

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 22, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Professional Secretaries Week
- (b) Doctor's Day
- (c) National Community Development Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

(a) Certificates of Completion - Mayor's Boot Camp

(b) Rev. Michael Chot Lul, Chief Administrator

Niles Theological College, Khartoum, Sudan

CULTURAL CONNECTION - 4:15-4:30 P.M.:

A Showcase of Local Arts - The Chamber Dancers

INVOCATION: Pastor Candice K. Brown

Capitol Hill Christian Church

99-771 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

99-772 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-773 3. APPROVING CONSENT AGENDA - items 3 through 61: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-774 4. Communication from Legal Department regarding March 22, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-775 5. Campbell's Concessions, Calvin G. Campbell, President dba Campbell's Concessions, 4-H Building, Iowa State Fairgrounds, 3000 East 30th Street; Renewal - Expires 4-2-99 (With Sunday Sales) - Application submitted 3-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-776 6. City of Des Moines dba Grandview Golf Course, 2401 East 29th Street; Renewal - Expires 3-31-99 (With Sunday Sales and Beer Garden) - Application submitted 2-19-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-777 7. M.L.C., Inc., Marilynn Coenen, President dba Loco Joe's Nickel Arcade, 1300 East Army Post Road; Renewal - Expires 4-9-99 (With Sunday Sales) - Application submitted 3-9-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-778 8. Nut Pob Restaurant Inc., Sommani Vongxay, President dba Nut Pob Restaurant, 3318 Indianola Road; Renewal - Expires 3-28-99 (With Sunday Sales) - Application submitted 3-1-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flag.**

99-779 9. Shie Concession Company, Shie W. Foudree, President dba Shie Concession Company, Grandstand, Iowa State Fairgrounds, 3000 East 30th Street; Renewal - Expires 4-5-99 (With Sunday Sales and Beer Garden) - Application submitted 3-5-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-780 10. Kelly Bell dba Kelly's Texaco, 105 63rd Street; Renewal - Expires 3-28-99 (With Sunday Sales) - Application submitted 3-3-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

99-781 11. James Co. L.L.C., Robert Scott James, Owner dba Four Mile Texaco, 3732 Easton Blvd; New Application (With Sunday Sales) - Application submitted 3-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-782 12. Mick Trier dba Oasis Wine & Spirits, 1401 Buchanan; Renewal - Expires 3-31-99 (With Sunday Sales) - Application submitted 3-16-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

99-783 13. Logsdon Inc., Joseph P. Logsdon, President dba Basil Prosperi, 800 Grand Avenue, Ste 355; New Application submitted 1-19-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-784 14. Famous Dave's Ribs, Inc., Douglas S. Lanham, President dba Famous Dave's, 4351 Merle Hay Road; Renewal - Expires 4-27-99 (With Sunday Sales) - Application submitted 3-1-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-785 15. Bowlerama Lanes, LTD, Steve Jordison, President dba Bowlerama Lanes, 1313 Southeast Diehl; Renewal - Expires 3-18-99 (With Sunday Sales) - Application submitted 2-16-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-786 16. Ronald Jeager dba Chicago Speakeasy, 1520 Euclid; Renewal - Expires 4-5-99 - Application submitted 3-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-787 17. Elias Alvarez dba El Jefe, 1820 East Army Post Road; Renewal - Expires 3-31-99 (With Sunday Sales) - Application submitted 2-26-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-788 18. Hairy Mary's, Inc., John J. Limke, President dba Hairy Mary's, 2307 University; New Application submitted 2-23-99. **Moved by Vlassis to adopt; subject to applicant constructing a paved parking lot in six (6) months. Motion Carried 7-0.**

