

SUMMARY OF DES MOINES CITY COUNCIL MEETING
DES MOINES CITY COUNCIL MEETING

June 7, 1999

COUNCIL GROUP PHOTO 3:00 P.M.

Closed Session 3:15 P.M.

99-1701 1. ROLL CALL: Present: Daniels, Brooks, Coleman, Flagg, Hensley, and McPherson. Absent: Vlassis.

99-1702 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.

99-1703 (b) Closed Session to discuss matters of pending litigation. Council Member Vlassis entered the meeting at 3:16 P.M.

99-1704 (c) Terminate this closed session and reconvene in open session. Moved by Coleman to adopt. Motion Carried 7-0.

99-1705 (d) Motion to recess and reconvene at 4:30 P.M. Moved by Coleman to adopt. Motion Carried 7-0.

SPECIAL PRESENTATION - 4:00 P.M. - "Nations in Bloom" Matt Rosen

CULTURAL CONNECTION - Gregg Hodges, Poet

PROCLAMATIONS - 4:15 P.M.: Juneteenth

Regular Meeting 4:30

INVOCATION: Pastor Roland Pillack

Mt. Olive Lutheran Church

99-1706 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by McPherson to adopt. Motion Carried 7-0.

99-1707 3. APPROVING CONSENT AGENDA - items 3 through 84: Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.

LICENSES AND PERMITS:

Approving

99-1708 4. Communication from Legal Department regarding June 7, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-1709 5. Kyle W. Maxwell dba Beggar's Banquet, 2306 University; Renewal - Expires 6-23-99 - Application submitted 5-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

6. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 Locust; New five (5) day applications for Des Moines Arts Festival on June 25, 26 and 27, 1999 (With Sunday Sales and Outdoor Service). Subject to submission of acceptable building, electrical, zoning, and fire inspections.

99-1710 (1) Booth A for Des Moines Arts Festival, East 1st & Walnut. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

99-1711 (2) Booth B for Des Moines Arts Festival, First & Walnut. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

99-1712 (3) Booth C for Des Moines Arts Festival, Court between East First & First Streets. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

99-1713 (4) Booth D for Des Moines Arts Festival, Court between East First & First Streets. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

99-1714 7. Fair Beverage, Inc., Dan J. Hanian, President dba Old West Barbeque, Walnut & Rock Island - Iowa State Fairgrounds; New six (6) month Application - (With Sunday Sales and Outdoor Service) - Application submitted 5-20-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1715 8. Porky's Diner, L.L.C., Mitchell Noah, Member dba Porky's Diner, Varied Industries Building, 3000 East Grand - Fairgrounds; New five (5) day Application - June 22, 1999 through June 26, 1999 (With Outdoor Service) - for Motorcycle Extravaganza - Application submitted 5-20-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-1716 9. James S. Krueger dba Easttown Amoco, 2850 East Euclid; Renewal - Expires 6-21-99 (With Sunday Sales) - Application submitted 5-26-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN 99-1717 10. Gurpal Singh dba G's Super Mart, 800 19th Street; Renewal - Expires 6-22-99 (With Sunday Sales) - Application submitted 5-20-99. Recommendation of Vice Control Unit to **DENY.**

WITHDRAWN99-1718 (A) Class "B" Wine License for Gurpal Singh dba G's Super Mart, 800 19th Street; Renewal - Expires 6-22-99 - Application submitted 5-20-99. Recommendation of Vice Control Unit to **DENY**.

99-1719 11. Git N Go Convenience Store, Inc., Dennis Flora, President dba Git N Go #7, 1826 6th Avenue; Renewal - Expires 7-23-99. (With Sunday Sales) - Application submitted 5-20-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1720 12. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #535, 1501 E. Grand; Renewal - Expires 6-26-99 (With Sunday Sales) - Application submitted 4-16-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1721 13. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #516, 901 East University; Renewal - Expires 6-16-99 (With Sunday Sales) - Application submitted 4-16-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1722 14. Albertson's, Inc., Richard L. King, President dba Super One Foods, 3400 East 33rd Street; Renewal - Expires 6-20-99 (With Sunday Sales) - Application submitted 4-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1723 15. Albertson's, Inc., Richard L. King, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-16-99 (With Sunday Sales) - Application submitted 4-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-1724 16. Git N Go Convenience Store, Inc., Dennis Flora, President dba Git N Go #7, 1826 6th Avenue; Renewal - Expires 7-23-99 - Application submitted 5-20-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1725 17. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #535, 1501 E. Grand; Renewal - Expires 6-26-99 - Application submitted 4-16-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1726 18. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #516, 901 East University; Renewal - Expires 6-16-99 - Application submitted 4-16-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1727 19. Albertson's, Inc., Richard L. King, President dba Super One Foods, 3400 East 33rd Street; Renewal - Expires 6-20-99 - Application submitted 4-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1728 20. Albertson's, Inc., Richard L. King, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-16-99 - Application submitted 4-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

