

SUMMARY OF DES MOINES CITY COUNCIL MEETING

November 15, 1999 4:30 P.M.

INVOCATION: Tom Vlassis, Council Member, Ward 1

99-3434 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Hensley, McPherson, and Vlassis. Absent: Flagg.**

99-3435 I. Receipt of communication from Dan Jaeger, President, representing Greater Des Moines Convention and Visitors Bureau requesting permission to speak regarding Greater Des Moines Convention and Visitors Bureau fiscal year 1998-1999 Annual Report. **Moved by Hensley to receive, file and grant the request to speak. Council requests more financial information and audit. Motion Carried 6-1.**

99-3436 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3437 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by McPherson to adopt the balance of the Consent Agenda, including Items 74 and Extra No. 1. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

99-3438 4. Communication from Legal Department regarding November 15, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

99-3439 5. Nancy K. Updegraff dba N.G.C., L.C., 1109 East Army Post Road; New Application (With Sunday Sales) - Application submitted 10-12-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

99-3440 6. Edward E. Jones dba Fairground "66", 303 Southeast 30th Street; Renewal - Expires 11-21-99 (With Sunday Sales) - Application submitted 10-25-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3441 7. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #541, 2428 Hubbell; Renewal - Expires 12-9-99 (With Sunday Sales) - Application submitted 10-29-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "B" Wine Licenses

99-3442 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #541, 2428 Hubbell; Renewal - Expires 12-9-99 - Application submitted 10-29-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

99-3443 9. Air Lanes, LTD., Ron Pohlad, President dba Air Lanes, 4200 Fleur Drive; Renewal - Expires 12-3-99 (With Sunday Sales) - Application submitted 11-1-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3444 10. Club Two, Inc., Craig A. Haugh, President dba Club 2000, 2000 Southeast 1st Street; Renewal - Expires 12-5-99 (With Sunday Sales) - Application submitted 10-29-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3445 11. Gino's Restaurant & Lounge, Inc., Gene Foggia, President dba Gino's, 2809 6th Avenue; Renewal - Expires 11-28-99 - Application submitted 11-3-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3446 12. TEG, Inc., Theodore W. Crum, President dba Koffee Korner Lounge, 1032 East 9th Street; New Application submitted 11-2-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3447 13. Elizabeth Rae Sample dba Liz's Bar & Grill, 509 East 25th Street; Renewal - Expires 11-30-99 (With Sunday Sales) - Application submitted 11-1-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3448 14. Nacho Business, Inc., Richard T. Murillo, President dba Nacho Mamma's, 216 Court; Renewal - Expires 11-21-99 (With Sunday Sales and Outdoor Service) - Application submitted 10-22-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3449 15. Rusty's, Inc., Harold Young, President dba Rusty's, 2565 Wedgewood; Renewal - Expires 11-23-99 (With Sunday Sales) - Application submitted 10-12-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3450 16. Skips, Inc., Alvin D. Bachman, President dba Skips, 4000 Fleur Drive; Renewal - Expires 12-7-99 - Application submitted 10-29-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3451 17. Sleepy Hollow Sports Park, Inc., Rick L. Flatt, President dba Sleepy Hollow Sports Park, 4051 Dean Avenue; Renewal - Expires 12-1-99 (With Sunday Sales and Outdoor Service) - Application submitted 10-29-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3452 18. J. Thomas, Inc., Jeffrey T. Johannsen, President dba The Terrace Cafe, 600 East Locust; Renewal - Expires 11-30-99 (With Sunday Sales and Outdoor Service) - Application submitted 10-25-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3453 19. Varsity Cafe, Inc., John Schmacker, President dba Varsity Cafe, 1229-1233 25th Street; New Application (With Sunday Sales) Application submitted 9-15-99. **Moved by McPherson to adopt. Motion Carried 6-1.**

Authorizing

99-3454 20. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3455 21. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

