

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**October 18, 1999 4:30 P.M.**

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

Character Counts Week

**SPECIAL PRESENTATIONS**

Local Option Sales Tax

**INVOCATION:** Pastor Bernie Colorado

Union Park United Methodist Church

99-3163 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-3164 I. Resolution supporting the one-cent local option sale tax measure. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

99-3165 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3166 3. APPROVING CONSENT AGENDA - items 3 through 68: **Moved by Brooks to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

99-3167 4. Communication from Legal Department regarding October 18, 1999 License and Permit Agenda. **Moved by Brooks to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-3168 5. Campbell's, Calvin G. Campbell, President dba Campbell's, 3000 East Grand - Iowa State Fairgrounds (Pavilion); Renewal - Expires 10-23-99 (With Sunday Sales) - Application submitted 9-22-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3169 6. Campbell's, Calvin G. Campbell, President dba Campbell's, 3000 East Grand - Iowa State Fairgrounds (Tourism Building); Renewal - Expires 10-23-99 (With Sunday Sales) - Application submitted 9-22-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-3170 7. Best Food Mart Corporation, Ghumman Manjit, President dba Best Food Mart, 4028 NE 14th Street; Renewal - Expires 10-13-99 (With Sunday Sales) - Application submitted 8-31-99. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3171 8. Kartar's Mini Mart, Inc., Harpal Singh, President dba Kartar's Mini Mart, 3761 East University; Renewal - Expires 10-19-99 (With Sunday Sales) - Application submitted 9-24-99. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3172 9. Keck Inc., John Keck, President dba Petro Pointe, 1501 - 2nd Avenue; Renewal - Expires 11-3-99 (With Sunday Sales) - Application submitted 9-24-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3173 10. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #551, 3940 NE 14th Street; Renewal - Expires 11-12-99 (With Sunday Sales) - Application submitted 9-7-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3174 11. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #556, 1815 Hubbell Avenue; Renewal - Expires 11-6-99 (With Sunday Sales) - Application submitted 9-7-1999. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-3175 12. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #551, 3940 NE 14th Street; Renewal - Expires 11-12-99 - Application submitted 9-7-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3176 13. Quik Trip Corporation, Chester Cadieux, President dba Quik Trip #556, 1815 Hubbell Avenue; Renewal - Expires 11-6-99 - Application submitted 9-7-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-3177 14. Platipus Productions, Ronald Boone, President dba Blues on Grand, 1501 Grand Avenue; New Application (With Sunday Sales) - Application submitted 9-24-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3178 15. Rye Corporation, Ryan R. Smithson, President dba Briquets, 2301 Southwest 9th Street; New Application (With Sunday Sales) - Application submitted 8-18-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3179 16. B.V.T., Inc., Betty V. Thielen, President dba Dally's Pub & Emporium, 430 East Locust; Renewal - Expires 10-26-99 (With Sunday Sales) - Application submitted 9-30-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3180 17. Kay L. Walters dba El Paso, 2600 Dean Avenue; New Application (With Sunday Sales) - Application submitted 9-10-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3181 18. The Ground Round Inc., Thomas J. Russo, President dba The Ground Round, 4335 Merle Hay Road; Renewal - Expires 11-26-99 (With Sunday Sales) - Application submitted 9-16-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3182 19. Betty Lou Gosek dba Joe & Betty's Tap, 1225 East 30th Street; Renewal - Expires 10-22-99 (With Sunday Sales) - Application submitted 9-15-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3183 20. Kimber L. Graves dba Mr. Bill's Back Door Tavern, 2279 Hubbell Avenue; Renewal - Expired 9-24-99 - Application submitted 9-29-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3184 21. Graffiti's, L.L.C., J. Michael McKoy, President, dba Graffiti's, 4020 Merle Hay Road; New Application (With Sunday Sales and Outdoor Service) - Application submitted 8-16-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

#### Transfers

99-3185 22. Temporary transfer of Class "C" Liquor License No. LC-30163 for Sodexho Marriott Management, Inc., dba Drake University Rathskellar/Olmsted Upper Level, 29th & Carpenter to Levitt Hall, 2507 University for one day event on October 24, 1999. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Brooks to adopt. Motion Carried 7-0.**

#### Authorizing

99-3186 23. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3187 24. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

#### Refunds

99-3188 25. City Treasurer to issue Refunds. **Moved by Brooks to adopt. Motion Carried 7-0.**