99-1729 21. 205 Corporation, Charles J. Celsi, President dba The Tavern South Pizza-Pasta-Grill, 1106 Army Post Road; Renewal - Expires 6-30-99 (With Sunday Sales) - Application submitted 5-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-1730 22. AMF Bowling Centers, Inc., John P. Watkins, President dba AMF Classic Lanes, 3200 Delaware; Renewal - Expires 6-18-99 (With Sunday Sales and Outdoor Service) - Application submitted 5-28-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1731 23. Marilyn J. Johns dba C.J.'s II, 316 East 30th Street; Renewal - Expires 6-17-99 (With Sunday Sales) - Application submitted 5-4-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1732 24. Hilltop Lounge & Restaurant, Inc., Alex J. Tollari, President dba Hilltop Restaurant, 2820 Hubbell; Renewal - Expires 6-29-99 - Application submitted 5-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1733 25. Leo's Lounge, Inc., Judy C. Leo, President dba Leo's Lounge, 1018 East 12th Street; Renewal - Expires 6-24-99 (With Sunday Sales) - Application submitted 5-13-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1734 26. Okoboji Grill of South Des Moines, Inc., dba Okoboji Grill of South Des Moines, 200 Army Post Road Suite 32; Renewal - Expires 6-19-99 (With Sunday Sales and Outdoor Service) - Application submitted 5-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1735 27. J & V's, Inc., James M. Beck, President dba Time Out Sports Bar, 1101 Army Post Road; Renewal - Expires 6-17-99 (With Sunday Sales) - Application submitted 5-18-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

99-1736 28. Albertson's, Inc., Richard L. King, President dba Super One Foods, 3400 East 33rd Street; Renewal - Expires 6-20-99 - Application submitted 4-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1737 29. Albertson's, Inc., Richard L. King, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-16-99 - Application submitted 4-27-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

99-1738 30. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1739 30-I Temporary transfer of Class "C" Liquor License for Lou McCormick, dba Super Toad, Inc., from 1424 E. Euclid to Blank Park, 7401 SW 9th Street, one-day event (Hawkfest) on June 20, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-1737 31. Approving Change Order No. 1 with John T. Jones Construction Company for additional work in conjunction with the WRA Raw Sewage Pump Station Improvements - \$46,785. ([Council Communication No. 99-253](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1738 32. Approving Agreement Amendment No. 4 with Brown and Caldwell, (Craig Goehring, President, California) to perform additional engineering services in conjunction with construction of the WRA Raw Sewage Pumping Station - \$283,336. ([Council Communication No. 99-254](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1739 33. Approving Professional Services Agreement with Snyder & Associates, Inc., (Dennis L. Snyder, President, Ankeny) for design phase services for Preliminary Design of Basins 1, 9, & 10 of Easter Lake Storm Water Master Plan - \$69,300. ([Council Communication No. 99-255](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1740 34. Approving contract and bond and permission to sublet for the E. 37th Street and E. University Avenue North Side Storm Sewer Improvements, R. G. Elder & Son Company, (Jared Elder, President, 5088 E. University Avenue). **Moved by McPherson to adopt. Motion Carried 7-0.**

35. Resolution Ordering Construction of the following:

99-1741 (A) Grandview/Central Place Demolition & Asbestos Removal, Receiving of Bids, (6-22-99), and Setting Date of Hearing, (6-28-99), (Construction Estimate - \$48,700). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1742 (B) 1999 City-Wide PCC Pavement Restoration Program, Receiving of Bids, (6-22-99), and Setting Date of Hearing, (6-28-99), (Construction Estimate - \$285,500). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1743 (C) 1999 Sidewalk Replacement Program-Public Works, Receiving of Bids, (6-22-99), and Setting Date of Hearing, (6-28-99), (Construction Estimate - \$148,500). **Moved by McPherson to adopt. Motion Carried 7-0.**

