

SUMMARY OF DES MOINES CITY COUNCIL MEETING
May 3, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Arthritis Month
- (b) Mothers in Prison, Children in Crisis Weekend
- (c) Jimmy Smith Day

SPECIAL PRESENTATIONS - 4:00 P.M.:

Recognition of 1999 Graduating Class from the Iowa Talent Project (ITP)

Recognition to Harold Belken, City Council Member, Ward IV

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

A Showcase of Local Arts--Scott Burnstein, Salisbury House

INVOCATION: Christine Hensley

Council Member Ward III

99-1301 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

99-1302 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1303 3. APPROVING CONSENT AGENDA - items 3 through 66: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-1304 4. Communication from Legal Department regarding May 3, 1999 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-1305 5. S & L Food Services Corp., Pam Smith, President dba Mustard's Restaurant, 2923 Southwest 9th Street; Renewal - Expires 5-13-99 - Application submitted 4-27-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-1306 6. Alyce K. Mattis dba Trittoria Foods, Inc., 207-215 4th Street; Renewal - Expired 4-28-99 - Application submitted 4-16-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

99-1307 7. Des Moines Women's Club, Marjorie O'Braza, President dba Des Moines Women's Club/Hoyt Sherman Place, 1501 Woodland Avenue; Renewal - Expires 5-26-99 (With Sunday Sales) - Application submitted 4-16-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1308 8. T.H. Ent., Inc., Tim Holmes, President dba J. Benjamins, 5800 Franklin; Renewal - Expires 5-15-99 (With Sunday Sales) - Application submitted 4-13-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1309 9. Easy Starts Restaurant, Inc., Peter Ligdis, President dba Olympic Flame Restaurant, 514 East Grand Avenue; Renewal - Expires 5-13-99 - Application submitted 4-13-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

99-1310 10. Shaner Hotel Group Properties, Carole Chambers, General Manager dba Savery Hotel & Spa, 401 Locust Street; Renewal - Expires 5-22-99 (With Sunday Sales) - Application submitted 4-12-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-1311 11. DTMC. LC, Daniel Mauro, President dba The Big Kahuna, 208 Court Avenue; New Application for six (6) month license - Application submitted 4-8-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1312 12. Ronbonj, Inc., Bonnie L. Platt, President dba Bourbon Street, 500 Army Post Road - Suite #3; Renewal - Expires 5-8-99 (With Sunday Sales) - Application submitted 4-13-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1313 13. Evy's Lounge, Inc., Evelyn Rogers, President dba Evy's, 1119 Grand Avenue; Renewal - Expires 5-20-99 (With Sunday Sales) - Application submitted 4-16-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1314 14. Wolsey Dublin Company, Dennis Rose, President dba Garfield's Restaurant & Pub, 1111 East Army Post Road; Renewal - Expires 5-16-99 (With Sunday Sales) - Application submitted 4-5-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1315 15. Noah's, Inc., Noah Lacona, President dba Noah's Ark Restaurant, 2400 Ingersoll; Renewal - Expires 5-9-99 - Application submitted 4-21-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1316 16. M & R Investments, Inc., Randall Bradley, President dba Sudsucker's, 1511 East Army Post Road; Renewal - Expires 5-30-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-19-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

99-1317 17. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1318 18. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-1319 19. Approving plans and specifications, and fixing date of hearing (5-17-99) on the 1999 Intermediate Paving Program. **Moved by McPherson to adopt. Motion Carried 7-0.**

20. Approving contract and bond and permission to sublet on the following projects:

99-1320 (A) 1998 Flood Storm Sewer Repair Contract 2. **Moved by Hensley to adopt and direct staff to place the issue of a master plan study of the entire Tonawanda area into the pipeline. Motion Carried 6-1. Absent: McPherson.**

99-1321 (B) Police Station Step Replacement Phase 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

21. Approving authorization for acquisition of necessary right-of-way and easements for the following projects:

99-1322 (A) 1998 Paving Program, Contract No. 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1323 (B) 1998 Paving Program, Contract No. 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1324 22. Approving Contract and Bond with Eco-Tech Contractors, Inc., (R. S. Gillotti, President) for SW 22nd Street Levee crossing at Fleur Drive - \$46,660. **Moved by Hensley to adopt. Motion Carried 7-0.**