### **PUBLIC IMPROVEMENTS**

99-3189 26. Authorizing RELEASE of Chapter 573, Code of Iowa Claim for labor and/or material by Aggregate Equipment & Supply (Sub-Contractor) against Rock & Waterscape Systems (Principal Contractor) for Blank Park Zoo Cats Exhibit Rock Enhancement. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3190 27. Resolution Ordering Construction of Demolition Contract No. 169, B.H.N.A.C., Receiving of Bids, (10-26-99), and Setting Date of Hearing, (11-1-99), (Construction Estimate - \$90,200). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3191 28. Approving Private Construction Contract between McAninch Corporation, Dwayne McAninch, President-Contractor, and ABC Partners, L.P., Richard B. Margulies, President/Treasurer-Owner, for Sanitary Sewer Improvements for Airport Business Park as it crossed relocated Highway 5 - \$39,760. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3192 29. Approving Private Construction Contract between Excavators, Inc., Shan Garr, President-Contractor, and Hurd Real Estate Services, Inc., Richard Hurd, President-Owner, for Sanitary Sewer Improvements in Southglen Village, to serve Integra Health Clinic, 7481 Highway 69 - \$39,150. **Moved by Brooks to adopt. Motion Carried 7-0.**

30. Approving Private Construction Contracts between McAninch Corporation, Dwayne McAninch, President-Contractor, and Brook Run L.C., Tom Gratias, President-Owner, for the following:

99-3193 (A) Storm Sewer Improvements in the new development Brook Run Village Plat 2 located at Village Run Drive and proposed NE 52nd Street - \$166,605. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3194 (B) Sanitary Sewer Trunk Line Improvements west of the new development Brook Run Village Plat 2 - \$100,190. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3195 (C) Sanitary Sewer Improvements in the new development Brook Run Village Plat 2 located at Village Run Drive and proposed NE 52nd Street - \$124,848. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3196 31. Approving Private Construction Contracts between McAninch Corporation, Dwayne McAninch, President-Contractor, and Iowa Realty Company/AmerUs Land Development, Michael Knapp, President-Owner, for Storm Sewer Improvements in the development Easter Lake Estates Plat 2, SE 32nd Avenue and E Wall Street - \$7,420. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3197 32. Approving execution of Iowa Department of Transportation Predesign Agreement for Douglas Avenue (US 6) at Beaver Avenue Intersection Improvements. ([Council Communication No. 99-467](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3198 33. Approving Change Order No. 1 and extension of time, to May 15, 2000, (with a Work In Service Status completion date of April 1, 2000) with Van Hauen and Associates, Inc., for additional work in conjunction with the Frisbie Park/E. Jackson Avenue Sanitary Sewer Pump Stations project in an amount not to exceed \$9,838. **Moved by Brooks to adopt. Motion Carried 7-0.**

34. NUMBER NOT USED.

99-3199 35. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by eight property owners and Paving or Curb Replacement Program, waivers signed by five property owners, (call the City Clerks Office for list). **Moved by Brooks to adopt. Motion Carried 7-0.**

36. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

99-3200 (A) Botanical Center Parking Lot Lighting, Wolin Electric, \$983.22 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3201 (B) Skywalk Bridges 2C-3C, 2C-2D, (west of Federal Office Building, on 3rd Street between Court Avenue and Walnut Street), Sound Attenuation, Corn States Metal Fabricators, Inc., \$875 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3202 (C) Burke Park Shelter, Buchanan Builders, Inc., \$5,871.10 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3203 (D) 1998 City-Wide PCC Pavement Restoration Program, P.G. Construction, Inc., \$15,876.78 is now due and \$9,587.52 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3204 (E) Martin Luther King, Jr., Parkway Demolition Contract #6 N/S, Corell Contractor, Inc., \$969.00 is now due and \$1,803.50 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3205 (F) 1998 Pavement Replacement Program, M. Peterson Construction Co., \$17,652.00 is now due and \$21,817.32 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3206 (G) E. 14th Street & Guthrie Avenue Demolition and Asbestos Removal, Corell Contract, Inc., 3,528.30 is now due and \$2,613.90 remaining balance payable at the end of 30 days. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3207 37. Approving partial payments on ten public improvement projects. (Call City Clerk's Office for listing). **Moved by Coleman to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