36. Communications from contractors requesting extensions of time for the following:

99-1744 (A) Buchanan Builders, Inc., Todd Buchanan, President, 2951 86th Street, Urbandale, for Burke Park Shelter extension until June 8, 1999. **Moved by McPherson to receive, file and grant the extension of time until June 8, 1999. Motion Carried 7-0.**

99-1745 (B) Van Hauen & Associates, Inc., Mark Van Hauen, President, 13185 Pineview Drive, Clive, for 1998 Flood Storm Sewer Repair Contract 1 extension until June 30, 1999. **Moved by McPherson to receive, file and grant the extension of time until June 30, 1999. Motion Carried 7-0.**

99-1746 37. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the 2100 Block of Woodland Avenue Excavation of Lead Bearing Soil, Les'Mes Environmental Support, Inc., \$654.94 is now due and \$2,243.17 remaining balance payable at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

38. Approving completion and recommending acceptance of Private Construction Contract with Corell Contractor, Inc., (Steve Corell, President, - Contractor), and G & L Clothing (Jim Marcovis, President, - Owner), for the following:

99-1747 (A) Sanitary Sewer Improvements - 1801 and 1821 Ingersoll Avenue. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1748 (B) Storm Sewer Improvements. **Moved by McPherson to adopt. Motion Carried 7-0.**

39. Approving Private Construction Contracts between McAninch Corporation, Dwayne McAninch, President-Contractor and Oaks Development, John C. Kline, President-Owner, for the following:

99-1749 (A) Storm Sewer Improvements in the new development known as Easter Lake Estates Plat 6, located at Easter Lake Drive and SE 28th Street - \$202,481. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1750 (B) Sanitary Sewer Improvements in the new development known as Easter Lake Estates Plat 6, located a Easter Lake Drive and SE 28th Street - \$219,211. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1751 40. Approving Private Construction Contract for Sanitary Sewer Improvements for the manhole 15' East of East Curb Line of SW 22nd Street and 308' South of South Curb Line of Rittenhouse to service Lot 2 Airport Commerce Park Plat 1, between Rhiner's Plumbing Co., Inc., William Rhiner, President-Contractor, and The Airport Group, Inc., L.L.C., Doug Siedenbug, Managing Partner-Owner - \$1,500. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1752 41. Approving completion and recommending acceptance of Private Construction Contract for Sanitary Sewer Improvements of a Special Type F Manhole over existing box sewer located near the southwest corner of 1831 Guthrie Avenue, Moss Warehouse, between Corell

Contractor, Inc., Steve Corell, President-Contractor, and Pace Company, Terry Stark, President-Owner - \$3,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1753 42. Approving completion and recommending acceptance of Private Construction Contract for Sanitary Sewer Improvements for the Crown Colony Townhomes at 1400 Thomas Beck Road, between Corell Contractor, Inc., Steve Corell, President-Contractor and Crown Colony, Inc., John W. Grubb, Secretary-Owner - \$72,125. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1754 43. Approving completion and recommending acceptance of Private Construction Contract for Storm Sewer Improvements to serve Applebee's Restaurant, 3900 Merle Hay Road, between Corell Contractor, Inc., Steve Corell, President-Contractor and Merle Hay Partnership, Robert K. Johnson, Superintendent-Owner - \$2,875. **Moved by McPherson to adopt. Motion Carried 7-0.**

44. Approving completion and recommending acceptance of Private Construction Contract between Corell Contractor, Inc., Steve Corell, President-Contractor, and Hickory Grove, L.L.C., Dennis Langwith, Managing Partner-Owner, for the following:

99-1755 (A) Sanitary Sewer Improvements on 41st Street and Twana to service Hickory Grove Townhomes, located at 4525 - 4555 41st Street - \$67,931. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1756 (B) Storm Sewer Improvements on 41st Street and Twana to service Hickory Grove Townhomes, located at 4525 - 4555 41st Street - \$40,150. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1757 45. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by three property owners and curb replacement program, waivers signed by three property owners, (call the City Clerk's Office for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1758 46. Approving partial payments on fourteen (14) public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-1759 47. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of May, 1999, for certification to Polk County, (call the City Clerk's Office for various amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1760 48. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for May, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-1761 49. Establishing Fair Market Values and Offers to Purchase Real Estate for five properties in conjunction with the 1998 FEMA Flood Hazard Mitigation Program, (call the City Clerk's Office for List) - \$394,793.60. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1762 50. Approving the Purchase of Property from Kramme Partnership, located in the vicinity of southwest corner of Fleming Avenue and East 16th Street in conjunction with East Euclid Avenue Detention Basin and Stormwater Improvements Project - \$144,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1763 51. Condemnation Commissioners' award of \$1,255,000.00 plus Sheriff's fees and jury expenses in conjunction with Relocation of Army Post Road and Iowa Highway 28 and Extension Runway 5/23, to Road Contractors, Inc., SW of intersection of Pine Avenue and Highway 28. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

