Municipal Code Section 2-86(a)(6) sole source and competitively bid), \$17,710. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2067 (C) Artistic Waste Services, Inc., (1817 Euclid Avenue, Anthony J. Colosimo, President) for sale of seven (7) recycling trucks from Public Works Department, \$246,725.

(Twelve bids mailed-two received).([Council Communication No. 99-319](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flagg.**

99-2068 (D) Bid awarded to Bob Vollbrecht and Associates, (New Brighton, MN., Bob Vollbrecht, President) for 155 electronic parking meters to be used by the Traffic and Transportation Department, \$44,934.50. Bid from TAPCO did not meet specifications, therefore non-compliant. (Ten bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2069 (E) Thrasher Service Corporation, (East 14th Street, Jim Thrasher, President) for water service stop box relocations for 1999 PCC Curb Replacement to be used by the Public Works Department, \$39,175. (Seven bids mailed-one received). ([Council Communication No. 99-310](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-2070 (F) EEG Enterprises, Inc., (Farmingdale, NY) and Golden Rule Captioning (Des Moines) for a closed captioned encoder, \$4,750, and a closed caption service provider to be used for Broadcast of City Council Meetings, \$90 per hour. ([Council Communication No. 99-309](#)). **Moved by McPherson to adopt and direct Mayor and City Clerk to sign the necessary contract, following review and approval by the Legal Department. Motion Carried 6-1. Nays: Flagg.**

99-2071 54. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2072 55. Authorizing Finance Director to draw checks on registers of June 28, 1999 and July 5, 1999, and the bills of Des Moines Municipal Housing Agency for weeks beginning July 2, 1999 and July 9, 1999, and the biweekly payroll due employees on July 2, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-2073 56. Amending Chapter 19 of the Municipal Code regarding operation of Limousines in Des Moines. **Moved by Vlassis that this ordinance do now pass; as amended, to eliminate the words, "an individual" from 19-47 and 19-59, [#13,720](#). Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-2074 57. Amending Chapter 2 of the Municipal Code regarding salary of the Mayor (\$26,081.90) and Council Members (\$18,348.20). **Moved by McPherson that this ordinance do now pass, [#13,721](#). Motion Carried 6-1. Nays: Hensley.**

99-2075 58. Amending Chapter 7 of the Municipal Code, to add Pygmy goats to the list of animals permitted as pets. **Moved by McPherson that this ordinance do now pass, [#13,722](#). Motion Carried 6-1. Nays: Vlassis.**

99-2076 59. On rezoning of property at 2600 Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District). **Moved by McPherson that this ordinance do now pass, [#13,723](#). Motion Carried 7-0.**

99-2077 60. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance do now pass, [#13,724](#). Motion Carried 7-0.**

- (1) Stop Signs at SE 4th Street and Columbus Avenue.
- (2) Stop Signs-Madison Ave. at Lynner Dr. and Dosh Rd.
- (3) Stop Signs at 40th Street and Shawnee Avenue.
- (4) Stop Signs at 40th Street and Bel-Aire Road and 38th Street and Lindlavista Way.
- (5) Petition for Two-Sided Parking Restriction at SE 3rd Street from McKinley Avenue to Emma Avenue.
- (6) Deletion of Handicapped Parking Ordinance Due to Recent Realignment for North Side of Indianola Avenue East of SW 1st Street to South Union Street.
- (7) Corner Clearance for West Side of East 24th Court South of East Aurora Avenue.
- (8) Corner Clearance for West Side of Williams Street South of East Douglas.
- (9) Corner Clearance for Vicinity of 303 New York Ave.

99-2078 61. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance do now pass, [#13,725](#). 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.

ORDINANCES - SECOND CONSIDERATION

99-2079 62. Amending Chapter 27 of the Municipal Code regarding the traffic regulation changes for the following **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) Removal of Saturday Restrictions - Downtown Area.
- (2) Thru-Street Designations-New Residential Subdivisions
- (3) Corner Clearance Parking Restriction--West Side of East 25th Street north and south of Walnut Street.
- (4) Extend Existing Parking Restriction-South Side of Davis Street East of SW 9th Street.

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

ORDINANCES - FIRST CONSIDERATION

99-2080 63. Amending Chapter 23 of the Municipal Code enacting new subchapter regarding Street Use Permits; and amending various other Municipal Code provisions for continuity. [\(Council Communication No. 99-311\)](#). **Moved by Vlassis that this ordinance be referred back to staff for additional clarification. Motion Carried 7-0.**

WITHDRAWN99-2081 (A) Final consideration of ordinance above, (waiver requested by City Clerk and City Manager), requires 6 votes.

COUNCIL REQUESTS

99-2082 64. From Council Member George Flagg, to discuss various issues regarding dogs. **Moved by Flagg to receive, file and discuss; refer to City Manager and Legal to review City Ordinances and our ability to enforce such issues as dogs barking and annoying neighbors and clean-up of dog confinement areas for a report by August 1, 1999. Motion Carried 6-1. Absent: Daniels.**

****Council Member Flagg left the meeting at 6:30 P.M.****

COMMUNICATIONS/REPORTS

99-2083 65. From William J. Lillis, Connolly, O'Malley, Lillis, Hansen, Olson, L.L.P. representing Cooper Homes, Inc. regarding the purchase of city owned property in Stanton Acres - \$20,000. **Moved by Hensley to receive and file. Council indicated support for the project and asked staff to move forward as rapidly as possible. Motion Carried 6-1. Absent: Flagg.**

