

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**August 16, 1999 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

Thomas J. Birch, Jason E. Carroll and Aaron J. Granseth Day (Eagle Scouts)

**INVOCATION:** Claude Jones

Douglas Avenue Christian Church

99-2446 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-2447 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2448 3. APPROVING CONSENT AGENDA - items 3 through 80: **Moved by Hensley to adopt. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

99-2449 4. Communication from Legal Department regarding August 16, 1999 License and Permit Agenda. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-2450 5. Casey's Marketing Company, Robert J. Hood, President dba Casey's General Store, 4560 East 14th Street; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 7-21-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2451 6. Kwik Shop, Inc., Steve Mostrem, District Manager dba Kwik Shop #553, 101 Southwest Army Post Road; Renewal - Expires 8-28-99 (With Sunday Sales) - Application submitted 7-9-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2452 7. Phillips 66 Company, James J. Mulva, President dba Phillips 66, #5673, 2849 East Euclid; Renewal - Expires 8-31-99 (With Sunday Sales) - Application submitted 7-27-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2453 8. Phillips 66 Company, James J. Mulva, President dba Phillips 66, #2077, 4402 Douglas; Renewal - Expires 8-31-99 (With Sunday Sales) - Application submitted 7-27-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2454 9. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet Plus #510, 3413 Southwest 9th Street; Renewal - Expires 9-8-99 (With Sunday Sales) - Application submitted 7-13-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

99-2455 10. Croatian Fraternal Slavic Center, Charles R. Padarich, President dba Croatian Fraternal Slavic Center, 6575 Indianola Road; Renewal - Expires 8-24-99 (With Sunday Sales) - Application submitted 7-30-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2456 11. Fraternal Order of Eagles, Glenn Perry, Secretary, dba Fraternal Order of Eagles, 6567 Bloomfield Road; Renewal - Expires 8-28-99 (With Sunday Sales) - Application submitted 7-1-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2457 12. Judge Roy Beans, LTD, Jeffrey C. Baker, President dba Judge Roy Beans, 210 Court Avenue; Renewal - Expires 8-22-99 - Application submitted 7-22-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

**WITHDRAWN** 99-2458 13. Los Compadres, Inc., Raymond A. Quijano, President dba Los Compadres, 1440 Maury; Renewal - Expires 8-15-99 - Application submitted 7-13-99.

99-2459 14. Frank J. Yacavona dba Pal Joey's, 6224 Grand Avenue; Renewal - Expires 8-31-99 - Application submitted 7-16-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2460 15. B-D-U-Y Food Service, Inc., Richard T. Murillo dba Stella's Blue Sky Diner, 400 Locust #235; Renewal - Expires 8-24-99 (With Sunday Sales) - Application submitted 7-23-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Outdoor Service

99-2461 16. Nacho Mammias, James Stevens, dba Nacho Mammias, 216 Court, requesting permission for temporary outdoor service for Summer Blues Fest on September 5, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2462 (A) Request from Jim Stevens representing Court Avenue District Association, 216 Court Avenue to block Court Avenue from 4th and 3rd Streets to 3rd and 2nd Streets, from 2:00 P.M. to Midnight for block party on September 5, 1999 for Court Avenue Blues Fest and Heartland Brewfest. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2463 17. Joseph Coppola dba Java Joe's Coffeehouse, 214 - 4th Street, requesting permission for temporary outdoor service for Brew Fest Fund Raiser on September 4 & 5, 1999. Subject to submission of acceptable building and electrical inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2464 (A) Request from Michael Marasco representing Easter Seals of Iowa, P.O. Box 4002 to block 4th Street from Court Avenue to Walnut from 12:00 Noon to 12:00 Midnight for Easter

Seals/Heartland Brewfest Fund Raiser on September 4 & 5, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-2465 18. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

Transfers

99-2466 19. Temporary transfer of Class "C" Liquor License for Winston's Pub and Grille, 601 Locust to Kirkwood Hotel, 4th & Walnut for one day special event on 9-5-99. Subject to submission of acceptable electrical and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