Refunds

99-3456 22. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

23. Resolution Ordering Construction of the following:[\(Council Communication No. 99-502\)](#).

99-3457 (A) Elm Street Sanitary Sewer Relining-SW 1st Street to SW 5th Street, Receiving of Bids, (11-30-99), and Setting Date of Hearing, (12-6-99), (Construction Estimate - \$498,700). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3458 (B) Argonne Armory Air Quality Improvements, Receiving of Bids, (11-30-99), and Setting Date of Hearing, (12-6-99), (Construction Estimate - \$42,500). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3459 (C) E. 14th Street and E. Euclid Avenue Sanitary Sewer, Receiving of Bids, (11-30-99), and Setting Date of Hearing, (12-6-99), (Construction Estimate - \$134,635). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3460 24. Approving Change Order No. 34 with United Contractors, Inc., for additional work in conjunction with E. Euclid Avenue and Delaware Avenue Intersection Reconstruction contract in an amount not to exceed \$93,347.33. [\(Council Communication No. 99-508\)](#). **Moved by McPherson to adopt. Motion Carried 6-1.**

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

99-3461 (A) 1999 ACC Pavement Milling & Resurfacing, Des Moines Asphalt & Paving Company, \$32,182.54 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3462 (B) Fire Station No. 10 Driveway and Parking Lot, National Concrete Services, Inc., \$2,763.75 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3463 (C) Park Shelter Improvements - Beaverdale and Pioneer, Channell Construction Co., Inc., \$2,150.07 is now due and \$10,606.33 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3464 26. Approving partial payments on seventeen (17) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3465 27. 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 McPherson to adopt. Motion Carried 6-1.**

99-3466 28. Communication from Insituform Technologies USA, Inc., Anthony Hooper, President, requesting an extension of time until December 31, 1999 for the E. 20th Street Trunk Sanitary Sewer Relining at E. Euclid Avenue. **Moved by McPherson to receive, file and grant the extension of time until December 31, 1999. Motion Carried 6-1.**

99-3467 29. Accepting completion and recommending approval of Private Construction Contract for construction of Sanitary Sewer Improvements for a private 8" Sanitary Sewer Line and appurtenances, beginning at New Type "I" Sanitary Manhole over existing sewer in Park Avenue between The Underground Company, Ltd., Duane Burkhardt, President-Contractor, and Wat Lao Buddhavath of Iowa, Liane Lo, Director of Public Relations-Owner - \$24,427. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3468 30. Accepting completion and recommending approval of Private Construction Contract for construction of Sanitary Sewer Improvements for all materials, labor and supervision to perform the sanitary sewer improvements for 49th Street, between Correll Contractor, Inc., Steve Corell, President-Contractor, and Jean LemMon, Peter Rhines, and Jerry Church, Owners, - \$30,325. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3469 31. Accepting completion and recommending approval of Private Construction Contract for construction of Alley Pavement Improvements located on the Southeast corner of the O'Reilly Auto Parts store being constructed at 2700 E. University, between Koester Construction Co., Inc., Paul Koester, President-Contractor, and O'Reilly Automotive, Inc., David O'Reilly, President-Owner - \$2,678. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3470 32. Authorizing RELEASE of Chapter 573, Code of Iowa Claim for labor and/or material by Grimes Asphalt & Paving Corporation against Lakeview Industries (Principal Contractor) for Laurel Hill Cemetery Gate Project. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3471 33. Authorizing distribution of Chapter 573, Code of Iowa Claim for labor and/or materials by Jenco Construction, Inc. against T. J. Lambrecht Construction, Inc. (Principal

Contractor) for Des Moines International Airport Project 5-23. **Moved by McPherson to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

99-3472 34. Authorizing Assessment Clerk to delete charges from the NAC-Emergency Orders Assessment Schedule No. 1999-45 in which \$55.00 was assessed to 516 E. Broad and \$125 to 1305 South Union, charges were paid in full to Neighborhood Health and Zoning. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3473 35. Resolution Levying Assessments for Costs of Nuisance Abatement-Emergency Sewer Repair Community Development Schedule No. 1999-46 and providing for payment. **Moved by McPherson to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

