

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**September 27, 1999 4:30 P.M.**

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

- (a) Italian Heritage Month
- (b) Lupus Awareness Month
- (c) White Cane Safety Day
- (d) World Ostomy Day

**SPECIAL PRESENTATIONS - 4:15 P.M.:**

- (a) Kirk Blunck, Des Moines Arts Festival, presenting a picture to City Council
- (b) WHO-TV, Beat the Bear, Friday Night Football

**INVOCATION:** Father Peter Cade

Greek Orthodox Church of St. George

99-2898 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-2899 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2900 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**\*\*Council considered Item 108 next\*\***

**LICENSES AND PERMITS:**

Approving

99-2901 4. Communication from Legal Department regarding September 27, 1999 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-2902 5. John J. Munoz dba Bredeaux Pizza, 1901 Beaver Avenue; Renewal - Expires 9-28-99 (With Sunday Sales) - Application submitted 9-3-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2903 6. Long John Silver's, Inc., Nana Mensah, President dba Long John Silver's Seafood Shop, 4500 Fleur Drive; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 8-30-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg**

99-2904 7. Long John Silver's, Inc., Nana Mensah, President dba Long John Silver's Seafood Shop, 3514 East 14th Street; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 8-30-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

#### Class "C" Beer Licenses

99-2905 8. Kwik Shop, Inc., Steve Mostrom, Division Manager dba Kwik Shop #538, 1930 Indianola Road; Renewal - Expires 10-2-99 (With Sunday Sales) - Application submitted 8-26-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2906 9. Kulwinder Singh dba One Stop Food Mart, 1800 Southeast 14th Street; Renewal - Expires 10-7-99 (With Sunday Sales) - Application submitted 8-25-99. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg**

#### Class "C" Beer-Wine Licenses

99-2907 10. Bistro 43, LLC, Jeremy Morrow, Partner dba Bistro 43, 4345 Hickman Road; Renewal - Expires 10-6-99 - Application submitted 8-26-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2908 11. Merle Hay Cafe, L.L.C., T. William Holland, President dba Garden Cafe, 3800 Merle Hay Road - Ste. 520; Renewal - Expired 8-30-99 (With Sunday Sales) - Application submitted 8-19-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Class "B" Liquor Licenses

99-2909 12. Marriott Hotel Services, Inc., Todd Clist, President dba Des Moines Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 7-13-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

99-2910 13. Marshelle Fatino dba Hamilton's Executive Lounge, 605 7th Street; New Application (With Sunday Sales and Outdoor Service) - Application submitted 8-30-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2911 14. Brooke, LTD, Jason A. Haes, President dba Hard Times Again, 2515 Wedgewood; Renewal - Expires 9-28-99 (With Outdoor Service) - Application submitted 8-26-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2912 15. Donald J. Quinn dba Helen & Pat's Restaurant & Lounge, 209 Euclid; Renewal - Expires 9-30-99 - Application submitted 8-30-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2913 16. Purple Cow Players dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-4-99 (With Sunday Sales) - Application submitted 9-7-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2914 17. Fine Host Corporation, Lawrence A. Hatch, President dba Polk County Convention Center, 501 Grand Avenue; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 8-2-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2915 18. Cy Corp, Inc., Si L. Scales, President dba Smokey's Triangle Tap, 2506 Post; Renewal - Expires 9-30-99 (With Sunday Sales) - Application submitted 8-26-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2916 19. Trittoria Foods, Inc., Alyce K. Mattis, President dba The Trattoria and Pasticceria, 207-215 4th Street; Renewal - Expires 10-6-99 (With Sunday Sales and Outdoor Service) - Application submitted 9-7-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Class "E" Liquor Store Licenses

99-2917 20. Marriott Hotel Services, Inc., Todd Clist, President dba Des Moines Marriott Hotel, 700 Grand; Renewal - Expires 9-30-99 - Application submitted 7-13-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2918 21. Robert Braune dba Drake Liquor, 2106 Forest Avenue; Renewal - Expires 10-1-99 - Application submitted 9-7-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Outdoor Service

