

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 12, 1999 4:30 P.M.

99-2114 1. ROLL CALL--3:30 P.M.: **Present: Daniels, Brooks, McPherson, and Vlassis. Absent: Coleman, Flagg, Hensley.**

99-2115 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 4-3. Absent: Coleman, Flagg and Hensley.**

99-2116 (b) Closed Session to discuss matters of pending litigation.

99-2117 (c) Terminate closed session and reconvene in open session. **Moved by McPherson to adopt. Motion Carried 4-3. Absent: Coleman, Flagg and Hensley.**

99-2118 (d) Motion to recess and reconvene at 4:30 P.M. **Moved by McPherson to adjourn at 3:35 P.M. Motion Carried 4-3. Absent: Coleman, Flagg and Hensley.**

INVOCATION: Father Lyle Peters

St. Theresa's Catholic Church

99-2119 ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

99-2120 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2121 3. APPROVING CONSENT AGENDA - items 3 through 75: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-2122 4. Communication from Legal Department regarding July 12, 1999 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

WITHDRAWN99-2123 5. A & M Restaurant, Inc., Mersim Osmicevic, President dba A & M Restaurant, 2222 Forest; Renewal - Expires 7-28-99 (With Sunday Sales) - Application submitted 6-29-99.

99-2124 6. Amana Colonies State Fair Co. (LC), Carl Oehl, Manager dba Amana's on the Hill, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 7-31-99 (With Sunday Sales and Outdoor Service) - Application submitted 6-25-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2125 7. M & F Cunningham Corp., Edward H. Cunningham, President dba Concession Spot 23, 3000 East Grand - Iowa State Fairgrounds; New Application for 14 day License submitted 6-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN99-2126 8. Eufrazio Mayorga dba Los Laureles, 1518 East Grand Avenue: Renewal - Expires 7-29-99 (With Sunday Sales) - Application submitted 5-21-99.

99-2127 9. Des Moines Jaycees, Doreen Andrew, President dba Seniom Sed - (A Taste of Des Moines), 2201 Valley Drive (northeast of the Izaak Walton League along Valley Drive); New 5 day application for event to be held on July 24 & 25, 1999 (With Sunday Sales and Outdoor Service) - Application submitted 7-7-99. Subject to submission of acceptable building, electrical, zoning and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-2128 10. Dell Oil Ltd., William Sawdey, President dba Dell Oil Ltd., 5800 Southwest 9th Street; Renewal - Expires 7-26-99 (With Sunday Sales) - Application submitted 6-18-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2129 11. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #26, 2140 East Park Avenue; Renewal - Expires 8-10-99 (With Sunday Sales) - Application submitted 6-8-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2130 12. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #508, 3733 Easton Blvd; Renewal - Expires 7-11-99 (With Sunday Sales) - Application submitted 6-10-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2131 13. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #554, 2919 East 14th Street; Renewal - Expires 7-28-99 (With Sunday Sales) - Application submitted 6-10-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2132 14. Ivan Thede dba Lee Town Foods, 2930 East University; Renewal - Expires 7-30-99 (With Sunday Sales) - Application submitted 6-22-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2133 15. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #523, 850 Army Post Road; Renewal - Expires 8-14-17-99 (With Sunday Sales) - Application submitted 6-18-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2134 16. Thai Market, Inc., Sith Macvilay, President dba Thai Market, 411 1/2 East Grand; Renewal - Expires 8-8-99 (With Sunday Sales) - Application submitted 6-25-99. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

Class "B" Wine Licenses

99-2135 17. Embassy Club, Michael LaValle, General Manager dba Embassy Club, 801 Grand - Suite 4000; Renewal - Expires 7-19-99 - Application submitted 6-18-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2136 18. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway, 100 Euclid; New Application submitted 6-17-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2137 19. Ivan Thede dba Lee Town Foods, 2930 E. University; Renewal - Expires 7-30-99 - Application submitted 6-22-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2138 20. QuikTrip Corporation, Chester Cadieux, President dba Quik Trip #523, 850 Army Post Road; Renewal - Expires 8-14-99 - Application submitted 6-18-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "A" Liquor Licenses