99-3474 36. Acquisition of Property and Settlement of Litigation with Henry R. and Rebecca J. Vasey, 6547/6549 and 6560 SW. 30th Street - \$245,510.90 plus documented relocation and related benefits. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3475 37. Letter of Understanding and Authorize closing on Vacant Land for a Parking Lot in the Court Avenue Entertainment Center Project Area from Union Pacific Railroad Company - \$16,300. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3476 38. Establishing Fair Market Value and Accepting Purchase Offer for Flood-Damaged Property under the 1998 FEMA Buy-Out Program, by Chris S. and Colleen A. Skeffington, 1640 E. 41st Street - \$56,500. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3477 39. Condemnation Commissioners' award of \$300,000 plus Attorney fees, Sheriff's fees and jury expenses in conjunction with Airport Expansion to West Summit Developers, Inc., 3800 Army Post Road. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3478 40. Accepting property from Enduring Investments, L.L.C., and approving form of deed pursuant to Redevelopment Agreement with Eastgate Plaza, L.L.C., for construction of E. Euclid Avenue Detention Basin and Stormwater Improvements Project. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3479 41. Approval of PUD Restoration Bond for the Katecho Development in Airport Business Park, Plat No. 1 (Richard Margolis and ABC Partners, LP) in an amount of \$47,700. ([Council Communication No. 99-500](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3480 42. Approving Noise and Avigation Easements for four properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-3481 43. Communication from Community Development Department, advising City Council of the resignation of Stephen Henry from the Strategic Planning Commission and asking that the seat be declared vacant. **Moved by McPherson to receive, file and accept the resignation with appreciation for service. Motion Carried 6-1.**

99-3482 44. Recommendation of At Large Council Member George E. Flagg for the appointment of Kimberly Hansen to the Strategic Planning Commission to fill the unexpired term of Stephen Henry. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3483 45. Appointment of Donna Al-Najidi, Mondamin Presidential Association Representative, to the Des Moines Enterprise Community Steering Committee. **Moved by McPherson to receive, file and approve. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

99-3484 46. On sale of City-owned property between Seventh and Ninth Streets and between Cherry and Vine Streets, to Employers Mutual Casualty Co, \$82,830, (12-6-99). **Moved by McPherson to adopt. Motion Carried 6-1.**

47. On the following items regarding Issuance of Revenue Bonds, (12-6-99):

99-3485 (A) Not to exceed \$2,750,000 Aggregate Principal Amount of Multifamily Housing Revenue Bonds, (Luther Park Apartments, Inc. Project). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-3486 (B) Not to exceed \$4,500,000 in Aggregate Principal Amount of Health Care Facility Revenue Bonds, (Luther Park Health Center, Inc., Project). ([Council Communication No. 99-497](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-3487 48. On vacation of Meek Avenue right-of-way adjoining 1526-21st Street, and to grant a license to erect a fence, to Daniel Johnson , \$50 plus costs, (12-6-99). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3488 49. On notice of intent to acquire acquisition parcel B-8 for commencement of disposition parcel 39 project pursuant to the Central Place Urban Renewal Plan, approving acquisition of property (107 Jefferson - National Association of Mail Carriers), (12-20-99). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3489 50. On Notice of Intent to continue previously approved Court Avenue Entertainment Center Project with Capitol-Center Development Area and Riverpoint Capitol-Center Development Area Urban Renewal Projects, to continue acquisition of properties not yet acquired and setting date of hearing, (12-20-99). **Moved by McPherson to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-3490 51. Approving payment of \$347.29 to Ahlers Law Firm for Jane McAllister for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3491 52. Approving payment of \$59.28 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, et al. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3492 53. Approving payment of \$7,328.00 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 McPherson to adopt. Motion Carried 6-1.**