99-1764 52. Amendment to Lease Agreement with Flanagan Corporation, 2100 Ingersoll Avenue, to extend the term forty-five days, until October 31, 1999, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop) - \$5,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1765 53. Settlement, Release, Indemnity and Covenant Not to Sue in conjunction with 30th/31st Street Realignment at University Avenue, Kingman Avenue to Forest Avenue, from Dale J. Stuart and Rhonda Stuart, 1426 30th Street - \$4,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1766 54. Approving Final Subdivision Plat entitled Walnut Woods Plat 1 in vicinity south of Thornton Avenue and in area east of 63rd Street. ([Council Communication No. 99-257](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1767 55. Temporary Easement for Construction, Permanent Easement for Storm Sewer, Surface Water Flowage and for a Storm Sewer Inlet, and Future Title Work Compensation in conjunction with E. 37th Court and University Avenue, North Side Storm Water Improvements, from Dennis A. Murray, 3750 E. University Avenue - \$3,639, and 1208 E. 38th Street - \$1,285. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1768 56. 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 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-1769 57. Reappointment recommendation of Council Member Mike McPherson, Ward II, for John Fitzgibbon to the Des Moines International Airport Board, four-year term to expire June 30, 2003. **Moved by McPherson to adopt. Motion Carried 7-0.**

STREET CLOSINGS

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

99-1770 (A) Paty Stanley, representing Christ the King Parish Council, 5711 SW 9th requesting permission to close SW 7th Street from Wall Avenue to Porter Avenue on Saturday, June 12, 1999 from 10:00 A.M. until 7:00 P.M. for a church carnival. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1771 (B) Gary Lawson, representing The 1999 Juneteenth Committee, 424 10 Street, Suite 207 requesting permission to close Forest Avenue from 14th Street to 16th Street on Saturday, June 19, 1999 from 12:00 Noon until 7:00 P.M. for a celebration. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1772 59. Derek Clark, representing Des Moines Symphony, 221 Walnut requesting permission to close Court Avenue from East 7th Street to East 12th Street on Saturday, July 3, 1999 from 9:00 P.M. to 11:00 P.M. for a concert and fireworks display held at State Capitol Complex. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1773 60. Approving closure of the following City streets. **Moved by McPherson to adopt. Motion Carried 7-0.**

(1) Rabbi Applebaum, representing Beth El Jacob Synagogue, 954 Cummins Parkway, requesting permission to close Fanny Pruce Drive from Cummins Parkway to 63rd Street on Sunday, June 13, 1999, from 11:00 A.M. until 5:00 P.M. for a neighborhood block party.

(2) Stefanie Wells, representing Younkers, 701 Walnut, requesting permission to close Alley, north of parking lot on 8th and Cherry on Friday, June 25, 1999, from 9:00 AM to 4:00 PM for a block party.

(3) Melodie Biondi, 3221 Cedar Court, requesting permission to close Cedar Court from SE Hughes on Saturday, June 26, 1999, from 2:00 P.M. until 8:00 P.M. for a neighborhood block party.

WITHDRAWN (4) Vicki Hedlin, representing Des Moines Int'l Children's Choral Festival, 525 E 9th Street, Suite B, requesting permission to close 3rd Street from Locust to Walnut on Friday, July 2, 1999, from 9:30 P.M. until 11:30 P.M. for a block party.

(5) Rod Ryan, 4808 Crestmoor Drive, requesting permission to close 48th Street, Bel-Aire Road to Crestmoor Drive and Crestmoor Drive, 48th Street to 50th Street on Saturday, July 3, 1999, from 10:00 A.M. until 11:00 A.M. for a neighborhood block party.