99-2139 21. Embassy Club, Michael LaValle, General Manager dba Embassy Club, 801 Grand - Suite 4000; Renewal - Expires 7-19-99 (With Sunday Sales) - Application submitted 6-18-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2140 22. Embassy Club, Michael LaValle, General Manager dba Embassy Club, 400 Locust - Suite 100; New Application (With Sunday Sales) - Application submitted 6-21-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

99-2141 23. Fleur De Lis Motor Inns, Inc., Everett R. Scott, President dba Airport Holiday Inn, 6111 Fleur Drive; Renewal - Expires 7-30-99 (With Sunday Sales) - Application submitted 6-11-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-2142 24. Southern Golf, Inc., Ned Chiodo, President dba A.H. Blank Golf Course, 808 County Line Road; Renewal - Expires 7-21-99 (With Sunday Sales and Outdoor Service) - Application submitted 6-15-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2143 25. Apple Corps, LP, Darrel L. Rolph, President dba Applebee's Neighborhood Grill & Bar, 6301 Southeast 14th Street; Renewal - Expires 8-4-99 (With Sunday Sales) - Application submitted 6-14-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2144 26. Apple Corps, LP, Darrel L. Rolph, President dba Applebee's Neighborhood Grill & Bar, 3900 Merle Hay Road; Renewal - Expires 8-4-99 (With Sunday Sales) - Application submitted 6-14-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2145 27. Chuck's Restaurant, Inc., Linda Bisignano, President dba Chuck's Restaurant, 3608 - 6th Avenue; Renewal - Expires 7-21-99 (With Sunday Sales) - Application submitted 6-18-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2146 28. Saltwater, Inc., Craig Kelso, President dba Coral Reef & Cantina, 2615 Ingersoll; Renewal - Expires 7-31-99 - Application submitted 6-22-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2147 29. D.C. Holding Co., Inc., Dave Crimmins, President dba Crimmins Cattle Co., 4901 Fleur Drive; Renewal - Expires 7-27-99 (With Sunday Sales) - Application submitted 6-25-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2148 30. Home Inc., Richard L. Link, Commander dba Des Moines Amvets Post #2, 2818 5th Avenue; Renewal - Expires 7-22-99 (With Sunday Sales) - Application submitted 6-11-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2149 31. T & G, Inc., Eugene Versteegh, President dba Koffee Korner; Renewal - Expires 7-21-99 - Application submitted 6-29-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2150 32. LaFonda, Inc., Gerardo R. Berber, President dba LaFonda Mexican Restaurant, 111 Southwest Army Post Road; New Application (With Sunday Sales) - Application submitted 11-19-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2151 33. La Pizza House, Inc., Russell Reel, President dba La Pizza House, 1013 Southeast 14th Street; Renewal - Expires 7-24-99 - Application submitted 6-8-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2152 34. R. M. Baier Investments, Inc., Michael Baier, President dba Michael's Restaurant & Lounge, 4041 Urbandale; Renewal - Expires 7-31-99 (With Sunday Sales) - Application submitted 6-15-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2153 35. Jim-Kim, Inc., Richard R. Albizo, President dba Richard's Extra Innings, 1500 Southeast 1st Street; Renewal - Expires 7-18-99 (With Sunday Sales and Outdoor Service) - Application submitted 6-17-99. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

99-2154 36. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

Refunds

99-2155 37. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-2156 38. Authorization to proceed on the 1999 PCC Pavement Resurfacing Program included in the 1999-2000 Capital Improvements Program. ([Council Communication No. 99-324](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2157 39. Awarding Contract and Bond and Permission to Sublet for emergency repair of the collapsed 12" sanitary sewer in 5th Avenue at Grand Avenue including manhole removal and replacement, pavement removal and replacement, and traffic control. **Moved by Flagg to adopt. Motion Carried 7-0.**