20. Resolution Ordering Construction of the following:

99-2467 (A) 1st Street and Reigert Street Sanitary Sewer Extension, Receiving of Bids, (8-31-99), and Setting Date of Hearing, (9-13-99), (Construction Estimate - \$25,475). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2468 (B) Easter Lake Minor Structures, Phase I, Receiving of Bids, (8-31-99), and Setting Date of Hearing, (9-13-99), (Construction Estimate - \$67,255). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2469 20. (C) E. 18th Street Storm Sewer - 100 Block, Receiving of Bids, (8-31-99), and Setting Date of Hearing, (9-13-99), (Construction Estimate - \$41,900). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2470 (D) Demolition Contract No. 168, B.H.N.A.C., Receiving of Bids, (8-31-99), and Setting Date of Hearing, (9-13-99), (Construction Estimate - \$54,050). **Moved by Vlassis to adopt and direct staff to defer action on structure at 1419 5th Street for 90 days to allow for renovation. Motion Carried 7-0.**

99-2471 (E) Des Moines Metropolitan Wastewater Reclamation Facility Structural Modifications, Receiving of Bids, (8-31-99), and Setting Date of Hearing, (9-13-99), (Construction Estimate - \$62,330). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2472 21. Approving Agreement with Iowa Department of Transportation (IDOT) for construction of a portion of the sanitary sewer improvements proposed in Southeast Airport Sanitary Trunk Sewer-Phase 2, to be included in the relocated Highway 5 project. ([Council Communication No. 99-364](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

99-2473 22. Approving completion and recommending acceptance of Private Construction Contract with Corell Contractor, Inc., (Steve Corell, President-Contractor) and Douglas Woods, (James C. Conlin, General Partner-Owner), for Sanitary Sewer Improvements to serve Douglas Woods Apartments, 2800 Douglas Avenue - \$17,096.80. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2474 23. Approving Private Construction Contract between McAninch Corporation, Dwayne McAninch, President-Contractor, and Airport Commerce Park, L.C., Gerard D. Neugent, Manager and President of Knapp Properties-Owner, for Sanitary Sewer Improvements for the new development, Airport Commerce Park South Plat 1, located at relocated Army Post Road and Commerce Park Road. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2475 24. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners and Paving or Curb Replacement Program, waivers signed by three property owners, (call the City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2476 25. Communication from Baker Electric, Inc. requesting permission to sublet items on the Martin Luther King, Jr., Parkway at Hickman Road traffic signal improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2477 26. Approving partial payments on thirteen public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2478 27. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the Park Avenue Box Culvert at Frink Creek, \$23,000.66 is now due and remaining balance of \$37,394.05 is to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2479 28. Authorizing distribution of Chapter 573, Code of Iowa Claim for labor and/or materials by L.A. Company (Sub-Contractor) against Rock and Waterscape Systems (Principal-Contractor) for Blank Park Zoo Cats Exhibit Rock Enhancement. **Moved by Hensley to approve. Motion Carried 7-0.**

99-2480 29. Authorizing RELEASE of Chapter 573, Code of Iowa Claim for labor and/or material by Contractors Steel Corporation (Sub-Contractor) against Rock & Waterscape Systems (Principal Contractor) for Blank Park Zoo Cats Exhibit Rock Enhancement. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

99-2481 30. Establishing Fair Market Value and Offer to Purchase Real Estate and Acceptance in conjunction with 1998 FEMA Flood Hazard Mitigation Program, from Margo L. Pardekooper Jones, 1238 Ure Street - \$77,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2482 31. Condemnation Commissioners' award of \$1,850 and \$6,940 plus Sheriff's fees and jury expenses in conjunction with Southeast Airport Trunk Sanitary Sewer Project Phase 2, to AEM Management Co., L.C., and United Properties Investment L.C., 828 County Line Road and 107-83rd Avenue (Norwalk). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2483 32. Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed in conjunction with Airport Expansion from Sharon J. Putney f/k/a Sharon J. Scaglione and Ronald Putney, 6720 SW 28th Court - \$102,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2484 33. Offer to Purchase vacant land in conjunction with the SW 3rd Street-SW 5th Street Parking Lot from Commercial Federal Bank, F.S.B., (formerly Amerus/Midland Bank) - \$177,000. **Moved by Brooks to adopt. Motion Carried 5-1. Pass: Flagg. Council Member Hensley declares a conflict of interest and abstains from voting.**