99-2919 22. Temporary Outdoor Service for Des Moines Women's Club, Dave Schladetzky, Manager dba Hoyt Sherman Place, 1501 Woodland for Special Event on October 11, 1999 from 5:00 P.M. to 9:00 P.M. - Application submitted 9-10-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Sunday Sales

99-2920 23. DTMC, L.P., Daniel Mauro, President dba The Big Kahuna, 208 Court Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Authorizing

99-2921 24. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2922 25. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2923 25-I Approving Class "C" Liquor License for The Science Center of Iowa, 4500 Grand, (One-Day Event on October 1). SPONSORS: Mayor Daniels and Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2924 25-II Request from Kurt Just, dba Studio 508, to change name to City Lights LLC dba Salt and Pepper. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

99-2925 26. Resolution ordering construction of ICN Interactive Meeting Room-East Side Library, Receiving of Bids, (10-12-99), and Setting Date of Hearing, (10-18-99), (Construction Estimate - \$25,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

**WITHDRAWN**99-2926 27. Professional Services Agreement with Snyder and Associates, Dennis L. Snyder, President, Ankeny, for Conceptual Design Phase Services for the Southern Seventh Ward Ditch-Easton Basin Conceptual Design, compensation not to exceed \$89,950. ([Council Communication No. 99-439](#))

99-2927 28. Approving Supplemental Agreement No. 16 with Earth Tech, Inc. (formerly Rust Environmental & Infrastructure, Inc.) for design phase services, in connection with East/West Segment of Martin Luther King, Jr., Parkway (SW 2nd to Fleur Drive) (\$2,490,000), and for North/South Segment (Center Street to Fleur Drive), (\$2,593,000). (Council Communication No. 99-420). **Moved by Hensley to defer to 10-4-99. Staff to report on project totals and award of contract and subsequent award of supplements. Motion Carried 7-0.**

99-2928 29. Approving Agreement Amendment No. 1 with professional engineering firm of Black & Veatch, a limited partnership (P.J. Adam, CEO, Kansas City, MO) to perform additional engineering services to design of WRA Grit Handling Facilities - \$393,054. (Council Communication No. 99-438). **Moved by Coleman to adopt. Staff was requested to report dollar amount on fact sheets when reporting on previous Council actions. Motion Carried 7-0.**

99-2929 30. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by three property owners, and Paving or Curb Replacement Program, waiver signed by one property owner (call the City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2930 31. Communications from various contractors requesting permission to sublet on two public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2931 32. Request from The Underground Company, Ltd., Duane Burkhardt, President, 2407 SW 9th Street, Des Moines, for an extension of time until November 1, 1999 for the Waveland

Golf Course Storm Repair. **Moved by Hensley to receive, file and grant the extension of time until November 1, 1999. Motion Carried 7-0.**

99-2932 33. Approving partial payments on eleven (11) public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

99-2933 34. Approving License Agreement with property owners and LADCO Development, Inc., to allow earthwork and the construction of footings on disposition parcel 4A in the Guthrie Avenue Business Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2934 35. Voluntary Acquisition of Property located at 4302 Allison Avenue for Flood Hazard Mitigation Project Impact - \$152,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2935 36. Amending the Agreement to Accept Donation of Real Estate at 1233 7th St, located in the large scale commercial Development Area and Authorize Closing and Acceptance of Deed. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2936 37. Agreement to Purchase Real Estate at 1243-1245 7th St and Accept Donation of Real Estate at 1241 7th St, located in the Large Scale Commercial Development Area and Authorize Closings and Acceptance of Deeds - \$56,600. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2937 38. Acquisition of Property and accepting Quit Claim Deeds in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass, from Polk County. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2938 39. Consent and Subordination Agreement in conjunction with Airport Noise Compatibility Program, for property at 6803 SW 16th under Affordable Homeownership Program. ([Council Communication No. 99-427](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2939 40. Approving Noise and Avigation Easements for four properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2940 41. Approving Quit Claim Deed and Assignment of Real Estate Contract for 1314 Jefferson to U.S. Department of Housing and Urban Development in conjunction with Urban Homesteading. ([Council Communication No. 99-422](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