40. Resolution Ordering Construction of the following:

99-2158 (A) City Hall-Lighting of Great Hall, Receiving of Bids, (7-27-99), and Setting Date of Hearing, (8-2-99), (Construction Estimate - \$90,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2159 (B) Stone Park Playground Improvements, Receiving of Bids, (7-27-99), and Setting Date of Hearing, (8-2-99), (Construction Estimate - \$102,136.50). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2160 (C) Water Service Backflow Preventers, Receiving of Bids, (7-27-99), and Setting Date of Hearing, (8-2-99), (Construction Estimate - \$100,000). **Moved by Coleman to adopt. Motion Carried 7-0.**

41. Approving Private Construction Contracts between Double T Asphalt Co., Inc., (Kathleen B. Burris, President - Contractor), and Des Moines Public Schools, (Jane Hein, President-Board of Directors - Owner), for the following:

99-2161 (A) Street Improvements for a bus turn-in extension at Hoyt Middle School, located at 2700 E. 42nd Street - \$31,463. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

99-2162 (B) Street Improvements for a bus turn-in extension at Willard Elementary School, located at 2941 Dean Avenue - \$14,379.75. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

99-2163 (C) Street Improvements for a bus turn-in extension at Longfellow Elementary School, located at 1101 E. 6th Street - \$25,622.80. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

99-2164 42. Communication from Eco-Tech Contractors, Inc. requesting permission to sublet certain items on the E. Indianola Avenue Widening at Evergreen Avenue public improvement project. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2165 43. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the Fire Station No. 1 Apparatus Floor Replacement, \$5,979.10 remaining balance is now due and payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

44. Approving completion and recommending acceptance of Private Construction Contract with McAninch Corporation, (Dwayne McAninch, President - Contractor), and Knapp Properties, Inc., (Gerard D. Neugent, President - Owner), in the new development known as Airport Industrial Park - Plat 1, located at Watrous Avenue and 63rd Street, for the following:

99-2166 (A) Storm Sewer Improvements - \$68,988.50. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2167 (B) Sanitary Sewer Improvements - \$56,075. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2168 45. Approving completion and recommending acceptance of Private Construction Contract with Cedar Valley Corporation, (William C. Calderwood, Vice President-Contractor), and Knapp Properties, (Gerard D. Neugent, President-Owner), for Street Improvements in the new development known as Airport Industrial Park - Plat 1, located at Watrous Avenue and 63rd Street - \$125,175. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2169 46. Authorizing City Engineer to proceed with Paving or Curb Replacement Program, waivers signed by two property owners, (call the City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2170 47. Approving partial payments on eleven public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2171 48. Authorizing distribution of Chapter 573, Code of Iowa Claim for labor and/or materials by Contractors Steel Corporation against Rock & Waterscape Systems, Inc. (Principal Contractor) for Blank Park Zoo Cats Exhibit Rock Enhancement. **Moved by Hensley to approve. Motion Carried 7-0.**

99-2172 49. Authorizing distribution of Chapter 573, Code of Iowa Claim for labor and/or materials by Grimes Asphalt & Paving Corporation against Lakeview Industries (Principal Contractor) for Laurel Hill Cemetery Gate Project. **Moved by Hensley to approve. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-2173 50. Authorizing Assessment Clerk to delete charges on NAC-Emergency Orders (Community Development) Assessment Schedule No. 1998-43, charges were levied against 1908 7th Street and Community Development has advised charges have been paid. **Moved by Flagg to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-2174 51. Establishing Fair Market Value and Authorizing Acquisition of Additional Properties in the Guthrie Avenue Business Park, from Randal Reed - \$34,000, Burrell Rubenstein - \$26,100, and Robert L. Rice - \$1,541. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2175 52. Condemnation Commissioners' award of \$1,052,489.08 (minus \$250,000 already paid for Right-of-Entry) plus Sheriff's fees and jury expenses in conjunction with Airport Expansion, to Richard D. Heiken and Kathleen G. Heiken, 3400 Army Post Road. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

99-2176 53. Form of Special Warranty Deed, Form of Deed of Easement (for roadway) and Future Title Work Compensation in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), 6th Avenue/7th Street Paving Project from Norfolk Southern Railway Company, land between SW 5th and SW 7th, and Cherry and Vine Streets - \$16,051. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2177 54. Issuance of corrected deed, 1434 Milton, Edmond and Terri Turner, (error in legal description). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2178 55. Approving Noise and Avigation Easements for nine properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSINGS

99-2179 56. Approving closure of the following City Streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Barbara Parker, 5616 Washington, requesting permission to close Washington from 56th to 57th Place on Saturday, July 17, 1999, from 4:00 until 10:00 P.M. for a neighborhood block party.