23. Approving Private Construction Contract for the new development known as Woods on the River Plat 4 between McAninch Corporation, Dwayne McAninch, President-Contractor and Clarke Company, Ltd., John J. Clarke, Partner-Owner, for the following:

99-1325 (A) Sanitary Sewer Improvements - \$131,815. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1326 (B) Storm Sewer Improvements - \$148,094. **Moved by Hensley to adopt. Motion Carried 7-0.**

24. Approving Private Construction Contract for Airport Commerce Park West Plat 3 between McAninch Corporation, Dwayne McAninch, President-Contractor and Airport Commerce Park, L.C., Gerard Neugent, Member-Owner, for the following:

99-1327 (A) Storm Sewer Improvements - \$105,976. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1328 (B) Sanitary Sewer Improvements - \$64,640. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1329 25. Authorizing City Manager to proceed with Paving or Curb Replacement Program, waiver signed by Jane E. Brooks, 1505 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1330 26. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the Council Chamber Renovations, Bergstrom Construction, Inc., \$156.75 is now due and \$6,180.15 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1331 27. Approving completion and recommending acceptance of Private Construction Contract for Sanitary Sewer Improvements in Lot 1 of the Park at Southern Hills, between Rhiner Brothers Plumbing Co., Inc., Dale Rhiner, President-Contractor and Southern Hills, Ltd., Richard Walters, Owner - \$7,536. **Moved by Flagg to adopt. City Manager to report on the feasibility of placing water drainage controls on all new development projects and to come back with a workable plan and then begin working with developers to make it a reality. Future developers should be prepared for these issues as they come forward. Motion Carried 7-0.**

28. Approving completion and recommending acceptance of Private Construction Contract between Rhiner's Plumbing Company, Inc., Deborah Rhiner, President-Contractor and Southern Hills, Ltd., Richard Walters, Owner, for the following:

99-1332 (A) Construction of Storm Sewer Improvements to serve the proposed Walters Estate Subdivision - \$18,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1333 (B) Construction of Sanitary Sewer Improvements to serve the proposed Walters Estate Subdivision - \$28,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1334 29. Approving completion and recommending acceptance of Private Construction Contract for Street Improvements on SW 32nd Place and Sw 31st Place at Park Avenue between

Nuckolls Concrete Services, Inc., Scott Temple, President-Contractor and Southern Hills, Ltd., Richard L. Walters, Owner - \$43,691.75. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1335 30. Approving partial payment on one public improvement project (Laurel Hill Cemetery Gate). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-1336 31. Resolution Levying Assessments for Costs of Nuisance Abatement-Emergency Orders (Community Development), Schedule No. 1999-38 and providing for payment. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-1337 32. Condemnation Commissioners' award of \$35,050 plus Sheriff's fees and jury expenses in conjunction with East University Avenue and East 9th Street Intersection Improvement from Quik Trip Corporation, 901 E. University. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1338 33. Condemnation Commissioners' award of \$140,000 plus Sheriff's fees and jury expenses in conjunction with Airport Fuel Storage Facility from Henry R. Vasey and Rebecca J. Vasey, 6560 SW 30th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1339 34. Condemnation Commissioners' award of \$130,000 plus Sheriff's fees and jury expenses in conjunction with Airport Fuel Storage Facility and other Airport Use, from William C. Woodruff and Audrey M. Woodruff, 3060 Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1340 35. Approving authorization for City Manager to negotiate and execute License Agreement with property owners for Disposition Parcel 4A in Guthrie Avenue Business Park and Redeveloper LADCO Development for inspection of property for surface and subsurface conditions. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1341 36. Approving refund of \$5,000 deposit made by Clarke Company for acquisition of right-of-way for extension of E. Marion Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1342 37. Approving Final Subdivision Plat entitled Brook Run Villas in the Brook Run Development in vicinity east of Brook Ridge Court. ([Council Communication No. 99-192](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1343 38. Offer to Purchase Real Estate and Acceptance Form of Warranty Deed in conjunction with Airport Expansion from Sam F. Fazio and Mary L. Fazio, 2870 and 2938 Army Post Road - \$562,000. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1344 39. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion (Haverhill), from Craig A. Umphfleet and Jennifer L. Umphfleet, 6565 SW 28th Court - \$104,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1345 40. Warranty Deed, Permanent Easement for Storm and Sanitary Sewers Right-of-Way, Temporary Easement for Construction and Future Title Work Compensation in conjunction with Southwest Outfall Relief Sewer Phase 12, Segment 1 Project, from Frank Paxton Company, 1400 Market Street - \$40,200. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1346 41. Approving Noise and Avigation Easements for five properties, in conjunction with Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-1347 42. Reappointment to the Electrical Board of Examiners of Robert Saf for a two-year term to expire April 2, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSINGS

43. Approving exception regarding length of time request from the following:

99-1348 (A) Vince Valdez, representing Community & Media Relations Section of Des Moines Police Department, 25 E. First Street requesting permission to block First Street from Court Avenue to Walnut Street, on Saturday, May 15, 1999 from 9:00 A.M. until 6:00 P.M. for a parade and Static demonstration. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1349 (B) Jim Stevens, representing Nacho Mammis, 216 Court Avenue requesting permission to block Court Avenue from Third Street to Second Avenue, on Saturday, May 15, 1999 from 3:00 P.M. until 1:00 A.M. (Sunday) for the annual Central Iowa Blues Society challenge. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

44. On General Obligations Bonds for the following, (5-17-99), ([Council Communication No. 99-201](#))

99-1350 (A) Misc. Essential Corporate Purpose Projects, such as Bridge Repair, Fire Equipment and Flood Control, \$13,645,594. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1351 (B) Essential Corporate Purpose - Court Avenue Entertainment/Urban Renewal Capitol-Center and Riverpoint, \$3,151,750. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1352 (C) Essential Corporate Purpose - Gateway East and West Projects/Urban Renewal Capitol-Center and Riverpoint, \$3,151,750. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

99-1353 (D) General Corporate Purposes - Fire Stations, Library Improvements and various buildings and facilities, \$783,022. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1354 (E) General Corporate Purpose - Municipal Buildings, Blank Park Zoo, Sec Taylor, and other Park facilities, \$961,046. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1355 (F) General Corporate Purpose - Municipal Building Improvements, such as Police Station and Argonne Armory, \$940,707. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1356 (G) General Corporation Purpose - Fire Station improvements, equipment and remodeling, \$966,131. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1357 45. On vacation and conveyance of the North/South and East/West alleys between Woodland Avenue and High Street, west of 10th Street, to Principal Life Insurance Company, \$120,560, (5-17-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-1358 46. Approving payment of \$3,087.50 from Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley in case Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1359 47. Approving payment of \$1,843 from Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1360 48. Approving payment of \$473.55 to Roxanne Conlin and Associates on behalf of Letha Ballard (Lawsuit No. CL 73115) for complete settlement of case against City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1361 49. Approving payment of \$29,500.95 to Roger D. Jaschke for workers' compensation claim settlement for injury suffered in course and scope of employment. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

99-1362 50. Authorizing Legal Department to execute and enter into a stipulation with Road Contractors, Inc., regarding compensation awarded in condemnation proceedings, Army Post Road/Highway 5 Relocation and Runway 5/23 Extension project. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

APPROVING

99-1363 51. Amendment One to the Recovery Village Phase II Implementation Plan Project which extends the project to December 31, 1999, changes program staffing to establish a collaborative effort with OSACS Women Center for the purchase of director services and adjusts the target dates of implementation steps. **Moved by Hensley to adopt with the understanding that they begin discussions with United Way to make this a permanent program. Motion Carried 5-0. Council Members Coleman and Vlassis declare a conflict of interest, and abstain from voting.**

99-1364 52. Community Services Block Grant (CSBG) quarterly activity report for the time period from January 1, 1999 to March 31, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1365 53. Extending Agreement with EAP-Employee Assistance Program (Employee and Family Resources), to provide assessment and referral counseling for City employees and family members, \$24,000. ([Council Communication No. 99-193](#)). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Daniels declares a conflict of interest, and abstains from voting.**

99-1366 54. Approving use of various City Facilities as poll sites for Precincts 31, 36, 60, 64, 82, and 83 for Special Amendment To The Constitution Election to be held on Tuesday, June 29, 1999. **Moved by Hensley to approve. Motion Carried 7-0.**

99-1367 55. Communication from Downtown Partnership on behalf of the University of Osteopathic Medicine and Health Sciences for permission to display banners in downtown area during the month of June. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

99-1368 56. Sole Source Purchase of Outdoor Advertising from Eller Media Co. (Terri Woods, President) to promote the Great Cats Exhibit at the Blank Park Zoo, for a total cost of \$19,785. **Moved by Hensley to adopt. Motion Carried 7-0.**

