

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**August 23, 1999 4:30 P.M.**

**PROCLAMATIONS/SPECIAL PRESENTATIONS**

- (a) Lincoln High School Girls Softball - Certificates of Recognition
- (b) Greater Des Moines Good Times Jazz Festival Days

**INVOCATION:** Pastor Chris Olkiewicz

St. John's Lutheran Church

99-2588 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, and Vlassis. Absent: McPherson.**

99-2589 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2590 3. APPROVING CONSENT AGENDA - items 3 through 53: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

**LICENSES AND PERMITS:**

Approving

99-2591 4. Communication from Legal Department regarding August 23, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

99-2592 5. A & M Restaurant, Inc., Mersim Osmicevic, President dba A & M Restaurant, 2222 Forest; Renewal - Expired 7-28-99 (With Sunday Sales) - Application submitted 6-22-99. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

**WITHDRAWN** 99-2593 6. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #1, 2821 Beaver (Bonds of Beavertdale Parking Lot); New Application (With Outdoor Service) for special 5-day event 9-14 thru 9-18, 1999 for Beavertdale Festival - Application submitted 8-18-99. Subject to submission of acceptable building, electrical, zoning, and fire inspections and vice report,

Class "C" Beer Licenses

99-2594 7. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #500, 3700 Hubbell; Renewal - Expires 10-21-99 (With Sunday Sales) - Application submitted 8-2-99. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Class "B" Wine Licenses

99-2595 8. Des Moines Club Management, Inc., Douglas T. Howe, President dba Des Moines Club, 666 Grand Avenue - 33rd & 34th Floors; Renewal - Expires 9-14-99 - Application submitted 8-2-99. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: McPherson. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-2596 9. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #500, 3700 Hubbell; Renewal - Expires 10-21-99 (With Sunday Sales) - Application submitted 8-2-99. **Moved by Vlassis to adopt. Motion Carried 6-1.**

"C" Beer-Wine Licenses

99-2597 10. No. 1 Chinese Restaurant, Inc., Kwan Y. Cheung, President dba No. 1 Chinese Restaurant, 2414 University; Renewal - Expires 9-6-99 (With Sunday Sales) - Application submitted 8-12-99. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

Class "C" Liquor Licenses

99-2598 11. Alfredo V. & Colleen M. Foggia dba Antler's Lounge & Grille, 414 East 6th Street; Renewal - Expires 9-6-99 - Application submitted 7-21-99. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2599 12. Court Avenue Brewing Company L.L.C., Christopher J. Klocke, General Manager dba Court Avenue Brewing Company, 309 Court Avenue; Renewal - Expires 9-3-99 (With Sunday Sales and Outdoor Service) - Application submitted 8-2-99. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2600 13. Des Moines Club Management, Inc., Douglas T. Howe, President dba Des Moines Club, 666 Grand Avenue - 33rd & 34th Floors; Renewal - Expires 9-14-99 (With Sunday Sales) - Application submitted 8-2-99. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: McPherson Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-2601 14. Los Compadres, Inc., Raymond A. Quijano, President dba Los Compadres, 1440 Maury; Renewal - Expires 8-15-99 - Application submitted 7-13-99. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

99-2602 15. Maria Varvel dba Suds on 2nd, 2801 2nd Avenue; Renewal - Expires 8-31-99 (With Sunday Sales) - Application submitted 7-16-99. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

Change of Name

99-2603 16. Communication from Rhodex Inc., David Ituru, President dba Venue, 424-426 East Locust to change name to Rhodex Inc., dba Hot Spot. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg.**

## **PUBLIC IMPROVEMENTS**

99-2604 17. Authorizing City Manager to request proposals and select a Consultant to develop a Conceptual Plan for Closes Creek-Phase I Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2605 18. Authorizing City Manager to request proposals and select a Consultant to develop a Conceptual Plan for Grandview Area Intake Removal. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2606 19. Approving Change Order No. 5 with Eco-Tech Contractors, Inc., for additional work in conjunction with the SE 14th Street and E. Diehl Avenue Intersection Improvements in an amount not to exceed \$12,663.84. ([Council Communication No. 99-371](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2607 20. Authorizing City Manager to proceed with 4th and Grand Municipal Parking Garage Rehabilitation included in 1999-2000 Capital Improvements Program. ([Council Communication No. 99-370](#)). **Moved by Hensley to adopt. City Manager to provide a five-year history of garage rehabilitation/repair. Motion Carried 6-1.**

21. Resolution Authorizing Mailing and Publication of Notice of Intent to Continue Previously Approved Public Improvement Projects And To Acquire Property for the following:

99-2608 (A) Southwest Outfall Relief Sewer, Phase 12, Segment 1, Setting Date of Hearing, (9-27-99). **Moved by Coleman to adopt. Motion Carried 6-1.**

(B) NUMBER NOT USED.