99-3493 54. Approving payment of \$8,246.02 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3494 55. Approving payment of \$1,161.90 to Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-cv-70724. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3495 56. Approving payment of \$842.50 to McEnroe, McCarthy & Gotsdiner, P.C. for representation of Officer Greg Dickel reference a Grand Jury investigation. **Moved by McPherson to approve payment. Motion Carried 6-1.**

99-3496 57. Authorizing payment of \$5,968.75 to Randy Duncan from Duncan, Green, Brown, Langeness & Eckley for representation of the City in matters relating to the airport parking garages. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3497 58. Approving payment of \$755.25 to Peter W. Berger of Berger & Culp law firm for representation of Sgt. Schafnitz reference a Grand Jury investigation. **Moved by McPherson to approve payment. Motion Carried 6-1.**

99-3498 59. Approving payment of \$26,002.40 to James A. Kernes for Special Case Settlement Agreement by Workers' Compensation Commissioner for injuries sustained during the course and scope of his employment. **Moved by McPherson to adopt. Motion Carried 6-1.**

APPROVING

99-3499 60. Receipt of communication from City Clerk, submitting report on City Council meeting/meal expenses for October, 1999. **Moved by McPherson to receive and file. Motion Carried 6-1.**

99-3500 61. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, and 82 for Local Option Tax Election to be held on Tuesday, November 23, 1999. **Moved by McPherson to receive, file and grant permission. Motion Carried 6-1.**

99-3501 62. Supportive Housing Program (SHP) subrecipient agreement with the YMCA of Greater Des Moines for Transitional Housing Program. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3502 63. Authorization to release portion of Good Faith Deposit for Brown-Camp Lofts Development (100 First St.) located on Disposition Parcel No. 6 Riverpoint Capitol Center Urban Renewal Area to Water Tower Development Corporation. ([Council Communication No. 99-505](#)). **Moved by Hensley to approve. Motion Carried 6-1.**

99-3503 64. Receipt of communication from John R. Fitzgibbon, Airport Board Chairperson regarding revised Airport Rates and Charges Regulations for Fiscal Year 2000. **Moved by Brooks to adopt. Motion Carried 6-1.**

65. Renewal of Group Health Insurance Contracts (HMO's) for a period of six months ending June 30, 2000 for SPM employees:

99-3504 (A) Principal Health Care of Iowa-Primary Care and Open Access plans. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3505 (B) Wellmark Blue Cross Shield of Iowa. ([Council Communication No. 99-509](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3506 66. Approval of Collections Services Request for Proposals (RFP) to solicit collection services from the collection agency industry. ([Council Communication No. 99-504](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