57. Bids for the following:

99-1369 (A) Shoreside, Inc., (North Kingstown, RI, Russell Haft, President) for 42,000 pound of herring and 15,000 pound of capelin to be used by the Park and Recreation Department (Blank Park Zoo), \$16,080. (Four bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

57. Bids for the following:

99-1370 (B) Two suppliers for equipment to be used by the Park and Recreation Department (Horticultural). Swaney Equipment Company, (Ankeny, Robert E. Lawler, President) for a crawler loader (\$88,490) and Great American Outdoor, (710 Army Post Road, Carl VanHowewling, President) for a utility tractor (\$34,012). Total Cost \$122,502. (Fourteen bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1371 (C) Two suppliers for an annual contract with two additional twelve (12) liquid and dry polymer to be used by the Engineering Department (Wastewater Reclamation Facility). Polydne, Inc., (Toledo, OH, Hubert Issaurat, President) for liquid polymer and Stockhausen, Inc., (Greensboro, NC, Joe Pichotta, President) for dry polymer. Total Cost - \$321,000. (Ten bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1372 (D) Six (6) suppliers for lawn and garden products to be used by the Park and Recreation Department (golf courses, city parks, Botanical Center; soccer complex, and other park properties). Total cost - \$59,858.84. (Seventeen bids mailed-eight received). (Call City Clerk's office for prices and vendors). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1373 (E) Clarke Environmental Mosquito Management, Inc., (Roselle, IL, J. Lyell Clarke, President) for aerial application of mosquito larvacide and mosquito adulticide to be used by the Community Development Department (Health and Zoning), \$17,435.40. (Five bids mailed-one received). ([Council Communication No. 99-190](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1374 (F) Jermaine's Hauling and Services, Inc., (Jermaine E. McGregor, President) for clean-up services to be used by Housing Code Enforcement Division, \$100 per hour. (Fourteen bids mailed-three received). ([Council Communication No. 99-199](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1375 58. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1376 59. Authorizing Finance Director to draw checks on registers of May 7, 1999 and May 14, 1999 and bills of the Des Moines Municipal Housing Agency for the weeks beginning May 3, 1999 and May 10, 1999, and to draw checks for biweekly payroll due employees on May 7, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-1377 60. Amending Chapter 27 of the Municipal Code regarding installation of additional parking meters in the Central Business District. **Moved by Hensley that this ordinance do now pass, [#13,705](#). Motion Carried 6-1. Nays: Flagg.**

99-1378 61. On vacation of the East/West alley extending between 19th Street and Martin Luther King Jr., Parkway, north of Ingersoll, in exchange for a 50-foot wide storm sewer easement on and along the alley. **Moved by Hensley to defer to 5-17-99. Motion Carried 7-0.**

99-1379 62. On rezoning of property in the vicinity of SW 28th Court and Littell, easterly to Relocated Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District). **Moved by Hensley that this ordinance do now pass, [#13,706](#). Motion Carried 7-0.**

99-1380 63. Amending Chapter 27 of the Municipal Code to designate Beaver Avenue from Urbandale to Madison, and from 100 feet south of Shawnee Avenue to Aurora Avenue, as a

three-lane facility, as amended. Moved by Vlassis that this ordinance do now pass, [#13,707](#). Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

99-1381 64. Amending Chapter 15 of the Municipal Code regarding fees for swimming pool rentals. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

99-1382 (A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), 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, [#13,708](#). Motion Carried 7-0.

99-1383 65. Amending Chapter 15 of the Municipal Code regarding park fees and charges for wading pool rental and equipment rental. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Coleman

99-1384 (A) Final consideration of ordinance above, (wavier requested by Park and Recreation Department), 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, [#13,709](#). Motion Carried 6-1. Nays: Coleman.

99-1385 66. Amending Section 15-181 of the Municipal Code regarding fee adjustment for items at Blank Park Zoo, for 1999. Moved by Hensley to that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Coleman.

99-1386 (A) Final consideration of ordinance above, (waiver requested by Park & Recreation Dept.), 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, [#13,710](#). Motion Carried 6-1. Nays: Coleman.