99-2485 34. Authorizing staff to rescind and cancel previous lease and authorize execution of amended lease, in conjunction with Access to Flood Control Levee on the Raccoon River, from Union Pacific Railroad Company - \$1,500 per year. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2486 35. Approving License Agreement Right-of-Entry for site remediation at Blank Park Zoo, to the U.S. Army Corps of Engineers. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2487 36. Permanent Easement for Traffic Signal and Street Lighting Systems and Future Title Work Compensation in conjunction with East University Avenue and East 9th Street Intersection Improvement from Joseph Song and Kumsan Song, 1144/1146 E. 9th Street - \$519. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2488 37. Approving Final Subdivision Plat entitled EASTER LAKE ESTATES PLAT 6 in vicinity south of Easter Lake Drive and north of East Diehl between East 28th and East 29th Streets. ([Council Communication No. 99-351](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2489 38. Approving Final Subdivision Plat entitled EASTER LAKE PARK PLAT 5 in vicinity south of East Watrous Avenue and north of East Leach between SE 24th Court and SE 25th Street. ([Council Communication No. 99-357](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2490 39. Approving Noise and Avigation Easements for two properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

99-2491 40. Appointment recommendation of Mayor Preston A. Daniels, for Peter M. Sand to the Board of Library Trustees to fill the unexpired term of Henry Tucker to expire July 1, 2004. **Moved by Hensley to adopt. Motion Carried 7-0.**

41. Reappointment recommendation of Mayor Preston A. Daniels for the following:

99-2492 (A) Robert Dilley and William Guyer to the Urban Renewal Board for three-year terms commencing in 1998 to expire January 18, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2493 (B) Suzanne Engman to the Civil Service Commission for a four-year term to expire April 7, 2003. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

99-2494 42. Resignation of David Edwards from the Housing Appeals Board effective immediately. **Moved by Hensley to receive, file and accept the resignation with appreciation for service and declare the seat vacant. Motion Carried 7-0.**

99-2495 43. (A) Appointment recommendation from At Large Council Member George E. Flagg for Earl LeRoy Edwards to the Housing Appeals Board for a three-year term to expire March 16, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2496 (B) Appointment recommendation of Mayor Preston Daniels, for Lawrence James Jr., to the Housing Appeals Board, three-year term to expire March 16, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **STREET CLOSINGS**

99-2497 44. Approving closure of the following City Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Susan Swehla, 3706 SE 19th Street, requesting permission to close SE 19th Street from Rose to Maish on Saturday, August 28, 1999, from 5:00 to 9:00 P.M. for a neighborhood block party.

(2) Joan E. Hall, 3300 SW 33rd, requesting permission to close SW 33rd from Park Avenue to Wolcott on Saturday, August 28, 1999, from 4:00 to 10:00 P.M. for a neighborhood block party.

(3) Eldon McAfee, 1153 24th Street, requesting permission to close Kingman Blvd. from 24th Street to 25th Street, Saturday, August 28, 1999, from 2:30 to 8:30 P.M. for a neighborhood block party.

(4) Elizabeth Rush, 439 SE Wilmers, requesting permission to close SE Wilmers from SE 4th to SE 5th, Saturday, August 28, 1999, from 6:00 to 11:00 P.M. for a neighborhood block party.