99-789 19. Joan Erickson dba Highland Park Country Club, 518 Euclid; Renewal - Expires 3-28-99 (With Sunday Sales) - Application submitted 2-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-790 20. Iowa Cub Club of Des Moines, Kenneth L. Grandquist, President dba Iowa Cub Club of Des Moines, 350 Southwest 1st Street; Renewal - Expires 4-8-99 (With Sunday Sales and Beer Garden) - Application submitted 2-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-791 21. Connie L Bale dba LC's Corner Bar, 344 East Jackson; Renewal - Expires 4-4-99 (With Sunday Sales) - Application submitted 3-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-792 22. Diann Lynn Roberts dba One More Time, 204 Indianola Road; Renewal - Expires 3-28-99 (With Sunday Sales) - Application submitted 3-11-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-793 23. Graceward Ltd., Mike Wellman, President dba Wellman's Pub, 2920 Ingersoll Avenue; Renewal - Expires 4-2-99 (With Beer Garden) - Application submitted 2-26-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-794 24. Terry L. Dell dba Wheely's Bar & Grill, Inc., 4369 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 2-22-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

99-795 25. Mick Trier dba Oasis Wine & Spirits, 1401 Buchanan; Renewal - Expires 3-31-99 - Application submitted 3-16-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

99-796 26. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-797 27. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-798 28. Approving authorization to proceed with design on E. 20th Street Trunk Sanitary Sewer Relining at E. Euclid Avenue, included in Capital Improvements Program. ([Council Communication No. 99-123](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

29. Resolution Ordering Construction of the following:

99-799 (A) Fire Station No. 1 Overhead Door Replacement, Receiving of Bids, (4-6-99), and Setting Date of Hearing, (4-19-99), (Construction Estimate - \$36,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-800 (B) 1998 Flood Storm Sewer Repair Contract 3, Receiving of Bids, (4-6-99), and Setting Date of Hearing, (4-19-99), (Construction Estimate - \$441,884). **Moved by Belken to adopt. Motion Carried 7-0.**

99-801 30. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (Call the City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

31. 1999 Intermediate Paving Program-Schedule 1999-35:

99-802 (A) Recommendation from City Manager. **Moved by McPherson to approve, receive and file and accept the recommendation of the City Manager; and, to adopt the policy that intermediate paving of alleys shall be assessed at fifty percent to property owners and fifty percent the City; no Special Assessment Subsidy will be provided for alleys. Motion Carried 7-0.**

99-803 (B) Preliminary Resolution for construction. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-804 (C) Fixing Values of Lots. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-805 (D) Adopting Preliminary Plat and Schedule Estimate of costs and proposed plans and specifications. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-806 (E) Proposed Resolution of necessity, and notice to property owners of hearing (4-19-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

32. Approving completion and recommending acceptance for the following:

99-807 (A) Street Improvements for E. 18th Street from Guthrie Avenue to 300' south to new driveway located at 1801 E. Guthrie between Pace Company, Inc., (Terry J. Stark, President, Urbandale), Contractor and Moss Development, L.C. (Terry Moss, President), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-808 (B) Storm Sewer Improvements on Elder Lane between Mike Vanderpool Construction, Inc. (Mike Vanderpool, President, Indianola), Contractor and U.S. Postal Service (J. Thomas O'Donnell, Manager Administrative Services), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

32. Approving completion and recommending acceptance for the following:

99-809 (C) Sanitary Sewer Improvements to service Jade Warehouse new building addition at 2408 E. 22nd Street between The Underground Company, Ltd., (Duane J. Burkhardt, President), Contractor and J. Doug Brown, Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-810 (D) Storm Sewer Improvements at South Brook Green Apartment Buildings between The Underground Company, Ltd. (Duane J. Burkhardt, President), Contractor and Southbrook Green Apartments, Ltd, Partnership of DSM, Iowa (Jim Conlin, President), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-811 (E) Storm Sewer Improvements in East Glenwood Drive between The Underground Company, Ltd. (Duane Burkhardt, President), Contractor and R.M. Madden Construction, Inc., (Todd Madden, Agent-in-Fact), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-812 (F) Storm Sewer Improvements on proposed Easter Bay Colony Plat 2, at Evergreen Avenue and E. Marion Street between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractor and Clarke Company, Ltd. (John J. Clarke, Partner), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-813 (G) Sanitary Sewer Improvements for proposed Easter Bay Colony Plat 2, at Evergreen Avenue and E. Marion Street between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractor and Clarke Company, Ltd. (John J. Clarke, Partner), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-814 (H) Street Improvements on proposed Easter Bay Colony Plan 2, located at Evergreen Avenue and E. Marion Street between Sternquist Construction, Inc. (Britt Sternquist, President,