67. Bids for the following:

99-3507 (A) Ambar Chemical, Inc., (Houston, Texas, Jerry Blumberg, President) for an annual contract with one additional renewal option for liquid calcium chloride with corrosion inhibitor to be used by the Public Works Department, \$30,000. (Seven bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3508 (B) Security Equipment, Inc., (10500 Hickman Road, Sid Meridith, President) for closed circuit television equipment to be used by the Police Department, \$13,283. (Eight bids mailed-six received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3509 (C) Standard Bearings, Co., (2350 Hubbell Avenue, Joan Frohock, President) for "O" Rings in diffuser assembly of aeration tanks to be used by the Engineering Department (Wastewater Reclamation), \$10,575. (Eight bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3510 (D) Charles Gabus Ford, Inc., (Charles Gabus Ford, Inc., Charles Gabus, President) for purchase of eleven (11) replacement pickup trucks to be used by the Park and Recreation Department, \$255,335.31. (Twelve bids mailed-seven received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3511 (E) Great American Outdoors, (710 Army Post Road, Carl VanHowelling President) for purchase of a triplex greens mower to be used by the Park and Recreation Department, \$14,800. (Six bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3512 (F) Bid awarded to Carpenter Uniform Company, (205 - 12th Street, Robert Carpenter, President) for annual contract with two renewal options for police uniforms to be used by the Police Department, \$68,700. Bid from Metro Uniform could not meet required specifications. (Three bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3513 (G) Intergraph Corporation, (Chicago, IL) for Interplot Driver Pack Plotting Software equipment to match and be compatible with existing software, single area wide distributor to be used by the Engineering Department (Graphics Division). (Municipal Code Section 2-86(a)(6) sole source and competitively bid), \$13,552.65. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3514 (H) Quality Flow Systems, (Eden Prairie, MN) for repair parts for rebuilding six (6) digester sludge pumps by Alfa Laval, Inc., single area wide distributor to be used by the Engineering Department (Wastewater Reclamation Facility). (Municipal Code Section 2-86(a)(6) sole source, (\$69,184.47). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3515 (I) Bid awarded to Cardinal Tracking, Inc., (Mound, Texas, Dan Monopoli, President) for computerized parking ticket issuance system to be used by the Police Department, \$79,173. Bids from T2 Systems, Inc. and Duncan Industries did not meet specifications, therefore, non-compliant. (Six bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3516 (J) Bid awarded to Dewey Ford, Inc. (444 E. 4th Street, Mark Vukovich, President) for purchase of pickup truck to be used by the Public Works Department, \$20,678. Bids from Wright Chevrolet did not meet engine size specifications and bid from Dewey reduced in accordance with City's one-percent local preference ordinance 2-83.01. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3517 (K) Sale of ten (10) vehicles to Government Sales, (Ft. Lauderdale, FL., Mike Strusky, President), Bay Ridge Motors, Brooklyn, NY, Sherif Elshalakany, President), Chicago Motors, Inc., Chicago, IL., Anis Ghaniwaza, President) for sale of twelve (12) Police Patrol vehicles, \$65,008. (Ten bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3518 (L) Bid awarded to CPI International, Inc., (Santa Orsa, CA; David Hijl, President), for oil and grease testing equipment to be used by the Public Works Department (Wastewater Reclamation Facility), \$35,517. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3519 68. Report of Civil Service Commission submitting Entrance Lists for Special Events Coordinator, Survey Helper, and Contract Compliance Officer, and Promotional Lists for Senior Building Equipment Operator, Sewer Cleaning Equipment Operator, and Sewer Maintenance Worker. **Moved by McPherson to receive and file. Motion Carried 6-1.**

99-3520 69. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3521 70. Authorizing Finance Director to draw checks on registers of November 19, 1999 and November 26, 1999, and December 3, 1999, to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks beginning November 15, 1999, November 22, 1999 and November 29, 1999, and to draw checks for biweekly payroll due employees on November 19, 1999. **Moved by McPherson to adopt. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

99-3522 71. Amending Chapter 2 of the Municipal Code regarding power and responsibility of the Airport Board to establish fair market value on property acquired by the Airport. ([Council Communication No. 99-511](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

99-3523 (A) Final consideration of ordinance above, (waiver requested by Airport Board), 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, [#13,769](#). Motion Carried 6-1.**

99-3524 72. 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. Staff to investigate meter installation on Third St., between Locust and Walnut, and excessive speeding on E. 33rd - Hubbell to Easton, and also on Easton-E. 29th to E. 33rd. Motion Carried 6-1.**

- (1) Stop Sign for Northbound Traffic at SW 22nd Street and Rittenhouse.
- (2) Designate Handicapped Parking Space-North Side of Capitol Avenue West of East 21st Street.
- (3) Corner Clearance Parking Restriction-East Side of Irving Street South of Summit Street.
- (4) Corner Clearance Parking Restriction-East Side of 6th Avenue south of Indiana Avenue.

(5) Speed Limit Modification-East 33rd Street from Hubbell Avenue to Euclid Avenue.

(6) Extension of Parking Restriction-South Side of Guthrie Avenue from York Street to East 14th St.

(7) Change in Snow Route Designation due to Relocation of MTA Bus Route from 12th Street to 11th Street from Euclid to Madison.

99-3525 73. 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.**

(1) Conversion to two-way operation: Mulberry Street from 7th to 5th; designation of Traffic Signals on Cherry Street at 5th, 6th and 7th; designation of one-way Streets, parking restrictions and speed limits on 6th Avenue and 7th Street.