99-2498 45. Approving exception regarding length of time request from Pastor Ike Brown, representing G.O.D. Production/Our Saviors, 307 College, request to close 16th Street from Forest to Gillette on Saturday, August 21, 1999 from 12:00 Noon until 11:00 P.M. for a 3 on 3 basketball tournament. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2499 46. Approving exception regarding length of time request from Reverend Lawrence Hoffmann, representing St. Anthony School/Church, 16 Columbus Avenue, request to close South Union from Indianola Avenue to SE Edison Avenue on Friday, September 17, 1999 from 6:00 P.M. until 12:00 Midnight and Saturday, September 18, 1999 from 9:00 A.M. until 12:00 Midnight and Sunday, September 19, 1999 from 11:00 A.M. until 6:00 P.M. for a fall festival and church carnival. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **CITY PLAN COMMISSION RECOMMENDATIONS**

99-2500 47. Approving Architectural Advisory Committee's recommendations for the Franklin Library Spatial Reconfiguration and Master Plan. **Moved by Coleman to receive and file; refer to Access Advisory Board for review and staff to assure ADA compliance by architect. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

48. On application for certificate of Public Convenience and Necessity to Operate Limousine Services, for the following, (8-23-99):

99-2501 (A) Gene Vivier, d/b/a Gene's Transportation and Delivery. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2502 (B) Edward A. Shepherd, d/b/a Affordable Luxury Limousine Service. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2503 (C) Scott A. Woodruff, d/b/a Majestic Limousines. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2504 (D) Ronald C. Adams, d/b/a Adams Limousine. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2505 (E) William (Bud) Forrest, d/b/a Out of Town Charter Service. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2506 (F) David M. and Jean E. Houston, d/b/a Unique Courtesy Services. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2507 (G) Rod Allbee, d/b/a Allbee's Old Market Limousine Service. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2508 (H) Toby Godfrey, d/b/a Limousine Transport, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2509 49. On proposal to dispose of interest in real estate, and Lease Agreement with Meredith Corporation, for 2602 McKinley, (8-23-99). ([Council Communication No. 99-350](#)).

**Moved by Hensley to adopt. Staff to provide Councilman Flagg with a copy of this lease and the leases with the other three airport private leaseholders. Motion Carried 7-0.**

99-2510 50. On application from James Hileman, of McDonalds, Corporation, (purchaser) to rezone property at 1400 Des Moines Street, from "R1-60" (One Family Residential) to a "C-1" (Neighborhood Retail Commercial), property owned by Des Moines General Hospital, (8-23-99). **Moved by Coleman to adopt. Staff to report on issues raised; including a traffic study of the area. Motion Carried 7-0.**

99-2511 (A) Recommendation from City Plan Commission regarding vacation and conveyance of a portion of the east/west alley right-of-way north of 1400 Des Moines Street. **Moved by Coleman to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

99-2512 51. On vacation and conveyance of alley right-of-way between Franklin and Allison, extending East from 30th Street, to abutting property owners, (8-23-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2513 52. On application from Thomas J. Wittman, Registered Landscape Architect for Gerald D. Grubb (owner) d/b/a Jerry's Homes, to rezone property in the 7401 block of Indianola Avenue, from "R1-80" (One Family Residential) and "A-1" (Agricultural District), to "PUD" (Planned Unit Development) and for approval of a Conceptual Plan entitled "Hillsboro", to provide 80 single family lots, 16 two-story townhome units and 40 ranch townhome units, (8-23-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2514 53. On application from Daryl Mayfield, for rezoning of 24.53 acres of property at 7103 Fleur Drive from "R1-80" (One Family Residential), to "PUD" (Planned Unit Development), and approval of PUD conceptual plan, (8-23-99). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2515 54. On request from Michael R. Jayne, to rezone property at 2713 Martin Luther King Jr. Parkway, from "M-3" (Limited Industrial) to a Limited "C-2" (General Retail and Highway Oriented Commercial), (8-23-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

99-2516 55. Approving payment of \$2,686.50 to Petosa, Petosa, Boecker & Nervig for legal services in conjunction with real estate acquisition and leasing matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2517 56. Approving payment of \$16,507.26 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services rendered in conjunction with general obligation bonds. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**