99-2609 (C) 60th Street and Waterbury Road Drainage, Setting Date of Hearing, (9-27-99). (\$180,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2610 (D) Northeast Interceptor Connector Sanitary Sewer, Setting Date of Hearing, (9-27-99). (\$1,265,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2611 (E) S.W. 34th Street Relocation, Setting Date of Hearing, (9-27-99). (\$1,600,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2612 (F) University Avenue at 19th Street and M.L. King Traffic Signal Upgrade, Setting Date of Hearing, (9-27-99). (\$88,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2613 (G) Fleur Drive Paving North of County Line Road, Setting Date of Hearing, (9-27-99). (\$3,100,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2614 (H) South Union Street & Kirkwood Avenue Subdrain, Setting Date of Hearing, (9-27-99). (\$40,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2615 (I) 1998 Sanitary Trunk Sewer Relining, Setting Date of Hearing, (9-27-99). (\$250,000) **Moved by Coleman to adopt. Motion Carried 6-1.**

99-2616 (J) Lower Beaver & Valdez Storm Sewer, Setting Date of Hearing, (9-27-99). **Moved by Coleman to adopt. Motion Carried 6-1.**

22. Resolution Authorizing Mailing and Publication of Notice of Intent To Continue A Previously Approved Public Improvement Project And to Continue Acquisition of Property Not Yet Acquired for the following:

99-2617 (A) E. Euclid Avenue Detention Basin and Storm Sewer Improvements, Setting Date of Hearing, (9-27-99). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2618 (B) Martin Luther King, Jr. Parkway Project, Setting Date of Hearing, (9-27-99). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2619 (C) 1998 Paving Program, Contract No. 2, Setting Date of Hearing, (9-27-99). (\$310,000) **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2620 (D) 2612 Arthur Avenue Drainage Improvements, Setting Date of Hearing, (9-27-99). (\$10,000) **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2621 23. Resolution authorizing Mailing and Publication of Notice of Intent to Commence Public Improvement Project and to Acquire Property for the Ingersoll Run Combined Sewer Box Rehabilitation, Setting Date of Hearing, (9-27-99). (\$500,000) **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2622 24. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, and paving or curb replacement program, waiver signed by one property owner. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2623 25. Approving Private Construction Contract between Eco-Tech Contractors, Inc., Steve Gillotti, President-Contractor, and Oaks Development Company, John Kline, President-Owner, for Street Improvements for the proposed Easter Lake Estates Plat 6 Subdivision located at Easter Lake Drive and SE 28th Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2624 26. Approving Private Construction Contract between Excavators, Inc., Shan Gaar, President-Contractor, and Hurd Real Estate Services, Inc., Richard Hurd, President-Owner, for Sanitary and Storm Sewer Improvements to serve Community State Bank, located at 4811 SE 14th Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2625 27. Approving 1999 Road Use Tax Fund Street Finance Report to be submitted to Iowa Department of Transportation (IDOT). (Filed in Clerk's Office). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2626 28. Approving partial payments on four public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2627 29. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-1.**

30. Approval of Contract and Bond; and Permission to Sublet the following:

99-2628 (A) 1998 Paving Program, Contract No. 2, Manatts, Inc., (Bradford J. Manatt, President) - \$345,882. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2629 (B) Franklin Avenue Library Renovation, Bergstrom Construction, (Martin Gorgas, President) - \$183,320. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2630 (C) Martin Luther King, Jr., Parkway Paving at SW 7th Street (Part of M.L. King, Jr., Parkway East/West Segment), M. Peterson Construction, (Merlin Peterson, President) - \$319,940.50. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## **SPECIAL ASSESSMENTS**