(2) Barbara Kotz, 3225 SE 4th Court, requesting permission to close SE 4th Court from Park on Saturday, July 24, 1999, from 4:00 until 10:00 P.M. for a neighborhood block party.

(3) Joshua VanRyswyk representing The Des Moines Register, P.O. Box 957, requesting permission to close E 1st Street from I-235 to Des Moines Street on Monday, July 26, 1999, from 9:15 until 10:30 P.M. for a firework display for DSM Register 150 birthday.

(4) Marta Boelling, 3119 47th Street, requesting permission to close 47th Street from Urbandale Avenue to Ovid on Sunday, August 1, 1999, from 5:00 until 9:00 P.M. for a neighborhood block party.

(5) Linda Bisignano representing Chuck's Restaurant, 3610 6th Avenue, requesting permission to close 6th Avenue from Euclid to Douglas on Saturday, August 7, 1999, from 4:30 until 8:30 P.M. for a street party.

(6) Judy Sebern-Beachy, 4127 Allison Avenue, requesting permission to close Allison Avenue from 4205 Allison to 4311 Allison on Saturday, September 11, 1999, from 4:00 until 9:00 P.M. for a neighborhood block party.

57. Approving exception regarding length of time request from the following.

99-2180 (A) Mary E. Campos, representing Our Lady of Guadalupe Chapel, 801 SE Scott Street requesting permission to close Scott Avenue from SE 8th Street to SE 9th Street on Sunday, July 25, 1999 from 7:30 AM until 7:00 PM for a church festival. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2181 (B) Amanda Arends, representing OSACS Women's Center, 1300 21st Street requesting permission to close 21st Street from Carpenter to Forest and Carpenter from ML King to 21st Street on Friday, July 30, 1999 from 12:30 PM until 9:00 PM for a carnival and Jazz in July party. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-2182 58. On Addendum to Lease Agreement with Greater Des Moines Baseball Co, for property including Sec Taylor Stadium and vicinity, (8-2-99). **Moved by Hensley to adopt. Council requests certain information at time of hearing, including a breakdown on all items of expense since inception of lease and projected expenses in the future; whether City policy for minimum wage will prevail; amount of rent received for use of parking lot during the day and parking needs for games; cost involved in trash pickup, identity of principals in contract; and assurances regarding a "replacement" professional baseball team; specifically Triple A. Motion Carried 6-1. Nays: Flagg.**

99-2183 59. On vacation of portions of Army Post Road between Fleur Drive and SW 42nd Street, (7-26-99). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2184 60. On vacation of the Littell Avenue right-of-way extending west from Fleur to SW 28th Street, (7-26-99). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-2185 61. On request from Don Barnes, to rezone property at 2025 E. Grand Avenue from "R1-60" (One Family, Low Density Residential), to "C-2", (7-26-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-2186 62. Approving payment of \$81 to Ahlers Law Firm for Jane McAllister for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2187 63. Approving payment of \$332.50 to the Nyemaster Law Firm for review of legal issues relating to the City's employee benefit and health care benefit proposals. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2188 64. Approving payment of \$209.00 to Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-cv-70724. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2189 65. Approving payment of \$20,000 to Clayton A. Nelson and his Attorney Richard Schmidt for compromise special case settlement for workers' compensation claim, subject to the Iowa Workers' Compensation Commissioner's approval. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2190 66. Approving payment of \$9,774.86 to William J. Coil, Jr. for payment of worker's compensation benefits for injury during the course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2191 67. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-2192 68. Submitting out-of-state travel requests for Floyd Bentz, Michael Armstrong, Bruce Bergman, Joanne Pollock, Eric Nevins, William Moulder, Douglas Philip, David McDermott, II, Cindy Donahue, and Eric Anderson. ([Council Communication No. 99-321](#)). **Moved by Coleman to adopt. Council requested a summary of the City's travel budget for the last fiscal year, including trips paid by other than City funds and whether tickets are purchased in advance at lowest rate, as required by past Council travel policy, using the designated City travel agent. Motion Carried 7-0.**