Indianola), Contractor and Clarke Company, Ltd. (John J. Clarke, Managing Partner), Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-815 33. Approving partial payments on four public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-816 34. Warranty Deed in conjunction with the Martin Luther King, Jr. Parkway Central Business Arterial Loop By-Pass, from Fitz-Gold, LLC (Fred Nesbit Distributing Co., tenant), 207 SW 5th Street - \$3,500,000, (established by Settlement Agreement). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-817 35. Settlement Agreement and Warranty Deeds in conjunction with the Marking Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass, from Gilcrest Jewett Lumber Company, Inc., Gilcrest Holding Company, L.C., and Philip Sumner Worth and E. Karen Worth, 107 SW 4th Street and 201 SW 8th Street - \$3,650,000. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-818 36. Offer to Purchase Real Estate and Acceptance and Court Officer Deed in conjunction with the Grand View Drainage Area Project, from Joanne F. Wadle, Trustee of the Mary Elizabeth Caffrey Trust, 808 Morton Avenue - \$48,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-819 37. Approving Noise and Avigation Easements for seven properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-820 38. Resignation of Carol-Simms Davis from the Neighborhood Revitalization Board effective immediately. **Moved by Belken to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

99-821 (A) Resignation of Matt Rosen from the Greater Des Moines Sister City Commission as a representative of West Des Moines, effective immediately. **Moved by Belken to receive, file and accept the resignation with appreciation for service. Motion Carried 7-0.**

99-822 39. Resignation of Ray Koontz from the Neighborhood Revitalization Board, effective immediately. **Moved by Belken to receive, file and accept the resignation with appreciation for service. Staff is requested to recommend an appropriate form of appreciation for Board and Commission members leaving office. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-823 40. On vacation of Fourth Street right-of-way, and alleys in the two block area bounded by Court, Third, Fourth and Vine Street, for development of the Court Avenue Entertainment Center Project, (4-5-99). **Moved by Flagg to adopt. Motion Carried 7-0.**

99-824 41. On application from Phillip M. Watters to rezone property at 1436 E. 14th Street, from "C-1" (Neighborhood Retail Commercial) to "C-2" (General Retail and Highway Oriented Commercial)", (4-5-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-825 42. On conveyance of vacated alley right-of-way east of E. 14th Street between Guthrie and Milton Avenue, to nine abutting property owners, (4-5-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-826 43. On conveyance of vacated alley right-of-way in vicinity of 810 E. Jackson Avenue, to Lee W. Myers, Jr, \$50 plus costs, (4-5-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-827 44. Approving payment of \$1,020 to Jim Nervig of Petosa, Petosa, Boecker & Nervig for outside legal counsel to provide legal services in conjunction with real estate acquisition and leasing matters, and other legal services as directed by the Airport and Legal Department. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-828 45. Approving payment of \$1,741.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for outside legal counsel to provide environmental law expertise in land lease agreements for the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-829 46. Approving payment of \$484.50 to Thomas H. Burke of Grefe & Sidney, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-830 47. Submitting various traffic regulation changes as follows: **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Stop Signs-SW 15th Street at Burnham Avenue.

(2) Corner Clearance Parking Restriction-East Side of 46th Street North of University Avenue.

(3) Corner Clearance Parking Restriction-East Side of 54th Street north and south of Aurora Avenue.

(4) Traffic Controls-Thornton Avenue from SW 56th Street to SW 63rd Street. ([Council Communication No. 99-112](#)).