99-2518 57. Approving payment of \$94.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2519 58. Approving payment of \$570 to John L. Corbett of Spiegel & McDiarmid Law Firm for consultation and representation services in conjunction with City's response to FAA Concerns regarding City's Airport PILOT charge. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2520 59. Approving payment of \$790.40 to Hopkins & Huebner, P.C. for representation of Charles Negrete, Jack Kamerick, Kurtis Bender and Bobby Stanley in case of John William Dungan v. Officer C. Negrete. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2521 60. Approving payment of \$1,543.50 to Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-cv-70724. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2522 61. Approving payment of \$1,016 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case entitled Mary Elaine (Kirsch) Sinclair, Administrator of Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2523 62. Approving payment of \$8,073.50 to EMC Insurance Cos. as Subrogee of Todd Rabe for property damage resulting from an auto accident on September 11, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

99-2524 63. Submitting out-of-state travel requests for Jeff Dier, Shannon Danny, Jeffrey Aldrich, and Sharon Stegall. ([Council Communication No. 99-348](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2525 64. Submitting traffic regulation changes as follows: **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0. Council Member Brooks registers a no vote on Items 1 and 2.**

(1) Adjustment to Parking Meter Space Location and Adding of a Loading Zone-- Adjacent to the Catholic Pastoral Center, 601 Grand Avenue.

(2) Additional Parking Meter Space Location--South Side of Grand Avenue West of Seventh Street.

(3) Corner Clearance Parking Restriction--East Side of Randall Place south of Forest Avenue.

(4) Corner Clearance No Parking Restriction--East Side of 47th Street north of Hickman Road. ([Council Communication No. 99-358](#)).

## **APPROVING**

99-2526 65. Submittal of a Grant Application to the U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Revolving Loan Fund Program for Redevelopment of Des Moines Enterprise Zones. ([Council Communication No. 99-354](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

99-2527 66. Amendment to City Loan Agreement with City of Des Moines, Polk County, Kemin Industries, Inc., 2100 Maury, to allow for an extension until December 31, 1999 to complete renovation and new construction on their manufacturing facilities. ([Council Communication No. 99-367](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2528 67. State of Iowa Grant Agreement for FY99/00 Funding of the Commercial Air Service Marketing Program, amount not to exceed \$77,939. ([Council Communication No. 99-353](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2529 68. Receipt of communication from Airport Board, notifying the Council of proposed regulation change regarding Airport Charges and Landing Fees, (effective 10-11-99). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2530 69. Request from John M. Beard on behalf of The River Bend Association to hang a banner across Sixth Avenue to promote their annual Trolley Tour of Historic Homes scheduled for September 11 & 12, 1999. **Moved by Vlassis to receive, file and approve banner design as submitted, and allow banner to remain from September 1 through September 14. Motion Carried 7-0.**

99-2531 70. Amendment Six to Contract No. LIHEAP-2299-07J Iowa Department of Human Rights/Division of Community Action Agencies (\$1,138,173) for provision of energy assistance to low-income persons. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2532 71. Approval of weatherization contract by and between the Iowa Department of Human Rights/Division of Community Action Agencies and the City for weatherization assistance for low-income persons from August 1, 1999 to March 31, 2000 in amount of \$42,542. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2533 72. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for School Election to be held on Tuesday, September 14, 1999. **Moved by Hensley to approve. Motion Carried 7-0.**

**WITHDRAWN**99-2534 73. Approving proposal for purchase of a design development plan for streetscape improvements at intersection of 6th Avenue and Euclid Avenue Request For Proposal (RFP) with Brian Clark & Associates, \$18,000.

99-2535 74. Negotiation of a License Agreement with Acme Printing Co., 66 Washington Street, regarding construction of a fence to reduce dumping and to explore feasibility of a property exchange. ([Council Communication No. 99-356](#)). **Moved by Flagg to approve with thanks and appreciation. Council to send a letter of appreciation. Motion Carried 7-0.**

99-2536 75. Report of Civil Service Commission submitting Entrance lists for Zoo Attendant and Investigative Assistant. **Moved by Hensley to receive and file. Motion Carried 7-0.**