APPROVING

99-2193 69. Communication from Downtown Partnership on behalf of the Iowa State Fair requesting permission to hang banners in downtown area in July and August promoting the Iowa State Fair. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

70. Bids for the following:

99-2194 (A) D.P.C. Industries, Inc., (Omaha, NE, Rick Karm, President) for an annual contract with two renewable options for liquid chlorine to be used by the Engineering Department (Wastewater Reclamation Facility), \$53,000. (Eight bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2195 (B) POM Inc. electronic parking meter mechanisms with doors and top locks to match existing electronic parking meters by Bob Vollbrecht & Associates, single area-wide distributor of POM equipment to be used by the Engineering Department (Traffic & Transportation). (Municipal Code Section 2-86(a)(6) sole source), \$39,906. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Vlassis.**

99-2196 (C) Dewey Ford, Inc., (444 East Fourth Street, Mark Vukovich, President) for two sport utility vehicles to be used by the Fire Department, \$57,776.64. (Nine bids mailed-four received). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

99-2197 (D) Two suppliers for annual contract with two renewal options for rock salt to be used by the Public Works Department (Street Maintenance). Bid awarded to Independent Salt Company, (Kanopolis, KS, M.D. Keener, President) and Hutchinson Salt Co., Paola, KS, Charles Dixon, Vice President), \$250,000. (Four bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2198 71. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2199 72. Report of Civil Service Commission submitting Entrance Lists for Guest Services Manager, Neighborhood Inspections Supervisor, Public Works Operating Engineer, Development Zoning Inspector, and Airport Operations Assistant; and Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

99-2200 73. Authorizing Finance Director to draw checks on registers of July 16, 1999 and July 23, 1999,, and the bills of the Des Moines Municipal Housing Agency for weeks beginning July 12, 1999 and July 19, 1999; and the biweekly payroll due employees on July 16, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-2201 74. Amending Chapter 27 of the Municipal Code regarding the traffic regulation changes for the following. **Moved by Hensley that this ordinance do now pass, [#13,726](#). Motion Carried 7-0.**

- (1) Removal of Saturday Restrictions - Downtown Area.
- (2) Thru-Street Designations-New Residential Subdivisions
- (3) Corner Clearance Parking Restriction--West Side of East 25th Street north and south of Walnut Street.
- (4) Extend Existing Parking Restriction-South Side of Davis Street East of SW 9th Street.

ORDINANCES - SECOND CONSIDERATION

99-2202 75. On proposed connection fee ordinance for Southeast Airport Trunk Sewer System Benefitted District. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0. Council Member Flagg abstained from voting.**

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

ORDINANCES - FIRST CONSIDERATION

99-2203 76. Communication from City Manager and City Clerk submitting a Special Events Street Use Policy and Risk Management Special Events Policy for Council consideration, including an exception on indemnification for Recognized Neighborhood Associations; and, submitting related Municipal Code Changes. ([Council Communication No. 99-320](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2204 (A) Amending Section 5 relating to license and permit fees for special events. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2205 (B) Amending Section 6 relating to timed and athletic events. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2206 (C) Amending Section 23 relating to street parade permits. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2207 (D) Amending Section 23 relating to entertainment districts. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2208 (E) Amending Section 23 relating to sidewalk sales. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2209 (F) Amending Section 23 relating to farmer's or public markets. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2210 (G) Adding a new Subchapter 18 relating to street use permits. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2211 77. Amending Chapter 27 of the Municipal Code regarding the traffic regulation changes for the following. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance--North Side of Filmore Street West of East 9th Street.