99-2941 42. Approving PUD Restoration Bond for Easter Lake Estates, Plat 6, vicinity South of Easter Lake Drive North of East Diehl and between East 28 and East 29 (John Klein, Oaks Development Company). ([Council Communication No. 99-433](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

99-2942 43. Resignation of Joe E. Smith from the Historic District Commission, effective immediately. **Moved by Hensley to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

## **STREET CLOSINGS**

99-2943 44. Approving closure of the following City Streets. **Moved by Hensley to approve the street closures listed. Motion Carried 7-0.**

(1) Melissa Nordell-Earp, 1529 44th, requesting permission to close 44th street from Forest Avenue to College Avenue, Saturday, October 2, from 4:00 to 7:00 P.M., for a neighborhood event, (Raindate-October 16).

(2) Kathy Schutt, 1331 43rd Street, requesting permission to close 43rd Street from University to Forest Avenue, Sunday, October 3, from Noon to 3:00 P.M. for a neighborhood party.

(3) Linden Heights Neighborhood Association, requesting permission to use the triangle of land at junction of Foster Drive and Woodlawn Drive, and to close Foster and Woodlawn adjacent to the triangle, Sunday October 3 from 3:00 to 6:00 P.M., for a Neighborhood Association function.

(4) Italian American Cultural Center, 1961 Indianola Avenue, requesting permission to close 4th Street from Court to Walnut, October 11, from 10:00 A.M. to 3:00 P.M., for Festa on 4th Street, (Celebrate Columbus Day)

(5) Laura Foshe, 2713 SE 18th Street, requesting permission to close SE 18th Street from SE 18th Court to SE 18th Street, Saturday, October 2, from 3:00 to 10:00 P.M. for a neighborhood party, (Raindate-October 9), **(deviation from Council Policy--length of time exceeds 6 hours).**

(6) Lincoln High Band, 2600 SW 9th Street, requesting permission to close SW 12th from Bell to Davis, Davis from SW 12th to SW 11th, and Bell from SW 9th to SW 12th, and SW 11th from Davis to Kirkwood, Saturday October 16 from 8:00 to 6:00 P.M., for State Marching Band Contest. **(deviation from Council Policy--length of time exceeds 6 hours).**

## **SETTING DATE OF HEARINGS**

99-2944 45. On the Proposed Authorization to enter into a Settlement Agreement for Acquisition of 3400 Army Post Road, from Richard D. Heiken and Kathleen G. Heiken, Heiken's Ark, Inc., Heiken Plumbing, Inc., Dick Heiken Real Estate and RDH Enterprises, Inc., in the amount of \$1,300,000 (10-18-99). **Moved by Hensley to approve. Motion Carried 6-1. Nays: Flagg.**

99-2945 46. On application from James Hileman, Project Manager of McDonalds, Corp. (purchaser) to rezone property located at 1330,1334, and 1342 30th Street, 3004 Forest Avenue and 1329 31st Street from a "R-3" Multiple Family Residential District to a "C-1" Neighborhood

Retail Commercial District, property owned by Drake University (10-18-99). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2946 47. On Risk Management Program for the Des Moines Metropolitan WRA Wastewater Reclamation Facility (WRF), (10-18-99). ([Council Communication No. 99-421](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2947 48. On partial exemption from property taxation for Aramark Uniform Services, Inc., 2500 Delaware, (10-4-99). **Moved by Flagg to adopt. Staff to provide information regarding State Tax Abatement Formula, Building Permit Value, Assessor's Value of the improvement, and if minimum assessment agreement will be negotiated. Motion Carried 7-0.**