(6) James Kelley, 1306 46th Street, requesting permission to close 1300 block of 46th Street from Carpenter Avenue to Forest Avenue on Saturday, August 7, 1999, from 4:00 P.M. until 9:00 P.M. for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

99-1774 61. Regarding amendment of the Parklands element of the Des Moines Comprehensive Plan, to include a park located in the Laurel Hill Neighborhood. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1775 62. Regarding request from Rick Mantz for vacation and conveyance of a portion of the east/west alley south of 1915-30th. **Moved by McPherson to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

63. On Amendments to the following plans, to allow improvements to residentially assessed property on existing parcels not served by the public sewer system, to qualify for tax abatement:

99-1776 (A) Fifth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, (7-12-99). [\(Council Communication No. 99-263\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1777 (B) Second Amendment to the Urban Revitalization Plan for the Ewing Park Urban Revitalization Area, (7-12-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1778 64. On City Plan Commission recommended DENIAL of application from Joanne Stevens and Sandra K. Jordan, for approval of the proposed "Blue Ridge R-5 Preliminary Plan" for approx 40 acres in the vicinity of 6900 block of Indianola Road, (200 mobile home lots and a 200 foot setback from Indianola), (6-21-99). **Moved by Flagg to adopt. Motion Carried 7-0. This item was considered with Item 98.**

99-1779 65. On proposed lease of property at 944 18th Street, from Generations, Inc., \$1284/month, for Woodland Wilkie Site Office, (6-21-99). **Moved by McPherson to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-1780 66. Approving payment of \$3,194.70 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City of Des Moines in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1781 67. Approving waiver of subrogation lien in amount of \$21,137.14 in case of Leota M. Lipovac's Worker's Compensation Claim subject to approval of the Workers' Compensation Commissioner. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1782 68. Approving payment of \$7,596.40 to Richard L. Klein, Jr. for payment of workers' compensation benefits for an injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1783 69. Approving payment of \$18,222.40 to Charles D. Johnston III for payment of workers' compensation benefits for an injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1784 70. Approving payment of \$2,068.29 to George LaMarca of law firm of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al., Case No. CL 73934. **Moved by McPherson to approve payment. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-1785 71. Submitting out-of-state travel request for Eric Anderson. ([Council Communication No. 99-262](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING

99-1786 72. Communication from City Clerk, submitting report on City Council meeting/meal expenses for May, 1999. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-1787 73. Submittal of grant application for Hazard Mitigation Grant to Iowa Emergency Management Division (EMD) of Department of Public Defense and to designate a City Representative upon Grant approval, (backup generator for City Hall). ([Council Communication No. 99-252](#)). **Moved by McPherson to approve. Motion Carried 7-0.**

99-1788 74. Receipt of communication from Finance Director regarding change in date of sale for General Obligation Bonds, Series 1999A and B. ([Council Communication No. 99-260](#)). **Moved by Hensley to receive and file. Motion Carried 7-0.**

99-1789 75. Authorization of \$1.0 million of FY 1998-99 funding to Neighborhood Finance Corporation (NFC) in conjunction with Intergovernmental 28E Agreement to provide financial resources for neighborhood revitalization programs. ([Council Communication No. 99-261](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Hensley.**

99-1790 76. Categorical Assistance Progress Report for the period of January 1, 1997 to December 31, 1998 to be submitted to U.S. Department of Justice for Weed & Seed. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Coleman.**

77. Close-out documents for the following Weatherization Contracts:)

99-1791 (A) Contract No. DOE 98-07J. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1792 (B) Contract No. O/C-99-07J. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1793 (C) Contract No. HEAP-99-07J-98. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1794 78. Acceptance of grant from Prairie Meadows Racetrack and Casino to be used for discounts for senior golfers on City golf courses - \$30,000. ([Council Communication No. 99-266](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1795 79. Accepting the Requests for Proposal (RFP) for purchase of treadmills to be used in the Fire Department submitted by 2nd Wind Exercise Equipment, Clive, IA, Randy Vogel, Owner, \$49,400. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1796 80. Approving Task and Responsibilities Agreement forms, for use in the Partners in Parks Adopt-a-Park Program. ([Council Communication No. 99-267](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1797 81. Report of Civil Service Commission submitting Entrance Lists for Police Officer and Reserve Police Officer Reserve List. **Moved by McPherson to receive and file. Motion Carried 7-0.**