76. Bids for the following:

99-2537 (A) Streichers, Inc., (Plymouth, MN, Steve Tennigis, President) for eighteen (18) semi-automatic rifles and accessories to be used by the Police Department (Special Operations), \$18,041.34. (Twelve bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2538 (1) City Council discussion regarding a vacancy on the Police and Fire Sub-Committee and requesting the Mayor to fill the vacancy. **Moved by Vlassis to appoint Council Member Brooks to fill this vacancy, effective immediately. Motion Carried 7-0.**

99-2539 (B) ASAP Software, (Buffalo Grove, IL), State of Iowa Contract No. 2545 (Municipal Code Section 2-86(c) for Microsoft software for network upgrades to be used by the Information Technology Department, \$63,136.15. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

99-2540 (C) Bid awarded to Big Bear Equipment, Inc., (Granger, IA, Dave Wilson, President) for a four-wheel drive hydraulic rotary mower to be used by the Park and Recreation Department (Horticulture Division), \$43,571. Bid from Tri-State West did not meet hydraulic system specifications. (Eight bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2541 77. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2542 78. Authorizing Finance Director to draw checks on register of August 20, 1999, and the bills of the Des Moines Municipal Housing Agency for the week beginning August 16, 1999; and to draw checks for biweekly payroll due employees on August 13, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

99-2543 79. Amending Chapter 17 of the Municipal Code regarding deer hunting. **Moved by Hensley that this ordinance do now pass, #13,741. Motion Carried 7-0.**

99-2544 80. On rezoning of property at 2025 E. Grand Avenue from "R1-60" (One Family, Low Density Residential), to "C-1" (Neighborhood Retail Commercial District). **Moved by Hensley that this ordinance do now pass, #13,742. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

99-2545 81. Amending Chapter 8 of the Municipal Code regarding building construction codes-- Electrical and Plumbing subchapters. ([Council Communication No. 99-355](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2546 82. Amending Chapter 13 of the Municipal Code regarding entertainment arcades. ([Council Communication No. 99-362](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2547 83. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (1) Two-Sided Parking Restriction--Both sides of Dickman Road from SW 9th Street east to the Dead End.
- (2) Extend Existing Parking Restriction--South Side of Guthrie Avenue east and west of East 14th Street.
- (3) Delete Proposed Placement of Parking Meters--Mulberry Street between 7th Street and 8th Street, 7th Street between Grand Avenue and Locust Street and between Mulberry Street and Walnut Street.
- (4) Prohibit Right Turns on Red--Intersection of 8th Street and Mulberry Street.
- (5) Corner Clearance Parking Restriction--South Side of Davisson Road east of 38th Street.

## COUNCIL REQUESTS

**WITHDRAWN** 99-2548 84. Request from Council Member Mike McPherson to discuss the need for a City Ordinance regulating motor homes and campers being used as a residence on a long-term basis.

## COMMUNICATIONS/REPORTS

99-2549 85. From Beverly J. West, (1305 E. 25th Street) to speak regarding proposal to allow residents to own and care for one miniature horse on their property. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-2550 86. From Jacob Stoner, (2415 Oxford) and fellow skateboarders to speak regarding the need for a skateboard park in Des Moines. **Moved by Coleman to receive and file and grant**

**the request to speak; refer to City Manager and Parks for a report at the September 13 Council Meeting. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 90-96 next\*\***

99-2551 87. From Jo Burns, 16 E. Titus regarding "No Parking" sign on north side of E. Titus in front of 100 E. Titus. **Moved by Brooks to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation. Motion Carried 7-0.**

99-2552 88. From Sam Kellis, Accent Member, regarding the paving of driveway approaches. **Moved by Flagg to receive, file and refer to City Manager and staff for review and a report to Council and Mr. Kellis; also, at 3704 Indianola Road-report on rock versus curb and gutter. Motion Carried 7-0.**

99-2553 89. From William J. Lillis and David I. Hansen, attorneys for Cooper Homes, Inc., regarding purchase of property in the vicinity of Stanton Avenue and SW 31st Street. **Moved by Hensley to receive, file and refer to City Manager and Legal for action as appropriate. Motion Carried 6-1. Absent: Vlassis.**