99-3208 38. Establishing Fair Market Value and Accepting Purchase Offer by two property owners of Flood-Damaged property under the 1998 FEMA Buy-Out Program - \$197,000, (call the City Clerk's Office for list). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3209 39. Permanent Easement for Traffic Signal and Street Lighting Systems and Future Title Work in conjunction with Fleur Drive Traffic Signal Upgrade, from Coastal Mart, Inc., 4503 Fleur Drive - \$150. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3210 40. Release of Subdivision Bond No. IAC 20676 from Merchants Bonding Company, \$8,290.25 as security for completion of required sidewalk improvements for LAKEVIEW HEIGHTS PLAT 1. ([Council Communication No. 99-473](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3211 41. Approving reduction of cash security from Tim Erickson, to \$16,129 for completion of required public improvements, for THREE LAKES ESTATES PLAT 1. ([Council Communication No. 99-474](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

42. Approving the following items regarding the Des Moines Enterprise Community Steering Committee:

99-3212 (A) Acceptance of resignation of Robin Robinson, New Vision Neighborhood Association Representative. **Moved by Brooks to receive, file and accept with regret. Motion Carried 7-0.**

99-3213 (B) Appointment of Gerald Hill, New Vision Neighborhood Association Representative. **Moved by Brooks to receive, file and approve. Motion Carried 7-0.**

99-3214 43. Appointment recommendation of Mike McPherson, Ward II Council Member, for Emily Gloe Donovan to the Building Code Board of Appeals, for a 4-year term commencing in 1997 to expire April 2, 2001. **Moved by Brooks to adopt. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

99-3215 44. On vacation and conveyance of the East/West alley right-of-way between E. 14th and E. 15th Streets, between Des Moines and Lyon Streets, to McDonalds Corporation, \$3.75/square foot, (10-25-99). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3216 45. On request from Tom Gratias, (owner), to amend the Brook Run Village "PUD" Conceptual Plan, to allow 10.7 acres of land in vicinity of NE 30th Place and NE 53rd Court to be used for more dense development of 12 bi-attached units, 28 four-plex units and 48 eight-plex units, (11-1-99). **Moved by Brooks to adopt. Motion Carried 7-0.**

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

99-3217 46. Approving payment of \$673.20 to Guadineer & Comito, 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 Brooks to adopt. Motion Carried 7-0.**

99-3218 47. Approving payment of \$47.50 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. CL73934. **Moved by Brooks to approve payment. Motion Carried 7-0.**

99-3219 48. Approving payment of \$158.08 to Hopkins & Huebner, P.C. for representation of Charles Negrete, Jack Kamerick, Kurtis Bender, and Bobby Stanley in case John William Dungan v. Officer. C. Negrete. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3220 49. Approving payment of \$554.10 to Jane McAllister of Ahlers Law Firm for assistance in conjunction with environmental matters in development of Kiwanis Nature Island at Riverview Park. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3221 50. Approving payment of \$4,721.30 to Spiegel & McDiarmid Law Firm for consultation services in connection with the City's response to FAA concerns regarding City's Airport PILOT charge. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3222 51. Approving payment of \$3,170.30 to Bradshaw, Fowler, Proctor & Fairgrave, P.C. for representation of the Airport Board in conjunction with purposes of meeting FAA grant requirements. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3223 52. Approving payment of \$12,000 to Melissa Serck and her attorney, Stephen Lombardi for settlement of Melissa Serck, parent of Cassidy Serck v. Dennis Olson and City of Des Moines. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3224 53. Approving payment of \$6,275.85 to Katherine Caracciolo for settlement of worker's compensation claim for injury suffered during course of her employment. **Moved by Brooks to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

99-3225 54. Submitting out-of-state travel requests for Doug Romig. ([Council Communication No. 99-468](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

#### **APPROVING**

99-3226 55. Intercreditor and Subordination Agreement and Amendment to City Loan Agreement for Flynn Enterprises, d/b/a Formed Steel Products, extending the "interest-only" loan repayment period for one additional year. ([Council Communication No. 99-472](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

99-3227 56. Notification from Iowa Department of Transportation (IDOT) proposing grading and paving project on January 11, 2000 extending along north corporation line from just west of 2nd Avenue extending to just east of E. 14th Street with some median patching and repair work on E. 14th Street. **Moved by Brooks to receive and file. Motion Carried 7-0.**

99-3228 57. Approving Iowa Department of Transportation Application to Adopt-A-Highway from The Huntmasters Club on Iowa Highway 28 within the City Limits from Milepost 15.6 to Milepost 13.5. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3229 58. Approval of LIHEAP contract with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low income persons from October 1, 1999-September 30, 2000. **Moved by Brooks to adopt. Motion Carried 7-0.**

59. Bids for the following:

99-3230 (A) Vermeer Sales & Service, (Pella, Rick Boat, President) for a brush chipper to be used by the Public Works Department (Forestry), \$14,000. (Eight bids mailed-two received). **Moved by Brooks to adopt. Motion Carried 7-0.**

**WITHDRAWN**99-3231 (B) Bid awarded to Carpenter Uniform Co., (205-12th, Des Moines, Robert Carpenter, President) for annual contract with two renewal options for uniforms to be used by the Police Department, \$68,700. Bid from Metro Uniforms could not meet required specifications. (Three bids mailed-two received).