99-2631 31. Amended Release of City Assessment for costs incurred in the removal of a structure from the real estate located at 1653 Lyon, previous roll call contained an error in certificate and schedule number. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## **LAND/PROPERTY TRANSACTIONS**

99-2632 32. Approval of conveyance of City-Owned Municipal Housing Agency Property, 2523 Maple Street to Nicole L. Carmody pursuant to Affordable Home Ownership Program. ([Council Communication No. 99-372](#)) **Moved by Hensley to adopt. Staff to provide a status report on the affordable homeownership program. Motion Carried 6-1.**

99-2633 33. Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed in conjunction with Airport Expansion (Haverhill) from Esther S. Goddard, 6570 SW 28th Court - \$85,000. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

99-2634 34. Reappointment recommendation of At Large Council-member Chris Coleman for Polly Fortune to the Greater Des Moines Sister City Commission for a five-year term to expire April 28, 2004. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2635 35. Appointment recommendation of Council Member Tom Vlassis for Mary Brown to the Public Housing Board for a two-year term, to expire July 1, 2001. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## **STREET CLOSINGS**

99-2636 36. Approving exception regarding length of time request from Kurt Bowermaster, representing Jazz Partnerz, 1529 41st Street requesting permission to close Walnut Street from East First Street to the west end of the river bridge on Saturday, September 4, 1999 and Sunday, September 5, 1999 from 8:00 A.M. until 7:00 P.M. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2637 37. Approving closure of the following City Streets. **Moved by Vlassis to adopt. Motion Carried 6-1.**

(1) Jan Weiberg, 4101 Ashby, requesting permission to close Wallace Lane from Ashby Avenue to Ashby Avenue on Saturday, August 28, 1999, from 5:00 to 11:00 P.M. for a neighborhood block party.

(2) Carol Batterton, 3020 44th Street, requesting permission to close 44th Street from Urbandale Avenue to Ovid Avenue on Saturday, September 4, 1999, from 3:00 to 9:00 P.M. for a neighborhood block party.

(3) Kathy Walstrom, representing Creative Visions, 1343 13th Street, requesting permission to close 13th Street from Forest Avenue to Carpenter Avenue on Saturday, September 4, 1999, from 5:00 to 11:00 P.M. for a "Back to School Jam" party.

(4) Becky Knutson, 2430 Maryland Pike, requesting permission to close Maryland Pike from 2400 block of Maryland Pike to 2500 block of Maryland Pike on Sunday, September 5, 1999, from 1:00 to 7:00 P.M. for a neighborhood block party.

(5) Richard Wright, representing OWL's Head Historic Association, 2830 Ridge Road, requesting permission to close Ridge Road from 28th Street to 29th Street on Sunday, September 5, 1999 from 1:00 to 7:00 P.M. for a neighborhood block party.

(6) Tommy Copeland, 4031 School Street, requesting permission to close 40th Place from Crocker to School Streets on Saturday, September 11, 1999, from 5:00 to 11:00 P.M. for a neighborhood block party.

(7) Phil Halverson, representing Beaverdale Neighborhood Association, 2522 39th, requesting permission to close Fagen Drive from Beaver Avenue to approximately 250' east of Beaver on Saturday, September 18, 1999, from 12:00 Noon until 4:00 P.M. for a neighborhood street painting party.

## SETTING DATE OF HEARINGS

38. On application for certificate of Public Convenience and Necessity to Operate Limousine Services, for the following, (9-13-99):

99-2638 (A) Neal R. and John A. Fraser, d/b/a Fraser Transportation Services, LLC. **Moved by Vlassis to adopt. Staff to assure location for storage of vehicles is appropriately zoned. Motion Carried 6-1.**

99-2639 (B) Ronald J. Crampton, Sr., d/b/a Continental Limousines. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2640 (C) Tracy L. Earles, d/b/a Hawkeye Limousines, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2641 (D) Carl E. Myers, d/b/a Ma & Pa Limo Service. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## CITY MANAGER COMMUNICATIONS

99-2642 39. Submitting out-of-state travel request for Shaune Osborne. ([Council Communication No. 99-379](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2643 40. Submitting traffic regulation changes as follows, ([Council Communication No. 99-381](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

- (1) Corner clearance parking restriction - west side of SW 5th Street north and south of Murphy.
- (2) Parking Restriction Change required by School Closing/Relocations.
- (3) Convert Capitol Avenue from E. 15th Street to E., 16th Street to two-way operation.
- (4) Allow parking on E. 38th Street between Hubbell Avenue and Douglas Avenue.