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

****Council considered Hearing items 77 through 82 next****

ORDINANCES - FIRST CONSIDERATION

99-1387 67. Amending Chapter 23 of the Municipal Code regarding fees for temporary street banners within public rights-of-way. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

99-1388 68. Changing the name of West Drive, to Fanny Pruce Drive. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1389 (A) Amending Chapter 27 of the Municipal Code to reflect the renaming. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

99-1390 69. From Mayor Preston Daniels regarding City's financial participation in Greater Des Moines Metropolitan Millennium Celebration. **Moved by Vlassis to receive, file discuss, and approve the City's allocation of \$1,500. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

99-1391 70. From David Minor, Fairground Neighbors, requesting to speak regarding paving project on E. 25th Street, from Logan to E. Walnut. **Moved by Belken to receive, file and grant the request to speak; and direct staff to eliminate the curb indent and eliminate parking on the west side of the street. Motion Carried 7-0.**

99-1392 71. From Vickie Harbert, Harbert Creative, 1421 Locust, to speak regarding Gateway Expansion project. **Moved by Hensley to receive, file and grant the request to speak; and direct staff to provide relocation benefits to those who are currently in the building and to assure the vacated spaces remain vacant, with the express understanding that a precedent has been set due to the fact that an offer to purchase has been placed on this building. Motion Carried 6-1. Pass: Flagg.**

72. NUMBER NOT USED.

99-1393 73. Receipt of communication from Chairperson of Des Moines International Airport Board regarding proposed regulation changes effective July 1, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1394 74. From Human Resources Director regarding new position description for Economic Development Coordinator. ([Council Communication No. 99-189](#)). **Moved by Hensley to receive and file. Motion Carried 6-1. Nays: Flagg.**

****Council Member Flagg left the meeting at 6:35 P.M.****

99-1395 75. From Community Development Director regarding new position descriptions for Neighborhood Inspector, Neighborhood Inspections Supervisor, Development Zoning Inspector, Deputy Zoning Enforcement Officer, Housing Conservation Inspector and Housing Conservation Administrator--all related to consolidation of Neighborhood Health and Zoning Inspection Division and the Housing Code Enforcement Section of the Housing Conservation Division. ([Council Communication No. 99-191](#)). **Moved by McPherson to receive and file; refer the issue of code enforcement and penalties for abandoned and junk property to the Council's**

Legislative Sub-Committee to work with other cities to develop legislation for the next session. Motion Carried 6-1. Absent: Flagg.

99-1396 76. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by Belken to receive and file the report. Motion Carried 6-1. Absent: Flagg.**

****Council considered Item 83 through end of agenda next****

HEARINGS (Opened at 5:30 P.M.) (Items 77 thru 82)

99-1397 77. On vacation of right-of-way at northwest corner of Third and Locust Streets for lease as a sidewalk cafe, to Gerleman Management Inc., (Bruce Gerleman, President, d/b/a Splash Seafood Bar and Grill. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1398 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1399 (B) Final consideration of ordinance above, (waiver requested by applicant), 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, [#13,711](#). Motion Carried 7-0.**

99-1400 78. On text amendment to Section 2A-27 of the Zoning Ordinance, to allow a governmental entity to utilize property through the Special Permit process. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

99-1401 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

99-1402 79. On proposal to sell and convey vacated alley right-of-way east of E. 14th Street between Guthrie and Milton, to Robert J. and Tracy M. Edwards, \$25, and to Randy L. and Rhonda R. Ries, \$25. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

80. On Building Official's determination that the following structures constitute a public nuisance:

99-1403 (A) 1346 and 1348 Buchanan Street. ([Council Communication No. 99-194](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1404 (B) 1506 Arthur Avenue. ([Council Communication No. 99-195](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1405 81. On 7th Ward Ditch Wooden Box Replacement - Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1406 82. On E. Douglas Avenue Bridge over Four Mile Creek: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of construction costs, (IDOT Project). **Moved by McPherson to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:42 P.M. * *

****Council considered Items 67 through 76 next****

APPROVING

99-1407 83. Agreement to accept donation of real estate at 1233 Seventh Street from Brian R. Kay, located in Large Scale Commercial Development Area and authorizing closing and acceptance of deed for tax liabilities not to exceed \$6,000. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1408 84. Approval of Addendum No. 1 to former Diller Battery site participation agreement between City of Des Moines, Polk County, and the Union Pacific Railroad. ([Council Communication No. 99-202](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Belken. Absent: Vlassis.**