99-2084 66. From Benjamin B. Ullem, Whitfield & Eddy, P.L.C. representing Jim Hall regarding tax abatement for his property at SE 14th Street and King. **Moved by Brooks to receive and file and refer to City Manager; also look at E. 14th Corridor-Army Post to E. 12th for potential development as an industrial tax abatement corridor. Motion Carried 6-1. Absent: Flagg.**

99-2085 67. From Donald D. Klemme, EMC Insurance Companies regarding conveyance of property in two block area between 7th and 9th Streets. **Moved by Hensley to receive, file and refer to City Manager and Legal Department. Motion Carried 5-2. Absent: Flagg and Brooks.**

99-2086 68. From Michael Fisher, 1244 E. 24th, to speak regarding speeding on E. 24th Street. **Moved by McPherson to receive, file and grant the request to speak. Refer to City Manager and Traffic Safety Committee for review. Motion Carried 6-1. Absent: Flagg.**

99-2087 69. From Randy Jones, 1238 Ure Street, requesting to speak regarding purchase of property at 1238 Ure Street, (FEMA buyout). **Moved by Vlassis to receive and file. Motion Carried 5-2. Absent: Coleman and Flagg.**

****Council considered Items 75 thru end of agenda next****

HEARINGS (Opened at 5:45 P.M.) (Items 70 thru 74)

99-2088 70. On First Amendment to the Sale, Lease and Subcontractor Agreement between Signature Flight Support Corp., Des Moines Flying Service, Inc., and Gregory Aviation Company, to allow Des Moines Flying Service to conduct flight training and aircraft rental service to the public. ([Council Communication No. 99-314](#)). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Coleman. Council Member Flagg declares a conflict of interest, and abstains from voting.**

99-2089 71. On proposed connection fee ordinance for Southeast Airport Trunk Sewer System Benefitted District. ([Council Communication No. 99-315](#)). **Moved by Brooks to adopt. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.**

99-2090 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.**

99-2091 72. On Grandview/Central Place Demolition & Asbestos Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as L.A. Company, (Linda L. Wicker, Owner, 1266 Adams Street, DM), \$46,978. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2092 (A) Approving contract and bond, and permission to sublet. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2093 73. On 1999 City-Wide PCC Pavement Restoration Program: 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), \$275,550. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2094 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2095 74. On 1999 Sidewalk Replacement Program - Public Works: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Const, Inc., (Robert L. Johnson, President, 107 Arthur, DM), \$146,505. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2096 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 7-0.**

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

****Council considered balance of consent and Items 63-69 next****

APPROVING

99-2097 75. Developer's Schedule Modification for Court Avenue Entertainment Center Project (October 1, 1999). ([Council Communication No. 99-312](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2098 76. Amendment One to 1999 HUD Consolidated Plan to allow reallocation of CDBG (Community Development Block Grant) funds to implement Neighborhood Conservation Services (NCS) 1999 Work Program - \$203,562. ([Council Communication No. 99-307](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2099 77. City Manager's recommendations for reallocation of unspent CDBG funds (\$120,505) and allocation of additional 1999 funds (\$31,000) to be used for 1999 Demolition, 1999 Neighborhood Site Offices and FY 2000 Consolidated Plan. ([Council Communication No. 99-308](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2100 (A) Communication from Bob King, Chair, Neighborhood Revitalization Board, regarding City Manager's recommendation. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to

warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

99-2101 1. Communication from Daniel L. Manning, attorney for HandiMart, 6222 Grand, appealing denial by the Plan and Zoning Commission of their site plan. SPONSOR: Hensley. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

99-2102 (A) Setting Date of Hearing on denial of Site Plan for 6222 Grand Avenue, (7-12-99). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2103 2. Communication from Daniel L. Manning, attorney for Nordstrom Oil Company and Phillips 66, regarding sewer access for development at 5130 NE 14th. SPONSOR: McPherson. **Moved by McPherson to receive, file and refer to City Manager for review and recommendation by July 12, 1999. Motion Carried 6-1. Absent: Flagg.**

99-2104 3. Approving outside Counsel to provide Legal consultation and representation in conjunction with Federal Aviation Administration concerns regarding the City's Airport PILOT Charge. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2105 4. Communication from Park and Recreation Director, expressing gratitude for Council's support regarding maintenance of City Parks and Grounds. SPONSOR: Mayor Daniels. **Moved by Vlassis to receive and file with appreciation to the Parks Staff. Motion Carried 6-1. Absent: Flagg.**

99-2106 5. Approving Subdivision Plat entitled Three Lakes Estates Plat 2, vicinity of Indianola Avenue and south of East Army Post Road. SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2107 6. Oral request of Mayor Daniels and Council Member Hensley, to discuss radio advertising this week. **Discussion item only - no motion made.**

A G E N D A

BOARD OF HEALTH June 28, 1999

99-2108 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

COMMUNICATION

99-2109 1. Communication and release of demolition cost reserved held under claim number 8422 regarding property known as 841 E. Bell owned by Sharon A. Haught. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

AUTHORIZING

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

99-2110 (A) 807 Euclid - vacant; Titleholder: First Financial Savings Bank n/k/a Metropolitan Federal Bank, FSB n/k/a First Bank n/k/a US Bank; Contract Buyers: Lila J. Kern, Mark F. Kern, Joyce Kern, Craig C. Kern, Kim W. Kern, Julie Kern. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2111 (B) 1218 McCormick - vacant; Titleholders: Unknown Heirs of Henry Lockett, Deceased; Vernon Daniels, Administrator of Odella E. Daniels Estate. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2112 (C) 687 - 26th - vacant; Titleholders: Wallace O. Jackman; Norma Williams. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2113 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:03 P.M. Motion Carried 6-1. Absent: Flagg.**