99-3232 (C) Bid awarded to Rental Service Corporation, (2021 NE Broadway, Nick Letizia, General Manager) for 6" self-priming trash pump to be used by the Public Works Department (Sewers), \$12,735.28. Bid from Logan Contractors Supply, Inc. could not meet specifications, and was therefore non-compliant. (Nine bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3233 60. Report of Civil Service Commission submitting Entrance List for WRA Accounting Analyst and Promotional List for Wastewater Maintenance System Specialist, Fire Medic and Senior Fire Medic. **Moved by Brooks to receive and file. Motion Carried 7-0.**

99-3234 61. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3235 62. Authorizing Finance Director to draw checks on registers of October 22, 1999, to draw checks for the bills of the Des Moines Municipal Housing Agency for the week beginning October 18, 1999; and to draw checks for the biweekly payroll due employees on October 22, 1999. **Moved by Brooks to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

99-3236 63. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Brooks that this ordinance do now pass, [#13,756](#). 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.

99-3237 64. Amending Chapter 16 of the Municipal Code regarding noise, sound levels and sound equipment; process to revoke sound permits and adopt new permit fees. **Moved by Brooks that this ordinance do now pass, [#13,757](#). Motion Carried 7-0.**

99-3238 65. 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 do now pass, [#13,758](#). Motion Carried 7-0.**

99-3239 66. On amendment to the Zoning Ordinance, authorizing Planning Director to administratively grant certain minor exceptions to district regulations. **Moved by Brooks that this ordinance do now pass, [#13,759](#). Motion Carried 7-0.**

99-3240 67. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Brooks that this ordinance do now pass, [#13,760](#). Motion Carried 7-0.**

(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.

## **ORDINANCES - SECOND CONSIDERATION**

99-3241 68. On rezoning of 7401 block of Indianola Road, from "R1-60" (One Family Residential), and "A-1" (Agricultural District), to "PUD" (Planned Unit Development). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Brooks and Vlassis.**

**WITHDRAWN** 99-3242 (A) Final consideration of ordinance above, (waiver requested by applicant, Jerry's Homes), requires 6 votes.

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

## **ORDINANCES - FIRST CONSIDERATION**

99-3243 69. Amending Chapter 27 of the Municipal code regarding following traffic regulation changes. **Moved by Brooks that this ordinance be considered and given first vote for passage. 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.

(A) Final consideration of ordinance above. **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, [#13,762](#). Motion Carried 7-0.**

99-3245 70. On vacation of the North/South alley right-of-way between Sixth Avenue and Seventh Street, extending south 126.03 feet from Mulberry Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-3246 (A) Final consideration of ordinance above, (waiver requested by City Manager), 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, [#13,763](#). Motion Carried 7-0.**

## COUNCIL REQUESTS

99-3247 71. From Council Member Chris Coleman to discuss city process and capacity to provide interpretive services to non-English speaking persons. **Moved by Coleman to receive, file and discuss; refer to City Manager to develop a plan to provide translation assistance when necessary. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

99-3248 72. Request from Edith Southwick, 1724 E. Grand, to speak regarding charges for City clean-up by Neighborhood Inspection Division of accumulation of items, pursuant to Chapter 17 of the Municipal Code. **Moved by Vlassis to receive, file and grant the request to speak; City Council denied the request to waive fees. Motion Carried 7-0.**

99-3249 73. From Sarah Weldon, 4721 Observatory Road, requesting to speak regarding equal protection of her home and neighborhood by Des Moines Parks Department. **Moved by Coleman to receive and file comments made. Motion Carried 7-0.**

\* \* Council considered Item 87 next \* \*

### **HEARINGS (Opened at 5:37 P.M.) (Items 74 thru 82)**

99-3250 74. On Risk Management Program for the Des Moines Metropolitan WRA Wastewater Reclamation Facility (WRF). ([Council Communication No. 99-471](#)). **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

99-3251 75. On rezoning of land along NE 14th Street from "A-1" (Agricultural District) to "Ltd C-2" (General Retail and Highway Oriented Commercial). **Moved by Vlassis to continue hearing to 10-25-99 at 5:30 P.M. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

**WITHDRAWN** 99-3252 (A) First consideration of ordinance above.

**WITHDRAWN** 99-3253 (B) Final consideration of ordinance above, (waiver requested by Phillips Petroleum Company), requires 6 votes.