99-831 48. Submitting out-of-state travel request for Michael Berry. ([Council Communication No. 99-118](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

99-832 49. Authorization to submit application for 1999 Weed & Seed funding to Executive Office for Weed & Seed (EOWS) in the amount of \$175,000. **Moved by Belken to adopt. Staff to provide Council with background information on this program. Motion Carried 7-0.**

99-833 50. Grant Agreements with Housing and Urban Development (HUD) for award of CDBG, HOME, and ESG funds for implementation of 1999 Consolidated Plan for period of January 1, 1999 to December 31, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-834 51. Submission of 1997 Annual Emergency Shelter Grant (ESG) Report for period ending December 31, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-835 52. Grant application requesting funding for continuation of Youth at Risk Program from Governor's Alliance on Substance Abuse (GASA). ([Council Communication No. 99-119](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-836 53. Grant application to Governor's Alliance on Substance Abuse (GASA) to request federal grant funding for "Livescan and Prisoner Booking System" to be used by Des Moines Police Department. ([Council Communication No. 99-120](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

54. Receipt of communication from Human Resources Director, regarding new position descriptions for the following:

WITHDRAWN 99-837 (A) Seasonal Construction Inspector. (Council Communication No. 99-109).

WITHDRAWN 99-838 (B) Airport Operations Assistant. (Council Communication No. 99-110).

99-839 55. Receipt of report from Civil Service Commission submitting Promotional List for Senior Clerk Typist. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-840 56. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

57. Bids for the following:

99-841 (A) Waste Management of Iowa, (201 SE 18th Street, Curtis Hill, President) for an annual contract renewable for two (2) additional twelve (12) month periods for trash removal for

1999 SCRUB PROJECT to be used by Community Development Department, (\$82,000). (Four bids mailed-two received). (Call City Clerk's Office for price breakdowns). ([Council Communication No. 99-117](#)). **Moved by Coleman to adopt. Council recommends that staff not publish SCRUB dates in local newspapers. Motion Carried 6-1. Nays: McPherson.**

99-842 (B) Bid awarded to Aggregate Equipment Company, (5137 NW 2nd, Steve Micheletti, President) for a hydraulic waler system and trench shield panels to be used by the Public Works Department, \$12,378. Bid from Star Equipment Ltd. did not meet specifications, therefore non-compliant. (Eight bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-843 (C) Alfa Laval Separation, Inc., (Warminster, PA) for repair parts for number three centrifuge gearbox to be used by the Engineering Department (Wastewater Reclamation Facility) available only from Alfa Laval Separation, Inc. (Municipal Code Section 2-86(a)(6) sole area distributor and competitively bid, \$23,087. **Moved by Vlassis to adopt. Motion Carried 7-0.**

57. Bids for the following:

99-844 (D) Great American Outdoor, (710 East Army Post Road, Carl VanHuelin, President) for one 72" triplex mower, \$12,250, and Tri-State West, Inc., (Grimes, IA, Hugh Stafford, President) for three 16' rotary mowers, \$126,421 to be used by the Park and Recreation Department. (Fifteen bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

**** Council considered Item 75 next and Hearing Items 68 and 69 ****

99-845 58. Authorizing Finance Director to draw checks on registers of March 26, 1999 and April 2, 1999; bills of the Des Moines Municipal Housing Agency for the weeks beginning March 22, 1999 and March 29, 1999, and the biweekly payroll due employees on March 26, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-846 59. Amending Chapter 27 of the Municipal Code regarding Traffic Regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, [#13,691](#). Motion Carried 7-0.**

(1) East Side of SW 1st Street and North Side of Indianola Road in vicinity of St. Anthony's Church.

(2) East Bundy Avenue from No Parking Any Time on the North Side to No Parking Any Time on the South Side in order to accommodate mail delivery.

(3) Stop Signs, Speeding Enforcement, and Parking Restrictions--Williams Street between Maple Street and Timber Lane.

(4) Deletion of Parking Restriction Duplication in the Municipal Code.

ORDINANCES - SECOND CONSIDERATION

99-847 60. On vacation of East/West and North/South alleys in the south 1/2 of the block bounded by Grand, E. Fifth, E. Sixth and Des Moines Streets. **Moved by Belken to adopt. Motion Carried 7-0.**

99-848 61. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Commercial Loading Zone--west side of Sixth Avenue south of Douglas Avenue.