## APPROVING

99-2644 41. 1999 Public Housing Management Assessment Program (PHMAP) Certification for submission to HUD, ([Council Communication No. 99-376](#)). **Moved by Hensley to adopt. Staff to provide a status report on this program. City Manager to provide an update on search for a Director. Motion Carried 6-1.**

99-2645 42. Amendment seven and eight to Contract No. LIHEAP 2299-07J of Human Rights/Division of Community Action Agencies (\$1,394,621) for provision of energy assistance to low-income persons. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2646 43. Amendment one to Contract No. HEAP-00-07j-99 Iowa Department of Human Rights/Division of Community Action Agencies which amends the Special Conditions at Sections 11.2 and 11.3, for the provision of weatherization and energy related assistance to low-income persons. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2647 44. Categorical Progress Report for the period of January 1, 1999 to June 30, 1999 to be submitted to the U.S. Department of Justice/Executive Office for Weed and Seed. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2648 45. 1999-00 Weed and Seed grant award in the amount of \$175,000 from the Executive Office for Weed and Seed (EOWS) to address violent crime, drug abuse and deteriorating social and economic opportunities in low-income neighborhoods. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2649 46. Recreation Infrastructure Grant Application to the Iowa Department of Natural Resources for the Greater Des Moines Softball Park. ([Council Communication No. 99-383](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2650 47. Authorizing the Police Department to prepare a grant application for the 1999 Local Law Enforcement Block Grant Program for submission to the Bureau of Justice Assistance to fund procurement of equipment and technology directly related to the support of basic law enforcement functions. ([Council Communication No. 99-369](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2651 48. Report of Civil Service Commission submitting Entrance Lists for Deputy Zoning Enforcement Officer, Recreation Program Coordinator, Intermediate Clerk Typist, and Promotional Lists for Senior Police Officer and Medium Equipment Operator. **Moved by Vlassis to receive and file. Motion Carried 6-1.**

49. Bids for the following:

99-2652 (A) Barrick Roofing and Sheet Metal, (10 College Avenue, Cecilia R. Gaudineer, President) for replacement of the shelter roof to be used by the Park and Recreation Department (Ashfield Park), \$11,186. (Seven bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2653 (B) Bid awarded to Van Meter Industrial, (1751 Guthrie Avenue, Jim Schmidt, President) for purchase of Robicon retrofit parts for variable frequency drives to be used by the Engineering Department (Wastewater Reclamation Facility), \$51,397.60. Bid from C.E.D., Inc. was incomplete, therefore, non-responsive. (Five bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1.**



99-2654 (C) Bid awarded to Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for purchase of a four-wheel drive one-ton truck chassis and cab to be used by the Public Works Department (Equipment Maintenance Center), \$25,547.15. Bid from Quality Ford, Inc. did not meet specifications. (Nine bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2655 (D) Bid awarded to Great America Outdoor, (Urbandale, Van Houling, President) for a utility tractor with 73" loader bucked and climate controlled cab to be used by the Park and Recreation Department (Horticulture Division), \$35,000. Bids from Moss Brothers, Inc. and Ankeny Tractor, Inc. did not meet specifications. (Ten bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2656 (E) Adamson + Associates, Inc. (West Des Moines, IA Douglas Adamson, President) for design development plan for streetscape improvements at intersection of 6th and Euclid Avenues to be used by the Community Development Department (Neighborhood Division), \$13,500. (Eight RFP's mailed-three received). ([Council Communication No. 99-387](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2657 50. Authorizing Finance Director to draw checks on registers of August 27, 1999, and September 3, 1999; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning August 23, 1999 and August 30, 1999, and to draw checks for biweekly payroll due employees on August 27, 1999. **Moved by Vlassis to adopt. Motion Carried 6-1.**

## **ORDINANCES - SECOND CONSIDERATION**

99-2658 51. Amending Chapter 13 of the Municipal Code regarding entertainment arcades. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

99-2659 52. Amending Chapter 8 of the Municipal Code regarding building construction codes--Electrical and Plumbing subchapters. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

99-2660 53. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

- (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.