99-2948 49. Accepting and approving conveyance of Chesterfield Center, located in Chesterfield Park, from Children and Families of Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2949 (A) On lease of 631 SE 26th Court, Chesterfield Center, to Southeast Des Moines Boxing Club, \$1 per year, plus consideration for reduction in staff hours. (10-4-99). ([Council Communication No. 99-425](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

99-2950 50. Approving outside legal services from Frank Harty of Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien, P.C. to consult and perform services in connection with collective bargaining for the City at the rate of \$95.00 per hour, plus out-of-pocket expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2951 51. Approving payment of \$266.00 to Nyemaster Law Firm for review of legal issues relating to City employee's benefit and health care benefit proposals. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2952 52. Approving payment of \$228.00 to Thomas H. Burke of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4097-CV-10605. **Moved by Hensley to approve payment. Motion Carried 7-0.**

99-2953 53. Approving payment of \$181.09 to George LaMarca 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 Hensley to approve payment. Motion Carried 7-0.**

99-2954 54. Approving payment of \$9,879.40 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2955 55. Approving payment of \$3,809.50 to Harry Perkins of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker and Ordway for representation of Officer Terry Mitchell in case of Joyce Wilson and Val Wilson, Jr. as Administrators of Jerome LeRoy Mozee vs. City,

Joseph Morgan and Terry Mitchell. **Moved by Hensley to approve payment. Motion Carried 7-0.**

99-2956 56. Approving payment of \$456.67 to Dan Scieszinski, City of Des Moines Legal Department employee for damages sustained in connection with his duties as Claims Adjuster. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

99-2957 57. Submitting out-of-state travel requests for William Stowe, Jay Bennett, Michael Armstrong, Robert Cox, Craig Youngblood, Kerry Schneider, David Huntoon, Charles Freeman, and Terry Vorbrich. ([Council Communication No. 99-417](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2958 58. Removal of School Crossing Guards at the noon crossing period for the 1999-2000 school year at 22 locations. ([Council Communication No. 99-436](#)). **Moved by Hensley to approve and request staff to explore opportunities in the school system where they have experienced changes, and consider using crossing guards at schools that have increased traffic, as we remove them from other areas when not needed-King School at 16th and Forest was given as an example. Motion Carried 6-0. Council Member McPherson declares a conflict of interest and abstains from voting.**

99-2959 59. Submitting traffic regulation changes as follows, ([Council Communication No. 99-434](#)). **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Corner Clearance Parking Restriction - South Side of Guthrie Avenue East of East 29th Street.
- (2) Extension of Loading Zone in front of Randolph Hotel, 4th and Court.
- (3) Conversion of Filmore street to One-Way Eastbound Traffic.
- (4) Corner Clearance Parking Restriction - E. 24th Street between State and Garfield.
- (5) Four-Way Stop Control - SE 22nd Street and Evergreen Avenue.

#### **APPROVING**

99-2960 60. Establishing the hours of operation for the Variable Display School Speed Limit Sign Program (25 MPH when flashing). ([Council Communication No. 99-435](#)). **Moved by Hensley to approve. Motion Carried 7-0.**



99-2961 61. Receipt of Skate Park Facility Study for referral to Park and Recreation Board to develop a conceptual plan for construction at Birdland Park. ([Council Communication No. 99-428](#)). **Moved by McPherson to adopt. Legal to provide a copy of recent State Legislation regarding Skate Park Facilities. Motion Carried 6-1. Nays: Flagg.**

99-2962 62. Grant Application to Iowa Department of Transportation for a Federal Recreation Trails Grant in amount of \$300,000 for a portion of the Walnut Creek Trail. ([Council Communication No. 99-424](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2963 63. Mutual Benefit Bailment Agreement for loan of giraffe sculptures from the American Republic Insurance Company, for display at the Blank Park Zoo. ([Council Communication No. 99-429](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2964 64. Supplemental Agreement to License Agreement with the Department of the Army for 25.3 acres of surplus Fort Des Moines property to provide space for future expansion of Blank Park Zoo. **Moved by Hensley to adopt. Motion Carried 7-0.**