(2) Placement of three-way stop control - SE 5th and County Line Road.

(3) Installation of handicapped parking adjacent to Trinity United Methodist Church, 1548 8th Street.

(4) Installation of Loading zone in from of 420 Keo Way.

COMMUNICATIONS/REPORTS

99-3526 74. Setting Date of Hearing on Proposed authorization to enter into an installment agreement to purchase property at 2500-2600 Army Post Road, from Airport Baptist Church, \$2,360,000, (12-6-99). **Moved by McPherson to adopt. Motion Carried 6-1.**

****Council considered Items 82 through Extra #3 next****

HEARINGS (Opened at 5:50 P.M.) (Items 75 thru 81)

99-3527 75. On the 2000 HUD Consolidated Plan, including funding allocation for CDBG, HOME and ESG funds. [\(Council Communication No. 99-496\)](#). **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

99-3528 (A) Communication from Chair of the Neighborhood Revitalization Board. **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

99-3529 (B) Authorizing Notice of Finding no Significant Impact on Environment and Notice of Intent to Request Release of Funds. **Moved by Brooks to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

WITHDRAWN99-3530 76. On approving designation of the Home Lodge at 603 E. Locust Street as a Local Landmark; or,

99-3531 (A) ALTERNATE RESOLUTION: Designating only the north facade of the Home Lodge Building as a Local Landmark; **Moved by Brooks to continue Hearing to December 6, 1999 at 5:30 P.M. to allow time for a recommendation from City Manager on feasibility of preserving north facade. Motion Carried 6-1.**

WITHDRAWN99-3532 (B) ALTERNATE RESOLUTION: Denying Designation of the Home Lodge Building as a Local Landmark.

99-3533 77. Resolution closing the hearing on the proposed amendments to the Zoning Ordinance regarding home occupations and referring the matter back to the Plan and Zoning Commission and Neighborhood Revitalization Board for further study, (continued from 9-27-99). **Moved by Coleman to adopt. Motion Carried 6-1.**

WITHDRAWN (A) First consideration of ordinance above.

99-3534 (B) Request to speak, from Mike Raye--Des Moines Area Association of Realtors. **Moved by Coleman to receive and file. Motion Carried 6-1.**

WITHDRAWN99-3535 78. On recommendation to deny request from Paul Moyer, (Paul's Hawkeye Autoland Inc.), to rezone property at 1420 E. 14th Street, from Conditional "C-2" (General Retail and Highway Oriented Commercial), to amended "C-2" without original restrictions.

99-3536 (A) ALTERNATE RESOLUTION: Closing hearing and approving rezoning to an amended Limited "C-2" District, (six affirmative votes required for adoption). **Moved by McPherson to adopt, subject to the rezoning ordinance being first amended to reflect the amended conditions agreed to in writing by the applicant. Motion Carried 6-1.**

99-3537 (B) First consideration of rezoning ordinance, (6 affirmative votes required). **Moved by McPherson that this ordinance be considered and give first vote for passage, subject to it being first amended to reflect the amended conditions agreed to in writing by the applicant. Motion Carried 6-1.**

99-3538 79. On vacation and conveyance of portions of 30th and 31st Streets between University and Carpenter, and alley between streets, to Drake University. **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-3539 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

99-3540 (B) Final consideration of ordinance above, (waiver requested by Drake University), 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, [#13,770](#). Motion Carried 6-1.