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

## COUNCIL REQUESTS

99-2661 54. From Council Member Archie Brooks regarding traffic controls and speeding on Evergreen Avenue. **Moved by Brooks to refer to City Manager and Traffic Safety Committee for review and recommendation and need for traffic control. Motion Carried 6-1.**

99-2662 55. From Council Member Archie Brooks regarding older mobile home parks. **Moved by Brooks to refer to City Manager and Legal for review and recommendation within thirty days. Motion Carried 6-1.**

99-2663 56. From Council Member Brooks regarding a letter from Robin Wooster requesting help in obtaining tax abatement. **Moved by Brooks to receive, file and refer to Legal to advise her of the process necessary. Motion Carried 6-1.**

99-2664 57. From Council Member Brooks regarding a letter and petition from Terri Blaylock requesting a stop sign or speed bump on E. Thornton Avenue and E. 10th Street. **Moved by Brooks to receive, file and refer to Traffic Safety Committee and City Manager for a recommendation. Motion Carried 6-1.**

## COMMUNICATIONS/REPORTS

99-2665 58. 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 6-1.**

99-2666 59. From Kurt Just, 1218 Virginia, representing Studio 508 Night Club, to speak regarding hiring off-duty police officers and street dance permit regulations. **Moved by Hensley to receive, file and grant the request to speak. Mr. Just was encouraged to work with Street Use Team regarding street closure. Motion Carried 6-1.**

## HEARINGS (Opened at 5:40 P.M.) (Items 60 thru 72)

60. On application for certificate of Public Convenience and Necessity to Operate Limousine Services, for the following, [\(Council Communication No. 99-382\)](#):

99-2667 (A) Gene Vivier, d/b/a Gene's Transportation and Delivery. **Moved by Vlassis to adopt. Staff to assure that applicants listed in item 60 A-H are properly zoned for storage**

**of vehicles. If not, they may continue to operate pending decision of Zoning Board of Adjustment. Motion Carried 6-1.**

99-2668 (B) Edward A. Shepherd, d/b/a Affordable Luxury Limousine Service. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2669 (C) Scott A. Woodruff, d/b/a Majestic Limousines. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2670 (D) Ronald C. Adams, d/b/a Adams Limousine. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2671 (E) William (Bud) Forrest, d/b/a Out of Town Charter Service. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2672 (F) David M. and Jean E. Houston, d/b/a Unique Courtesy Services. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2673 60. (G) Rod Allbee, d/b/a Allbee's Old Market Limousine Service. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2674 (H) Toby Godfrey, d/b/a Limousine Transport, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-2675 61. On Building Official's determination that structure at 501 SE 7th Street constitutes a public nuisance. ([Council Communication No. 99-377](#)). **Moved by Brooks to adopt. Staff to defer action for 60 days to allow owner to demolish and staff to confirm need for a structural engineer to rehabilitate one structure. Property on NW corner needs inspection and follow-up as well. Motion Carried 6-1.**

99-2676 62. On proposal to enter into a Lease Agreement with Meredith Corporation for 2602 McKinley for construction of a non-commercial corporate hangar and other facilities. ([Council Communication No. 99-378](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

99-2677 63. 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. **Moved by Brooks to adopt. Motion Carried 6-1.**

99-2678 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

99-2679 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks 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, [#13,744](#). Motion Carried 6-1.**

99-2680 64. 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. **Moved by Brooks to adopt. Motion Carried 6-1.**

99-2681 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

99-2682 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks 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, [#13,745](#). Motion Carried 6-1.**

99-2683 65. 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 approval of a Conceptual Plan entitled "Hillsboro", to provide 80 single family lots, 16 two-story townhome units and 40 ranch townhome units. **Moved by Coleman to adopt. Motion Carried 4-2-1. Nays: Flagg and Brooks. Absent: McPherson.**

99-2684 (A) First consideration of ordinance above, ( requires 6 affirmative vote for passage). **Moved by Coleman that this ordinance be considered and given first vote for passage. MOTION FAILED. YEAS: Daniels, Coleman, Hensley and Vlassis. NAYS: Flagg and Brooks. ABSENT: McPherson.**

**WITHDRAWN**99-2685 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

99-2686 66. 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). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2687 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Coleman and McPherson.**