**\*\*Council considered Items 97 through end of agenda next\*\***

#### **HEARINGS (Opened at 5:49 P.M.) (Items 90 thru 96)**

99-2554 90. On application from Southern Woods, L.L.C., (Don Brown, Principal), to rezone property at SW 30th Street and Willowmere Drive, from "R1-80" (One Family Residential) and "M-3" (Limited Industrial) to PUD (Planned Unit Development), and to approve PUD Conceptual Plan. **Moved by Hensley to adopt. Developer to keep area policed and minimize disruption to neighborhood during construction. Motion Carried 6-1. Absent: Brooks.**

99-2555 (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: Brooks.**

99-2556 (B) Final consideration of ordinance above, (waiver 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, #13,743. Motion Carried 6-1. Absent: Brooks.**

91. On consideration of a proposal to develop property in the 6900 block of Indianola Road as an "R-5" (Mobile Home Park, and of a competing proposal to rezone a substantial portion of the property from "R-5" to "R-2A" (General Residential) and "R1-80" (Single-Family Residential):

99-2557 (A) Final consideration of rezoning ordinance above, (requires 6 affirmative votes). **Moved by Brooks that this ordinance do now pass. Motion Failed 4-3. Nays: Daniels, McPherson and Vlassis.**

**WITHDRAWN**99-2558 (B) Resolution denying amended "R-5" Preliminary Development Plan and adopting findings in support; or,

99-2559 91. (C) ALTERNATE RESOLUTION-approving amended "R-5" Preliminary Development Plan. **Moved by Brooks to adopt, subject to the "R-5" Preliminary Plan being first amended to substantially comply with the conditions in 3(a) to (k) in the communication from the City Plan and Zoning Commission and the conditions numbered 2, 3, 8, 13, 14 and 15 in the Quality Assurances for the Prairie Ridge Land-Leased Community (Joanne Stevens, Developer). Motion Carried 7-0.**

99-2560 92. On Franklin Avenue Library Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, (Martin Gorgas, President, 1719 Hull Avenue, DM), \$183,320. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2561 93. On Martin Luther King Jr., Parkway Paving at SW 7th Street (East/West Segment): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Company, (Merlin Peterson, President, 4000 Delaware, DM), \$319,940.50. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2562 94. On Woodland Avenue Sanitary Sewer Service Repair, 5200 Block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, 2407 SW 9th Street, DM), \$25,357. **Moved by Hensley to adopt. Staff to coordinate work with resident's engineer. Motion Carried 7-0.**

99-2563 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

95. On 1998 Paving Program, Contract No. 2:

99-2564 (A) Hearing on plans, specifications, and estimated cost. **Moved by Vlassis to adopt. Council requests a list of streets paved in last two years and funding source. Motion Carried 7-0.**

99-2565 (B) Receipt of bids. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2566 (C) Designating lowest responsible bidder as Manatts, Inc., (Bradford J. Mannatt, President, Johnston), 406,442. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2567 96. On appeal from Linda Blas, 1330 E. 25th Court, regarding denial of taxicab license. **Moved by Coleman to deny license. Motion Carried 7-0.**

\* \* END HEARINGS at 7:08 P.M. \* \*

**\*\*Council considered items 87, 88 and 89 next\*\***

## CITY MANAGER RECOMMENDATIONS

99-2568 97. Authorization to proceed on various Library projects included in the 1999-2000 Capital Improvements Program and Operating Budget. (Call City Clerk's Office for listing). [\(Council Communication No. 99-327 of 7-26-99\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-2569 98. Authorization to proceed on various Fire Department projects which are included in 1999-2000 Capital Improvements Program. (Call the City Clerk's Office for listing). [\(Council Communication No. 99-368\)](#). **Moved by Brooks to adopt. Motion Carried 7-0.**

## APPROVING

99-2570 99. Receipt of communication from Human Resources Director, regarding revised and updated position classifications for SPM employees. [\(Council Communication No. 99-349\)](#). **Moved by Brooks to receive and file City Council Communication 99-349 from the Human Resources Director, and the position descriptions attached to the Roll Call. Motion Carried 7-0.**