82. Bids for the following:

99-1798 (A) Eddy-Walker Equipment Company, (4044 E. 14th Street, Donald E. Eddy, President) for a truck with packer body to be used by the Public Works, \$40,910. (Ten bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1799 (B) O'Halloran International Inc., (751 East Market Street, James F. O'Halloran) for a truck with dump body and snow plow to be used by the Public Works, \$53,400. (Eight bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1800 (C) Audit of calibration procedures for 30 ADS 3500 Flow Monitors for billing WRA communities by ADS Environmental Services, Inc., (Elmhurst, IL) single factory source. (Municipal Code Section 2-86(6) providing for a non-competitive source, \$27,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1801 (D) Computer hardware maintenance and support and a software support agreement for Hewlett-Packard computerized gas chromatograph manufactured by Hewlett-Packard Co., (Wilmington, DE) non-competitive single factory source, \$11,913.82. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-1802 (E) Bid awarded to Charles Gabus Ford, Inc. (4545 Merle Hay Road, Charles Gabus, President) for eight extended cab pickup trucks, and Dewey Ford, Inc., 444 E. 4th Street, Mark Vukovich, President) for ten compact sedans to be used by the Community Development Department, Total \$232,010. Bid from Wright Chevrolet, Carlisle, did not meet specifications, therefore non-compliant. (Ten bids mailed-six bids received). **Moved by McPherson to adopt. Motion Carried 7-0.**

WITHDRAWN99-1803 (F) Vermeer Sales and Service, Pella, Rick Boat, President) for two Brush Chippers and one Stump Cutter to be used by the Public Works, (Forestry), \$47,388. (Fifteen bids mailed-three received).

99-1804 83. Authorizing Finance Director to draw checks on registers of June 11, 1999 and June 19, 1999, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning June 7, 1999 and June 14, 1999, and the biweekly payroll due employees on June 4, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

99-1805 84. Amending Chapter 19 of the Municipal Code regarding operation of Limousines in Des Moines, as amended. **Moved by Hensley to amend the ordinance to add trip rates, look at 24-hour notice and to include the wording "an individual" regarding ability to contract with a limousine company and to direct staff to bring back the amended ordinance for second reading on June 21, 1999. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

99-1806 85-I City Council discussion regarding an amendment to the Municipal Code regarding salary of the Mayor and Council Members. **Moved by Flagg to reconsider previous Council action and propose that the City Council salary be established at \$27,000 annually and Mayor's salary at \$40,500 annually, with \$50 per week in expenses to be paid to all, and to include the proposal that the salary may be declined, as proposed by Council Member Hensley. Motion Failed 1-6. Yeas: Flagg. Nays: Daniels, Brooks, Coleman, Hensley, McPherson and Vlassis.**

99-1807 85. Amending Chapter 2 of the Municipal Code regarding salary of the Mayor and Council Members. **Moved by McPherson that this ordinance be considered and given first vote passage, as amended to increase Mayor and Council's salaries by 20%, effective January 1, 2000; to include the \$50 per week as allowance for expenses; adding the provision to allow any Mayor or Council Member to decline benefits and/or salary, as proposed by Council Member Hensley, and, directing the City Clerk to place this issue on the City Council agenda at the last meeting in June of each Municipal Election year. Motion Carried 4-2-1. Nays: Hensley and Vlassis. Pass: Flagg.**

WITHDRAWN86. Amending Chapter 17 of the Municipal Code regarding removal of abandoned property from public right-of-way.

WITHDRAWN(A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

99-1808 87. Amending Chapter 7 of the Municipal Code, to add Pygmy goats to the list of animals permitted as pets. **Moved by Hensley that this ordinance be considered and give first vote for passage. Motion Carried 6-1. Nays: Vlassis.**

99-1809 88. Amending Chapter 27 of the Municipal Code regarding the following traffic

regulation changes. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-South Side of Lincoln Avenue West of 31st Street.

(2) Extension of No Parking Restriction-East Side of East 16th Street North of University Avenue.

(3) No Parking Restriction-West Side of Maine Street South of Washington Avenue.

(4) Stop Signs-13th Street and Chautauqua Parkway.

99-1810 89. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Stop Signs at SE 4th Street and Columbus Avenue.

(2) Stop Signs at Madison Ave. at Lynner Dr. and Dosh Rd.

(3) Stop Signs at 40th Street and Shawnee Avenue.

(4) Stop Signs at 40th Street and Bel-Aire Road and 38th Street and Lindlavista Way.

(5) Petition for Two-Sided Parking Restriction at SE 3rd Street from McKinley Avenue to Emma Avenue.

(6) Deletion of Handicapped Parking Ordinance Due to Recent Realignment for North Side of Indianola Avenue East of SW 1st Street to South Union Street.

(7) Corner Clearance for West Side of East 24th Court South of East Aurora Avenue.