99-1409 (A) Consideration of Polk County's request that the City complete the transfer and accept conveyance of three (3) tax sale parcels located within the boundaries of the former Diller Battery Site. **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Belken. Absent: Flagg.**

99-1410 85. Approval to issue Request for Proposal (RFP) to hire consultant to study and make recommendations for the City's wading pools. ([Council Communication No. 99-198](#)). **Moved by Coleman to approve. Motion Carried 5-1-1. Nays: Vlassis. Absent: Flagg.**

99-1411 86. Approval of 28E Agreement with Blank Park Zoo Foundation, Inc. for design and construction of the Web of Life Interpretive Center at the Blank Park Zoo. ([Council Communication No. 99-196](#)). **Moved by Belken to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1412 87. Approval of 28E Agreement with Link Associates to manage Special Programs Enriching Leisure Lifestyles (SPELL). ([Council Communication No. 99-197](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1413 88. Des Moines Municipal Housing Agency's calculation of the 2000 Performance Funding System Operating Subsidy, ([Council Communication No. 99-204](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1414 89. 1999 Comprehensive Grant Program Application for the Des Moines Municipal

Housing Agency-Renovation funding for 910 agency-owned units. ([Council Communication No. 99-205](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

90. Authorization for execution of the following Section 8 Contracts with U.S. Department of Housing and Urban Development (HUD) for various projects:

99-1415 (A) Existing Consolidated Annual Contributions Contract Renewal-Section 8. ([Council Communication No. 99-206](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1416 (B) Moderate Rehabilitation Annual Contributions Contract Renewal. ([Council Communication No. 99-207](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1417 91. Neighborhood Finance Corporation (NFC) Expanded Purchase-Rehab and Home Improvement Loan Programs in conjunction with 28E Agreement with Polk County. ([Council Communication No. 99-200](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

99-1418 (A) Communication from Bob King, Chair, Neighborhood Revitalization Board, regarding NFC expansion. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Flagg.**

99-1419 92. City Loan to IntelliSuites of Des Moines, LLC (Randy Africano, Peoria, IL) for proposed renovation of the Saddlery Building, 309 Court Avenue - \$275,000. ([Council Communication No. 99- 203](#)) **Moved by McPherson to approve. Motion Carried 6-1. Absent: Flagg.**

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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.

1. Oral request of Council Member Christine Hensley, to discuss the following:

99-1420 (A) Status of Frisbee Park Infill Project and Request for Proposals, (RFP). SPONSOR: Hensley. **Moved by Hensley to receive, file discuss, and refer to staff to work with state and FEMA to expedite this project, to allow some construction in Frisbee Park this Summer. Motion Carried 6-1. Absent: Flagg.**

99-1421 (B) To reconsider the increase in golf course fees during the Senior Open in July, 1999. SPONSOR: Hensley. **Moved by Hensley to reconsider, and rescind the golf fee increase**

during the Senior Open. Motion Failed 3-3-1. Yeas: Daniels, Hensley and McPherson. Nays: Coleman, Belken and Vlassis. Absent: Flagg.

99-1422 2. Oral request of Council Member Harold Belken, to discuss funding for Crawford Creek Basin and to request the City Manager to establish a funding and priority process for major sewer/drainage projects City-Wide. SPONSOR: Belken. **Moved by Belken to receive, file, discuss, and refer to the City Manager for review and recommendation; and direct City Manager to find \$150,000 and earmark it for the Crawford Creek Basin, in the next C.I.P. Motion Failed 2-4-1. YEAS: Coleman and Belken. Nays: Daniels, Hensley, McPherson and Vlassis. Absent: Flagg.**

99-1423 3. City Council recognition of Kenneth Grandquist for his significant contributions to Des Moines and AAA Baseball. SPONSOR: Daniels and Belken. **Moved by Belken to receive and file; refer to City Manager and Park Board to recommend appropriate recognition to be located at Sec Taylor Stadium. Motion Carried 6-1. Absent: Flagg.**

99-1424 4. Communications from Council Member Coleman and Supervisor Connolly, as a follow up to Council Member Flagg's proposal to develop an ongoing dialogue between the Council and Polk County Board of Supervisors. **Moved by Vlassis to receive. file; discuss, and approve the proposal with Council Member Coleman as the City's representative. Motion Carried 6-1. Absent: Flagg.**

99-1425 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:45 P.M. Motion Carried 6-1. Absent: Flagg.**