(2) Corner Clearance Parking Restriction--west side of Cambridge Street north of Sheridan Avenue.

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

ORDINANCES - FIRST CONSIDERATION

99-849 62. Amending Chapter 14 of the Municipal Code regarding Housing Code and inspection of dwellings occupied under authority of an unrecorded contracts, to allow treatment as a rental property needing an inspection certificate for occupancy. ([Council Communication No. 99-124](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-850 (A) Final consideration of ordinance above, (wavier requested by Legal Department), 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, #13,692. Motion Carried 7-0.**

WITHDRAWN 99-851 63. Amending Chapter 7 of the Municipal Code regarding impoundment period, redemption and disposition of impounded animals.

COMMUNICATIONS/REPORTS

99-852 64. From Robert John Grant, 1701 SE Kirkwood requesting permission to speak regarding creation of an ordinance regarding recycling. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-853 65. From Jeanne Lillig, President of Woman's Christian Temperance Union of Iowa (WCTU) requesting permission to speak regarding property at 2110 E. 13th Street. **Moved by McPherson to receive, file and grant request to speak; authorize a hold on demolition of this property until April 19, 1999. Motion Carried 7-0.**

99-854 66. Receipt of report from Park and Recreation Department regarding fee increases for use of Blank and Waveland golf courses during the US Senior Open July 5-11. ([Council Communication No. 99-116](#)). **Moved by Coleman to receive and file. Motion Carried 6-1. Nays: Hensley.**

99-855 (A) Communication from Park and Recreation Department relating to enhancements for the Thursday night concert at the Simon Estes Riverfront Amphitheater on July 8, 1999. **Moved by Coleman to receive and file. Motion Carried 4-3. Nays: Flagg, McPherson and Belken.**

99-856 67. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by Vlassis to receive and file the attached report. Motion Carried 7-0.**

*** * Council considered Items 70 thru end of Agenda next * ***

HEARINGS (Opened at 6:00 P.M.) (Items 68 thru 69)

99-857 68. On Park Shelter Improvements - Beaverdale and Pioneer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Channell Construction Co., Inc., (Michael D. Channell, President, Clive), \$199,846. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: Coleman.**

99-858 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: Coleman.**

99-859 69. On E. Indianola Avenue Widening at Evergreen Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (Steve Gillotti, President, WDM), \$157,682.50. **Moved by Belken to adopt. Motion Carried 7-0.**

99-860 (A) Approving contract and bond. **Moved by Belken to adopt. Motion Carried 7-0.**

*** * Council considered Item 60 and 62 thru 67 next * ***

*** * END HEARINGS at 6:08 P.M. * ***

CITY MANAGER RECOMMENDATIONS

99-861 70. Submitting recommendation for installation of additional parking meters in Central Business District, to allow increase in available short-term parking. ([Council Communication No. 99-111](#)). **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2. Nays: Flagg and McPherson.**

APPROVING

99-862 71. Agreement for Occupational Health Services with Concentra, one-year term commencing March 15, 1999 - \$134,512, (previously considered on 3-15-99). ([Council Communication No. 99-115](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-863 72. Request for Proposals (RFP), for Banking and Custodial Service--deposit, safekeeping and withdrawal of City's cash and investments. ([Council Communication No. 99-121](#)). **Moved by McPherson to defer to April 5 and to refer back to City Manager to review and revise the RFP. Motion Carried 6-0. Council Member Hensley declare a conflict of interest and abstains from voting.**

99-864 73. Award of best benefit bid to Pepsi-Cole General Bottlers, Inc., as single beverage provider for Park and Recreation facilities, (\$730,652 cash/equipment value over three-year period). ([Council Communication No. 99-113](#)). **Moved by McPherson to adopt. Staff to report on recommended use of revenue stream. Motion Carried 5-1-1. Nays: Coleman. Pass: Hensley.**