99-3254 76. 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. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3255 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-3256 (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, [#13,764](#). Motion Carried 7-0.**

99-3257 77. On a Lease Agreement with United Parcel Service, Inc., for the leasing of 2401 Army Post Road for the construction of a parcel sort center and other facilities. ([Council Communication No. 99-470](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

99-3258 78. On Sixth Amendment to the restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to allow tax abatement for industrially and commercially assessed property in area west of Fleur Drive and north of Relocated Army Post Road. **Moved by Brooks to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Hensley.**

99-3259 79. On partial exemption from property taxation from Aramark Uniform Services, Inc., 2500 Delaware, (continued from 10-4-99). **Moved by Brooks to continue hearing to 10-25-99 at 5:30 P.M. Motion Carried 7-0.**

99-3260 80. On Proposed Authorization to enter into 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. **Moved by Brooks to approve. Motion Carried 5-1-1. Nays: Flagg. Absent: Hensley.**

99-3261 (A) Approving execution of agreement. **Moved by Brooks to approve. Motion Carried 5-1-1. Nays: Flagg. Absent: Hensley.**

99-3262 81. On ICN Interactive Meeting Room-East Side Library: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Azcon, Inc., (Lawrence M. Wolinski, President, Grimes), \$19,692. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Hensley.**

99-3263 82. On application from Cooper Homes, requesting rezoning of property in vicinity of Stanton Avenue and SW 31st Street, from "R1-80" to "R1-70" (Stanton Acres), requires 6 votes for passage, due to sufficient protest. **Moved by Hensley to adopt, subject to conditions and requirements as follows: (A) The rezoning ordinance shall not be effective nor be published until the City has received FAA approval of the contract for the sale of Tract "2" to Cooper Homes, Inc., and (B) The developer's agreement, expressed at this hearing, that the Property shall be developed in compliance with the "R1-80" District regulations, except as to the lot width, and that any dwelling constructed on the Property shall have a finished interior space of not less than 1,450 square feet. Such requirements shall be placed of record as a condition of approval of any future subdivision plat for the Property. Motion Carried 7-0.**

99-3264 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-3265 (B) Final consideration of ordinance above, (waiver requested by applicant), request 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, #13,765. Motion Carried 7-0.**

99-3266 (C) Approving sale of Airport property to Cooper Homes, Inc, (James H. Cooper, President), \$29,100. ([Council Communication No. 99-469](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* END HEARINGS at 6:17 P.M. \* \*

\* \* Council considered Items 84 thru end of agenda next \* \*

## APPROVING

99-3267 83. Negotiation of contracts with Southern Golf, Inc. for management and maintenance services at A.H. Blank Golf Course and with Vanscoy Management Team for management services for Waveland and Grandview Golf Courses for a period of five years, plus five year option to renew. ([Council Communication No. 99-475](#)). **Moved by Vlassis to adopt. City Manager to report on enhancements Parks Department can make at the Golf Courses. Motion Carried 7-0.**

\* \* Council considered Hearing Items next \* \*

99-3268 84. FY 1999 through FY 2002 Federal Equitable Sharing Agreement and Annual Certification Report to the U.S. Department of Justice acknowledging City's compliance with federal forfeiture guidelines. ([Council Communication No. 99-466](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3269 85. License Agreement with Norwest Bank, N.A. for City owned property located at the southeast corner of 7th and Mulberry Streets, to allow grading and other earthwork, and to allow utility connections on the property. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3270 86. Application to transfer the certificate of Public Convenience and Necessity to Operate Taxicab Service from Shackelford-Wilson Corporation to Trans Iowa, L.C. ([Council Communication No. 99-476](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

99-3271 87. Report from Citizen Advisory Committee regarding Martin Luther King, Jr. Parkway Enhancement Master Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* Council considered Item 83 next \* \*  
\* \* \* \* \*

## 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.**

99-3272 1. Request from Council Member Archie Brooks, to discuss speeding, and increased fee for recycling bags. SPONSOR: Brooks. **Moved by Brooks to receive, file and discuss; refer to City Manager to review use of speed bumps, and look at possible discount for senior citizens when purchasing yard waste bags. Motion Carried 7-0.**

99-3273 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:24 P.M.**