65. Governor's Traffic Safety Bureau Grant Application for the following:

99-2965 (A) Alcohol Incentive Grant Program, to fund the purchase of eight (8) dual antenna radar units, one (1) laser speed detector and ten (10) preliminary breath testers - \$28,000. ([Council Communication No. 99-416](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2966 (B) Looking Beyond the Ticket Community Traffic Safety Program to enhance operational capabilities to address traffic safety concerns - \$18,500. ([Council Communication No. 99-415](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2967 66. Letter of Support for Central Iowa Employment and Training Consortium (CIETC) Youth Opportunity Grant to the Department of Labor. ([Council Communication No. 99-431](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2968 67. Grant Application to the United States Department of Housing and Urban Development for renewal of Service Coordinator for elderly and non-elderly disabled public housing residents. ([Council Communication No. 99-426](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2969 68. Amendment Two to the HEAP-00-07J-99 weatherization contract with State of Iowa which increases contract budget by \$22,426 to provide for emergency cooling. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2970 69. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Regular City Election to be held Tuesday, November 2, 1999. **Moved by Hensley to approve. Motion Carried 7-0.**

99-2971 70. Tax Abatement applications for additional value added by improvements made

during 1999. (37 applications on file in City Clerk's Office). ([Council Communication No. 99-414](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

71. Bids for the following:

99-2972 (A) Swimming Pool Supply, (Grimes, IA., Thor Iverson, President) for epoxy based swimming pool paint and primer to be used by the Park and Recreation Department (Northwest Aquatic Center and Ashworth Pool), \$12,248.40. (Six bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2973 (B) O'Halloran International, Inc., (751 E. Market Street, James F. O'Halloran, President) for two (2) dump trucks with snow plows to be used by the Public Works Department (Sewers), \$96,646. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2974 (C) Charles Gabus Ford, (4545 Merle Hay Road, Charles Gabus, President) for pickup truck to be used by the Public Works Department (Forestry), \$19,565.28. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2975 (D) Danko Emergency Equipment Company, (Snyder, NE., Daniel Kreikemeier, President) for face pieces with nose cup and harness for existing breathing apparatus to be used by the Fire Department, \$71,981. (Twelve bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2976 (E) Charles Gabus Ford, (4545 Merle Hay Road, Charles Gabus, President) for pickup truck to be used by the Park and Recreation Department, \$18,309.40. (Nine bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2977 (F) Motorola Communications and Electronics, Inc., (Urbandale, IA), State of Iowa Contract No. 1199F (Municipal Code section 2-86 (c) for nineteen (19) mobile radios and attachments to be used by the Police Department, \$33,102.75. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2978 (G) Intergraph Corporation for software for survey, design and graphics to match existing software, single area-wide distributor to be used by the Engineering Department (Design and Construction Division). (Municipal Code Section 2-86 (a) (6) sole source and competitively bid), \$23,750. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2979 72. Report of Civil Service Commission submitting Entrance List for Senior Maintenance Carpenter. **Moved by Hensley to receive and file. Motion Carried 7-0.**

99-2980 73. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2981 74. Authorizing Finance Director to draw checks on register of October 1, 1999, and the bills of the Des Moines Municipal Housing Agency for week beginning September 27, 1999, and

to draw checks for biweekly payroll due employees on September 24, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

99-2982 75. On rezoning of 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 Hensley that this ordinance do now pass, [#13,752](#). Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

99-2983 76. Amending Chapter 27 of the Municipal Code regarding traffic regulation to add additional parking meter space south side of Grand Avenue west of 7th Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Brooks.**

99-2984 77. Editorial changes to Chapter 23 of the Municipal Code regarding street use permits. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-2985 (A) Final consideration of ordinance above, (waiver requested by City Clerk), 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, [#13,753](#). Motion Carried 7-0.**

**\*\*Council considered Hearing Items 89 through 104 next\*\***

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

**ORDINANCES - FIRST CONSIDERATION**

99-2986 78. Amending Chapter 16 of the Municipal Code regarding noise, sound levels and sound equipment; process to revoke sound permits and adopt new permit fees. [\(Council Communication No. 99-413\)](#). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2987 79. Amending Chapter 17 of the Municipal Code regarding nuisances - abandonment of property in any public right-of-way (minor editorial change). **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2988 80. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Parking Restriction Modifications - Beaver Avenue south of Urbandale Avenue.