**WITHDRAWN**99-2688 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

99-2689 67. On vacation and conveyance of alley right-of-way between Franklin and Allison, extending East from 30th Street, to abutting property owners. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2690 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2691 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis 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, [#13,746](#). Motion Carried 6-1.**

99-2692 68. On Amendment to the "R-5" District Regulations, regarding separation requirements between an accessory building and adjoining mobile homes or accessory buildings. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2693 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2694 (B) Final consideration of ordinance above. **Moved by Vlassis 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, [#13,747](#). Motion Carried 6-1.**

99-2695 69. On City-Wide Sanitary Sewer Gates Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Delmer Cramer, President, 990 NE 44th Avenue DM), \$189,200. **Moved by Brooks to adopt. Motion Carried 6-1.**

99-2696 70. On Basketball and Tennis Courts Rehabilitation - various locations: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Coleman to adopt. Motion Carried 6-1.**

**\*\*Council considered Item 77 next\*\***

99-2697 71. On Closes Creek - 27th Street to 28th Street & Forest Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2698 72. On 1999 PCC Pavement Resurfacing Program: 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), \$209,512. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2699 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

\* \* END HEARINGS at 7:11 P.M. \* \*

## **APPROVING**

99-2700 73. Approving receipt of River Bend Neighborhood Design Guidelines for Affordable Housing and State Historical Society of Iowa to amend the Memorandum of Agreement to include the River Bend Neighborhood Design Guidelines. ([Council Communication No. 99-375](#)). **Moved by Vlassis to receive and file. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

99-2701 (A) Communication from President of River Bend Neighborhood Association. **Moved by Vlassis to receive and file. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

99-2702 74. Changes to Neighborhood Recognition Policy's Annual Reporting Requirements. ([Council Communication No. 99-373](#)). **Moved by Hensley to refer to the NRB for action and recommendation back to the Council. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2703 (A) Communication from Chair of Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2704 75. Recommendations from the City Manager regarding Economic Development Assistance for Access Air. ([Council Communication No. 99-386](#)). **Moved by Hensley to refer to City Manager to complete negotiations with all parties involved and come back with an agreed upon package at the September 13, 1999 meeting and to assure Council receives all necessary information to make an appropriate decision. Motion Carried 4-2. Absent: Flagg and McPherson. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-2705 (A) Communication from Airport Board Chair. **Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2706 76. Recommendations from the City Manager regarding the Downtown Traffic Patterns Study. ([Council Communication No. 99-384](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

**\*\*Council Member Flagg left the meeting at 6:58 P.M.\*\***

99-2707 77. 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. (Deferred from 8-16-99 Meeting). ([Council Communication No. 99-380](#)). **Moved by Vlassis to adopt. City Manager directed to defuse**

**bonds with General Fund dollars, if necessary. Park Director to report further on audit procedures. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2708 78. Tax Abatement for Neumann Brothers, Inc. for construction of addition to their corporate offices at 1435 Ohio Street in Central Place Urban Renewal Area. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2709 79. Competitive Progress Report for Fourth Quarter of Fiscal Year 1998-1999 for The Change Management Program at Des Moines Metropolitan WRA Wastewater Reclamation Facility. ([Council Communication No. 99-374](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2710 80. Disadvantaged Business Enterprise Program adopted specifically for projects funded in part by U.S. Department of Transportation. ([Council Communication No. 99-385](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

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## **EXTRA ITEMS**

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

99-2711 1. Oral request of Council Member Hensley, to discuss the City of Des Moines' appointment to the Polk County Housing Trust Fund. SPONSOR: Hensley. **Moved by Brooks to discuss, and approve recommendation of Mayor Daniels to appoint Council Member Hensley. Motion Carried 4-1-2. Pass: Hensley. Absent: Flagg and McPherson.**

99-2712 2. Communication from Council Member Vlassis, requesting permission for placement of signs for Beavertdale Fallfest and for Phase II dedication of Recreation Trail. SPONSOR: Vlassis. **Moved by Vlassis to approve placement of the signs as outlined in the schedule attached to the roll call. Motion Carried 5-2. Absent: Flagg and McPherson.**

99-2713 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:10 P.M. Motion Carried 5-2 Absent: Flagg and McPherson.**

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