80. Items regarding Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, and supplement in amount not to exceed \$161,000, for acquiring two street sweepers:

99-3541 (A) Closing the Public Hearing. [\(Council Communication No. 99-503\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

99-3542 (B) Proceedings to take additional actions. **Moved by Hensley to adopt. Motion Carried 6-1.**

99-3543 (C) Execution and delivery of agreement. **Moved by Hensley to adopt. Motion Carried 6-1.**

81. On Resolutions Authorizing Continuation of Design for previously approved Public Improvement Projects to Construct and Continue Acquiring Properties and Property Interests for the following:

99-3544 (A) Pennsylvania Avenue and Buchanan Street Intersection. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3545 (B) S.W. 9th Street Bridge over Yeader Creek. **Moved by McPherson to adopt. Motion Carried 6-1.**

* * END HEARINGS at 7:35 P.M. * *

****Council considered Board of Health next****

APPROVING

99-3546 82. Communication from Deputy City Manager regarding request of Ruan Center Corporation, to purchase the 7th and Grand parking ramp for private parking and construction of a hotel, and directing staff to initiate various related actions. [\(Council Communication No. 99-506\)](#). **Moved by Hensley to adopt. Motion Carried 5-1. Council Member Brooks declares a conflict of interest, and abstains from voting. Absent: Flagg.**

99-3547 (A) Communication from John Ruan, III. **Moved by Hensley to receive and file. Motion Carried 5-1. Council Member Brooks declares a conflict of interest, and abstains from voting. Absent: Flagg.**

99-3548 83. CDBG Economic Development Loan to Skaters Choice, LLC, for ice skating facility at 323 E. Locust, \$50,000. [\(Council Communication No. 99-498\)](#). **Moved by Coleman to adopt. Motion Carried 6-1.**

99-3549 84. Purchase Agreements with Systems Property Development Company and Norfolk & Southern Railway Company of property for Court Avenue Entertainment Center pursuant to Urban Renewal Development Agreement with Centertainment Development, Inc. ([Council Communication No. 99-507](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

WITHDRAWN99-3550 85. Signage Removal Program, to remove illegally-placed signs from the City right-of-way. (Council Communication No. 99-499).

99-3551 86. Applications to the Metropolitan Planning Organization (MPO) for Federal Surface Transportation Program, (STP) and Transportation Enhancement (TE) Funds for various projects. ([Council Communication No. 99-510](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

99-3552 87. Professional Services Agreement with Telecation, Inc., for development of Laboratory Information Management System at the Des Moines Metropolitan WRA Wastewater Reclamation Facility. ([Council Communication No. 99-501](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**

99-3553 88. Receipt of communication from City Clerk submitting proposed year 2000 City Council schedule of meeting dates. **Moved by Hensley to receive, file and approve proposal "B", to schedule 31 meetings for the year 2000. Motion Carried 6-1.**

99-3554 89. Request of Mayor Preston Daniels to discuss letter from Des Moines Development Corporation, regarding cooperative efforts with Polk County, for downtown development. **Moved by Coleman to receive, file, discuss, and refer to City Manager. Motion Carried 6-1.**

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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.

99-3555 1. Approving Private Construction Contract between Nuckolls Concrete Services, Inc., Steve Temples, President-Contractor, and Hurd Real Estate Services, Inc., Richard Hurd, President-Owner, for Street Improvements for the right turn lane to serve Community State Bank, located at 4811 SE 14th Street. **Moved by McPherson to adopt. Motion Carried 6-1.**

99-3556 2. Request from Jeffrey Morgan, 2807 High Street, to speak regarding the Kingston Apartment Building at 12th and Grand. SPONSOR: Vlassis. **Moved by Vlassis to receive, file and grant the request to speak. Mr. Morgan was encouraged to contact the owner, Des Moines Development Corporation, to request delay of demolition. Motion Carried 6-1.**

99-3557 3. Request from Council Members Chris Coleman and Tom Vlassis, to discuss City efforts to communicate with Target Corporation regarding announced closing of their store in north Des Moines. SPONSORS: Coleman and Vlassis. **Moved by Vlassis to receive file and discuss. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

November 15, 1999

99-3558 MOTION TO CONVENEMoved by Vlassis that the City Council Adjourn and Convene as a Board of Health. **Motion Carried 6-1.**

COMMUNICATION

99-3559 1. Communication regarding demolition cost reserve escrowed for 2442 Des Moines Street. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.**

99-3560 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:38 P.M. Motion Carried 6-1.**

DES MOINES-CITY OF SKYWALKS