(2) Corner Clearance Parking Restriction - East side of E. 10th Street north of E. Seneca Avenue.

(3) Relocation of Parking Meters and Loading Zone Installation - North Side of E. Grand Avenue east of E. 6th Street.

99-2989 81. 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 6-1. Absent: Vlassis.**

(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.

## **COUNCIL REQUESTS**

99-2990 82. From Council Member Mike McPherson regarding staff review and recommendation for a policy and/or ordinance change to control drainage from in-fill projects. **Moved by McPherson to receive and file; refer to staff for review and recommendation. Motion Carried 6-1. Absent: Vlassis.**

## **COMMUNICATIONS/REPORTS**

99-2991 83. From Betty Harris, 2301 Forest (Laurel Hill Neighborhood Association) regarding communication about Laurel Hill Park. **Moved by Hensley to receive, file and grant the request to speak; refer to City Manager to coordinate park development and provide periodic status reports. Motion Carried 7-0.**

99-2992 84. From Jack Baird, 3304 Lindlavista Way regarding the Gateway East Redevelopment Project and Fire Prevention Week. **Moved by Vlassis to receive, file and grant the request to speak; refer to City Manager, Public Projects Task Force and Gateway Steering Committee regarding a suggestion to place memorials to Veterans and Police in various public locations. Motion Carried 7-0.**

99-2993 85. From Cynde Scott, 1332 - 18th Street (King/Irving Park Neighborhood Association) requesting to speak regarding the renovation of 1552 - 23rd Street. **Moved by Vlassis to receive**

**and file, and grant the request to speak; refer to City Manager to provide a time frame to demolish the property. Motion Carried 7-0.**

99-2994 86. Petition from property holders on East 35th Street requesting that the streets between Arthur and Hull be reconstructed. **Moved by McPherson to receive, file and refer to City Manager and City Engineer to consider paving, sewer and other improvements. Motion Carried 7-0.**

99-2995 87. Receipt of Communication from Plan and Zoning Commission regarding policy and framework for preparation of 2000-01/2005-06 Capital Improvements Program. **Moved by Brooks to receive, file, and refer to City Manager. Motion Carried 7-0.**

99-2996 88. Receipt of Communication from the Strategic Planning Commission regarding recommended priorities for the fiscal year 2001 Capital Improvements and Operation Budgets. **Moved by McPherson to receive and file; refer to City Manager; also, seek comments from Neighborhood Revitalization Board (NRB). Motion Carried 7-0.**

**\*\*Council considered 105 through end of agenda next\*\***

#### **HEARINGS (Opened at 5:39 P.M.) (Items 89 thru 104)**

89. On application for certificate of Public Convenience and Necessity to Operate Limousine Services, for the following:

99-2997 (A) Principiant Hotel Company, L.C.-- Hotel Fort Des Moines. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2998 (B) J.Q.H. Hotels -- Embassy Suites on the River. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-2999 (C) Larry R. Smithson, Smithson Limousine, Inc. ([Council Communication No. 99-437](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-3000 90. On proposed annexation of property in vicinity of NE 14th and northern City limits, (Phillips 66), and to continue Hearing to 10-4-99. **Moved by Vlassis to continue the public hearing on the proposed annexation until October 4, 1999 at 5:30 P.M. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-3001 (A) Agreement for extension of sewer service outside of city limits. **Moved by Vlassis to defer consideration of the proposed agreement until October 4, 1999. Motion Carried 5-2. Absent: Coleman and McPherson.**