**\*\*Council Member Flagg left the meeting at 8:05 P.M.\*\***

99-2571 (A) Receipt of communication from City Manager, regarding compensation principles for City of Des Moines Employees. **Moved by Brooks to receive and file communication from the City Manager. City Manager will include outline in budget process with benchmarks projected over three, six and ten years. Motion Carried 5-1-1. Nays: McPherson. Absent: Flagg.**

99-2572 (B) Communication from Des Moines Police Bargaining Association regarding compensation. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-2573 100. Renewal of retired Employees' medical insurance for the period of October 1, 1999 through June 30, 2000. [\(Council Communication No. 99-360\)](#). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2574 101. Contract with Bankers Trust as City's provider of Banking and Custodial Services. (Council Communication No. 99-352). **Moved by Hensley to adopt. Motion Carried 4-1. Absent: Flagg. Mayor Daniels and Council Member Brooks declare a conflict of interest and abstain from voting.**

99-2575 102. Revised Grays Lake Master Plan, Award of design contract to RDG Crose Gardner Skukert, Inc., (Jon Crose, Principal) 414 61st Street and authorizing Grays Lake Focus Team Co-Chairs to appoint volunteers to serve on sub-committees for fund raising, and/or design and

management operations for future development. ([Council Communication No. 99-365](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2576 (A) Communication from City Plan Commission recommending approval of Gray's Lake Conceptual Master Plan. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Flagg.**

99-2577 (B) Communication from Greater South Side Neighborhood Association regarding master plan for Gray's Lake. **Moved by Vlassis to receive and file. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2578 103. Golf Course Management Request for Proposal (RFP) for management of clubhouses at City's three public golf courses (A.H. Blank, Grandview and Waveland) and maintenance of A.H. Blank Golf Course. ([Council Communication No. 99-363](#)). **Moved by Vlassis to refer back to staff to address suggested changes and to meet with Council Members Brooks, Coleman and Vlassis. Return RFP to 8-23-99 Council agenda. Motion Carried 6-1. Absent: Flagg.**

99-2579 104. National Recreation Trails Grant Agreement, \$201,589, for development of a section of the American Discovery Trail which connects the Des Moines River Trail with the Grays Lake Trail. ([Council Communication No. 99-366](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2580 105. Intergovernmental 28E Agreement with Polk County, for construction and joint funding of the Scott Avenue Improvement Project; from Raccoon to Eastern City Boundary. ([Council Communication No. 99-361](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2581 106. Recommendation from Traffic Safety Committee designating Holcomb Avenue from 6th Avenue west to the dead end as "Polar Bear Way". ([Council Communication No. 99-359](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2582 107. Consideration of Economic Development Assistance for Access Air. **Moved by Hensley to receive, file, and refer to City Manager for review and recommendation by August 23 concerning availability of funding and configuration of Economic Development package. Motion Carried 5-1. Absent: Flagg. Council Member Brooks declares a conflict of interest and abstains from voting.**

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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.**



99-2583 1. Communication from Iowa State Fair, requesting temporary head-in parking along north side of Dean Avenue, from E. 31st to E. 34th Street; temporary fencing to curb along E. 31st Street and E. 30th Street fronting Dean; and "NO PARKING" signs in area east of E. 34th Street (Gate 7) and Grand Avenue, both north to University and south to Walnut, during the Fair. SPONSOR: Brooks. **Moved by Brooks to receive, file and grant the request. Motion Carried 6-1. Absent: Flagg.**

**A G E N D A**  
**BOARD OF HEALTH**  
**August 16, 1999**

99-2584 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

**AUTHORIZING**

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

99-2585 (A) 2800 Wisconsin, vacant, Titleholder: Beverly J. Adamson; Legal Interest Holders: Palo Verde Trading Company, L.L.C., Dennis D. Bloom, Catherine Bloom. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2586 (B) 1256 E. 25th, vacant, Titleholder: Secretary of Housing and Urban Development. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

99-2587 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 8:48 P.M. Motion Carried 6-1. Absent: Flagg.**