(8) Corner Clearance for West Side of Williams Street South of East Douglas.

(9) Corner Clearance for Vicinity of 303 New York Ave.

COUNCIL REQUESTS

99-1811 90. From Council Member McPherson to allow Ken Little, 1621 E. 27th St., to speak regarding drainage in alley in vicinity of his property. **Moved by McPherson to receive, file and defer to June 21, 1999. Motion Carried 7-0.**

99-1812 91. From Council Member Brooks regarding a Prequalification of Bidders Procedure. **Moved by Brooks to receive, file, discuss, and form a Council Committee to work with the City Manager and Legal to review and make recommendations to the Council. Staff to provide committee with a work product in 30-45 days. Brooks, Coleman and Hensley were appointed to the committee. Motion Carried 6-1. Nays: Flagg.**

99-1813 92. From Council Member Brooks for review of railroad crossings on Second and Third at Elm and three crossings on Fifth Street, North of Elm. **Moved by Brooks to receive, file and refer to City Manager for review and response by June 21. Motion Carried 6-1. Absent: McPherson.**

99-1814 93. From Council Member Brooks to discuss litter caused by Shopper and newspaper delivery to homes. **Moved by Brooks to receive, file and refer to Legal for review and recommendation. Motion Carried 6-1. Nays: Hensley.**

99-1815 94. From Council Member Tom Vlassis, to discuss resolution on Community Reinvestment Act (CRA) and CDBG Funding. **Moved by Vlassis to discuss and offer Council support for the resolution sent to Congress, and to distribute the information to Des Moines Neighbors, encouraging their support to our Congressional Representative. Motion Carried 7-0.**

HEARINGS (Opened at 5:58 P.M.) (Items 95 thru 106)

99-1816 95. On Parking License Agreement with Principal Life Insurance Company, to utilize 150 parking spaces in the Park and Ride Facility for a five-year term. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1817 96. On lease of vacated 41st Street right-of-way between Ingersoll and Grand Avenues to Plymouth Congregational Church Foundation, (\$6,003 annual base rental) and to St. Augustin's Church of Des Moines, (\$5,698 annual base rental), initial term of 49 years with five 10-year renewal options. ([Council Communication No. 99-251](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1818 (A) Communication from William Lillis, attorney for Plymouth Congregational Church and St. Augustin's Catholic Church, regarding Option to Purchase provision. **Moved by Hensley to receive and file the Option to Purchase provisions until such time as all parties reach an understanding on all issues. Motion Carried 7-0.**

99-1819 (B) Communication from Chair of the City Plan and Zoning commission regarding policy for determining value and disposing or leasing of City-owned property. **Moved by Hensley to receive and file. Motion Carried 7-0.**

99-1820 (C) Communication from Roger Stetson, attorney for Plymouth Congregational Church, regarding proposed lease and option to purchase vacated 41st Street right-of-way. **Moved by Hensley to receive and file the Option to Purchase provisions until such time as all parties reach an understanding on all issues. Motion Carried 7-0.**

99-1821 97. On application from Pastor Paulsey, Airport Baptist Church to rezone property at 2600 Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District), and to find conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: Coleman.**

99-1822 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Daniels. Absent: Coleman.**

99-1823 (B) Authorizing the City Manager and Legal Department to acquire Airport Baptist Church at 2500/2600 Army Post Road in conjunction with Airport Expansion-\$1,770,000. ([Council Communication No. 99-256](#)). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Flagg and McPherson. Pass: Vlassis.**

99-1824 98. On City Council-initiated request to rezone property in the 6900 block of Indianola Avenue from "R-5" (Mobile Home Residential) to "R-2A" (General Residential), and "R1-80" (Single-Family Residential), and to find conformance with Des Moines 2000 Land Use Plan. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: McPherson.**

99-1825 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: McPherson.**

99-1826 99. On application from Daryl Mayfield to rezone 24.53 acres of property at 7103 Fleur Drive, from "R1-80" (One Family Residential), to "PUD" (Planned Unit Development), (continued from 5-17-99). **Moved by Coleman to refer back to City Plan and Zoning Commission to address specific recommendations submitted by abutting neighbors and for further recommendations back to the City Council. Motion Carried 7-0.**

WITHDRAWN 99-1827 (A) First consideration of ordinance above.