99-3002 91. On application from John Grandquist (Owner) for approval of conceptual plan amendment to allow a 72-unit apartment project in the "River Oaks Centre PUD", vicinity of SW 63rd and Creston Avenue. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

99-3003 92. On application from Jerry's Homes, for rezoning of 7401 block of Indianola Road, from "R1-80" (One family Residential), and "A-1" (Agricultural District), to "PUD" (Planned Unit Development), and to approve PUD Conceptual Plan. **Moved by Hensley to continue hearing to 10-4-99 at 5:30 P.M. Motion Carried 7-0.**

**WITHDRAWN** 99-3004 (A) First consideration of ordinance above.

**WITHDRAWN** 99-3005 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

99-3006 93. On request from Frank Gillotti, d/b/a Road Contractors, Inc., to rezone property at Pine Avenue and Highway 28, from PBP (Planned Business Park) to "PUD (Planned Unit Development), to provide for smaller lot sizes and support commercial uses. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Brooks.**

99-3007 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Brooks.**

99-3008 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Coleman that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,754](#). Motion Carried 6-1. Nays: Brooks.**

99-3009 94. On Building Official's determination that the structure at 939 Martin Luther King Jr. Parkway, constitutes a public nuisance. (Council Communication No. 99-432). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-3010 95. On amendment to the Zoning Ordinance, revising regulations for home occupations. **Moved by Flagg to continue hearing to November 15, 1999, to allow input from Neighborhood Associations. Motion Carried 7-0.**

**WITHDRAWN**99-3011 (A) First consideration of ordinance above.

99-3012 96. On amendment to the Zoning Ordinance, authorizing Planning Director to administratively grant certain minor exceptions to district regulations. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-3013 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-3014 97. Open and Continue the Public Hearings on the proposed sale of property located at 7th and Mulberry Streets and on the vacation and sale of a portion of the North-South Alley between 6th Avenue and 7th Street and Mulberry and Plum Streets (10-4-99). **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Vlassis. Absent: Flagg.**

**WITHDRAWN**99-3015 (A) Communication from City Plan and Zoning Commission recommending approval of conveyance.

98. On Notice of Intent to Continue Previously Approved Public Improvement Projects And To Acquire Property for the following:

99-3016 (A) Southwest Outfall Relief Sewer, Phase 12, Segment 1. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-3017 (B) 60th Street and Waterbury Road Drainage. **Moved by Hensley to adopt. Staff to apprise neighborhood of progress on project. Motion Carried 7-0.**

99-3018 (C) Northeast Interceptor Connector Sanitary Sewer. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-3019 (D) S.W. 34th Street Relocation. **Moved by Hensley to adopt. Aviation and Engineering to work with adjacent property owners as project proceeds. Motion Carried 7-0.**

99-3020 (E) University Avenue at 19th Street and M.L. King Traffic Signal Upgrade. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3021 (F) Fleur Drive Paving North of County Line Road. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3022 (G) South Union Street & Kirkwood Avenue Subdrain. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3023 (H) 1998 Sanitary Trunk Sewer Relining. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3024 (I) Lower Beaver & Valdez Storm Sewer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99. On Notice of Intent To Continue A Previously Approved Public Improvement Project And to Continue Acquisition of Property Not Yet Acquired for the following:

99-3025 (A) E. Euclid Avenue Detention Basin and Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3026 (B) Martin Luther King, Jr. Parkway Project. **Moved by Hensley to continue to 10-4-99. Motion Carried 7-0.**

99-3027 (C) 1998 Paving Program, Contract No. 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3028 (D) 2612 Arthur Avenue Drainage Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3029 100. On Notice of Intent to Commence on design and acquisition of properties to construct the Ingersoll Run Combined Sewer Box Rehabilitation and to acquire property for the project. **Moved by Hensley to adopt. Staff to set up neighborhood meetings to keep them informed of all aspects of the project. Motion Carried 5-2. Absent: Daniels and McPherson.**