99-865 74. Grant application to Iowa Volunteer Council for management and coordination of twenty (20) AmeriCorps members. ([Council Communication No. 99-114](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

99-866 75. Fairground Races 1999 Policy and Plan to outline procedure for monitoring noise at Fairground events. (Council [Communication No. 99-107](#)). **Moved by Coleman to adopt. Council to receive status reports periodically. Staff directed to look at other sound events and apply same principles to them as well, especially in neighborhoods. Motion Carried 7-0.**

99-867 76. Policy and supporting documentation to authorize placement of

WITHDRAWN Street Banners in City Owned Right-Of-Way. ([Council Communication No. 99-108](#)).

99-868 77. Execution and Acceptance of a 90% federal share Federal Aviation Administration (FAA) Grant for funding of the 1999 phase of the Runway 5 extension and road relocation project - \$11,369,900. ([Council Communication 99-122](#)). **Moved by McPherson to adopt. 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.

99-869 1. Request from Abraham Lincoln High School, 2600 SW 9th, to hang street banners, three streets around and in front of Lincoln, Monday, March 29 through Friday, June 4, 1999. SPONSOR: Hensley. **Moved by Hensley to receive, file and approve, as submitted. Motion Carried 6-0. Council Member McPherson declares a conflict of interest and abstains from voting.**

99-870 2. Resolution authorizing Mayor, City Manager and Community Development Director to work with Warren County and other cities for the creation of a joint planning committee to develop a joint comprehensive land use plan for boundary area in an between the cities. SPONSOR: Hensley. **Moved by Hensley to adopt the recommendation from the City Plan and Zoning Commission and to authorize and direct the Mayor, City Manager and Community Development Director to continue working with Warren County and the other cities to achieve the objectives identified. Motion Carried 7-0.**

3. Communication from Council Member Flagg regarding the following: SPONSOR: Flagg.

99-871 (A) Owned Housing Vacancy Report dated February 28, 1999. **Moved by Flagg to receive, file, and refer to City Manager for review and recommendation. Motion Carried 5-2. Absent: Daniels and Hensley.**

99-872 (B) Porky's at 4444 Douglas. **Moved by Flagg to receive, file, and refer to City Manager to review enforcement procedures, lighting, patio, outdoor service, and the noise ordinance as they relate to this establishment. Motion Carried 7-0.**

99-873 (C) Article which appeared in Des Moines Business Record on March 22, 1999 about available jobs and wage rates in Des Moines. **Moved by Flagg to receive and file. Motion Carried 7-0.**

99-874 (D) Proposed mobile home development proposal presented by Joanne Stevens on March 15, 1999 Council agenda. **Moved by Flagg to receive and file. In the future, Council requests information on the owners of record on property to be rezoned. City Manager and staff to report on how to better present information on such issues as future rezoning requests come forward to the Council. Motion Carried 7-0.**

99-875 4. Approving Disaster Assistance Agreement for FEMA 1998 Flood Mitigation Property Buy-Out Program Grant and Setting Date for Informal Hearing on Voluntary Acquisition Program of 19 properties (4-5-99). SPONSOR: Hensley. ([Council Communication No. 99-125](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

**BOARD OF HEALTH
March 22, 1999**

99-876 MOTION TO CONVENE. Moved by McPherson 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, authorize the demolition and removal of structure(s) at the following locations:

99-877 (A) 2214 Woodland (vacant) Titleholders: Stephen A. Lipovac, Rosemary R. Lipovac; Contract Buyers: Glen D. Jesse, Cheryl K. Jesse. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and Vlassis.**

99-878 (B) 1372 E. 15th (vacant) Titleholder: Frank Bode. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and Vlassis.**

99-879 (C) 1301 E. 28th (vacant) Titleholder: Kimberly R. Woolery; Legal Interest Holders: Neighborhood Finance Corporation; FEZ, Inc. of Des Moines. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Daniels, Flagg, and Vlassis.**

99-880 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 8:10 P.M. Motion Carried 4-3. Absent: Daniels, Flagg and Vlassis.**