99-1828 100. On voiding of approved Development Plan for 108 Apartments, dated September 28, 1992, for Lot 12, River Oaks Centre, vicinity of SW 63rd and Creston. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1829 101. On proposal from Frank Owens, to purchase city-owned property at 1351 8th Street, \$575. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1830 102. Close Hearing on application from Amy Peel-Wood, of Amy Peel Dance School, Inc., to rezone property at 3127 SW 30th Street, applicant has withdrawn the request. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1831 103. On SW 7th Street Sanitary Sewer Replacement - Elm Street to Tuttle Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane J. Burkhardt,

President, 2407 SW 9th Street, DM), \$44,525. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1832 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1833 104. On North and South Side Libraries Exterior Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services, (Chris Brault, Owner, Urbandale), \$16,090. **Moved by Coleman to adopt. Staff to report on application of local preference to bid items. Motion Carried 7-0.**

99-1834 105. On 1998 Sanitary Sewer Relining Contract No. 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Visu-Sewer Clean & Seal Inc., (Ernest L. Alexander, President, Pewaukee, WI), \$337,211.80. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1835 106. On 1999 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Double T Asphalt Co, Inc., (Kathleen Burris, President, 6050 SE Vandalia Road, DM), \$137,881.25. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1836 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 8:23 P.M. * *

CITY MANAGER RECOMMENDATIONS

99-1837 107. Regarding continuation of Housing Services Board. **Moved by Hensley to receive, file and approve and direct Legal Department to prepare ordinances as outlined in the communication. Motion Carried 7-0.**

WITHDRAWN 99-1838 108. Communication from City Manager regarding redevelopment opportunity created by Martin Luther King, Jr. Parkway Project.

APPROVING

99-1839 109. 1999 Neighborhood Support Services Project Agreement with Downtown Partnership, Inc., amount not to exceed \$25,000 of 1999 CDBG funds for the period of July 1, 1999 to June 30, 2000. ([Council Communication No. 99-265](#)). **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

99-1840 110. Establishing Fair Market Value and Authorizing Acquisition of two properties, in the vicinity of SW 5th and Market Streets, and SW 4th and Market Streets, located south of the proposed Court Avenue Entertainment Center Project for use as a public parking area in the

Riverpoint Capitol-Center Development Area Urban Renewal Area. ([Council Communication No. 99-269](#)). **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Flagg. Council Member Hensley declares a conflict of interest, and abstains from voting.**

99-1841 111. Notice to Norwest Investment Services of impending pre-payment and purchase of fifteen recycling trucks financed through a lease-purchase agreement. ([Council Communication No. 99-258](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN99-1842 112. Authorization to proceed on various 1999-2000 Park and Recreation Capital Improvement Program projects. ([Council Communication No. 99-268](#))

99-1843 113. Proposed restructuring of Self-Insurance Program for July 1, 1999 annual renewal and proposed amendment to Insurance Agent/Broker Services Contract. ([Council Communication No. 99-259](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1844 114. Resolution of the City Council in opposition to the Proposed Amendments to the State Constitution to be voted on June 29, 1999. **Moved by Hensley to defer to 6-21-99. Place early on agenda. Motion Carried 7-0.**

99-1845 115. Approving Final City of Des Moines Legislative Update for the 78th Iowa General Assembly. Moved by Vlassis to receive and file the report. **Moved by Vlassis to receive and file report. Motion Carried 7-0.**

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A G E N D A

BOARD OF HEALTH June 7, 1999

99-1846 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 7-0.**

COMMUNICATION

99-1847 1. Regarding demolition cost reserve escrowed for 1927 - 22nd. **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 7-0.**

AUTHORIZING

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

99-1848 (A) 400 Arthur; vacant; Titleholder: Bankers Trust Company of California as Trustee for Vendee Mortgage Trust 1997-1; Contract Buyers: John E. Hockett, Roseanna B. Hockett, Megan Hockett **Moved by Vlassis to adopt. Staff to notify County Weed Commissioner to get this lot mowed. Motion Carried 7-0.**

99-1849 (B) 406 Herold; vacant; Titleholder: Verda J. Battert **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1850 (C) 1150 - 12th (GARAGE); vacant; Titleholders: Duane R. Dredske, Patricia A. Dredske **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1851 (D) 249 E. 19th St.; vacant; Titleholder: Robert W. Wilson, Ill **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1852 (E) 2422 E. 36th Ct.; vacant; Titleholder: Michelle A. Sepich a/k/a Michelle A. Robbins; Legal Interest Holder: Kevin R. Kay, A Minor. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1853 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:55 P.M.**