99-3030 101. On Court Avenue Streetlight Pole Painting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating of lowest responsible bidder as Evison Painting, Inc., (Ronald L. Evison, Jr., Des Moines, IA), \$12,696. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3031 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3032 102. On University Avenue Bridge over Des Moines River Joint Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer & Associates, Inc., (Delmer Cramer, President, Des Moines, IA), \$53,137.50. ([Council Communication No. 99-440](#)) **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

99-3033 (A) Approving contract and bond and permission to sublet. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Brooks.**

99-3034 103. On Witmer Park Path Paving, (34th Street and Witmer Parkway): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation, J. M. Yonker, President, Grimes, IA.) \$16,770. ([Council Communication No. 99-441](#)). **Moved by Vlassis to continue one week to 10-4-99. Motion Carried 7-0.**

**WITHDRAWN** 99-3035 (A) Approving contract and bond.

99-3036 104. On 42nd Street Sanitary Sewer Repair, 1000 Block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive, IA), \$26,900. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3037 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* END HEARINGS at 6:35 P.M. \* \*

**\*\*Council considered Item 78 through 88 next\*\***

**APPROVING**



99-3038 105. Loan Agreement and Related Documents for Interest-Free Loan to Teachout Properties, L.L.C., for the renovation and redevelopment of the Hohberger Building, located at 504 E. Locust St - \$1.7 million. (Council Communication No. 99-419) **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3039 106. Intergovernmental 28E Agreement with Polk County, YMCA of Greater Des Moines, Greater Des Moines Baseball Club, Inc., Iowa Pro Football, L.P. and Des Moines Asphalt and Paving Company, for improvements including an arena football practice field and baseball field, and shared use of Brian Melton Field, 11th and Jefferson. (Council Communication No. 99-423) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3040 107. Establishing Fair Market Value and Authorizing Acquisition of Properties for the Martin Luther King, Jr. Parkway Project by gift, negotiation or condemnation. **Moved by Hensley to continue to 10-4-99. Motion Carried 7-0.**

99-3041 108. Communication from Chief Communications Officer, recommending the development of a cast bronze plaque in honor of Kenneth L. Grandquist be designed and installed on one of the main pillars in the home plate concourse at Sec Taylor Stadium. ([Council Communication No. 99-430](#)) **Moved by Brooks to receive, file and approve the recommendation; refer to Parks for implementation next spring. Motion Carried 7-0.**

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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.**

99-3042 1. Communication from Council Member George E. Flagg, regarding the City's Financial reporting. SPONSOR: Flagg. **Moved by Flagg to receive, file and discuss; refer to City Manager to prepare the reports for Council, as appropriate. Motion Carried 7-0.**

99-3043 2. Approving Award Modification to the School-to-work Program, to increase amount of award by \$289,377, and extends period of performance to September 30, 2000. SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3044 3. Approving recommendation of Mayor Preston Daniels, for appointment of Jack Hatch to the Board of Water Works Trustees, six-year term to expire April 4, 2005. SPONSOR: Mayor Daniels. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **A G E N D A**

### **BOARD OF HEALTH**

**September 27, 1999**

**99-3045 MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 7-0.**

**AUTHORIZING**

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

99-3046 (A) 303 Hull, vacant, Titleholders: Deborah J. Helm, Robert L. Helm, Jr.; Legal Interest Holder: Bankers Trust Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3047 (B) 1310-4th, vacant, Titleholder: First National Acceptance Company; Contract Buyers: Loren D. Chelleen, Shirley I. Chelleen; Legal Interest Holder: Avco Financial Services of Denison, Inc., n/k/a Associates Finance, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3048 (C) 2214 E. 23rd, vacant, Titleholders: Michael J. Fisher, Carolyn R. Fisher; Legal Interest Holder: Fred Lewis Pack, Jr. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**99-3049 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 7:40 P.M. Motion Carried 7-0.**