(2) Code Revision for Traffic Signals--SE 14th Street at the Southridge Mall South Exit.

(3) Two-Sided Parking Restriction--24th Street from Olive Street to the Dead End at I-235.

(4) Parking Restriction Modification--West Side of 9th Street in the Morning and the South Side of High Street in the Afternoon.

(5) Corner Clearance Parking Restriction--West Side of 50th Street South of Urbandale Avenue.

(6) Extension of Two-Sided Parking Restriction--North Side of Wakonda View Drive West of Fleur Drive

(7) Convert Center Street from One-Way to Two-Way Traffic Between 2nd Avenue and 3rd Street.

(8) One-Sided Parking Restriction--North Side of Twana Drive between 51st Street and 54th Street.

(9) Mid-Block Crosswalk and Angle Parking--East 1st Street between Locust Street and Grand Avenue.

(10) Add Parking Meter Rate Increases to Section on Special Parking Permit Issuance.

(11) Corner Clearance Parking Restriction--South Side of East Kirkwood Avenue East of South Union Street.

99-2212 (a) Final consideration of ordinance above. **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, #13,727.** Motion Carried 7-0.

COUNCIL REQUESTS

99-2213 78. Request from Mayor Preston Daniels, to discuss feasibility of regionally governing and funding the Des Moines Water Works and Des Moines International Airport. **Moved by Hensley to receive, file and discuss. Endorse the concept for a study by a Mayoral Committee comprised of representatives from the respective Boards, other appropriate representatives from the community, incorporating Mayor's Select Task Force Report, and utilizing City Manager and Legal staff for advice and coordination. Motion Carried 7-0.**

****Council considered Item 89 and Hearing Items 82 through 88 next****

99-2214 79. Oral request of Council Member McPherson to discuss Community Development Director being authorized to grant yard set-back exceptions at his discretion. **Moved by McPherson to receive, file and discuss; refer to City Manager and Legal for a**

recommendation by July 26, with provision that affected neighbors are to be notified, and if no objection, discretion can be utilized--if objection, normal appeal process through Zoning Board of Adjustment will prevail. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

99-2215 80. From Daniel L. Manning, attorney for Nordstrom Oil Company and Phillips 66, regarding sewer access for development at 5130 NE 14th. **Moved by McPherson to receive, file and refer to City Manager and Legal to work with the developer. Motion Carried 7-0.**

99-2215 81. Request from Martin J. Sankey, Iowa Department of Transportation, to speak regarding an aesthetics plan for the reconstruction of I-235. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

****Council considered Item 90 through end of agenda next****

HEARINGS (Opened at 5:50 P.M.) (Items 82 thru 88)

99-2216 82. On request from O'Reilly Automotive, Inc., to rezone property at 1335 E. Ovid from "R1-60" (One Family Low Density Residential), to a Limited "C-2" (General Retail and Highway Oriented Commercial), to allow for a 6,400 square foot retail auto parts store. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-2217 (A) City Plan Commission recommendation. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-2218 (B) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-2219 (C) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by McPherson 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, [#13,728](#). Motion Carried 7-0.**

99-2220 83. On City Plan Commission recommendation to deny Site Plan for HandiMart, 6222 Grand. **Moved by Hensley to refer back to Plan and Zoning Commission to look at flood proof proposal and to work with property owners to reach a compromise. Motion Carried 7-0.**

84. 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:

99-2221 (A) Fifth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

99-2222 (B) Second Amendment to the Urban Revitalization Plan for the Ewing Park Urban Revitalization Area. **Moved by Brooks to adopt. Staff to prepare an amendment related to items 84A and B to modify date of inception to allow people who have already started construction since 1997-98 to qualify for tax abatement. Motion Carried 6-1. Absent: Daniels.**

99-2223 85. On Elm Street Sanitary Sewer Relining - 5th Street to 9th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), \$485,750. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

99-2224 (A) Approving contract and bond, and permission to sublet.) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

99-2225 86. On Martin Luther King, Jr., Parkway at Hickman Road Traffic Signal Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric Inc., (Britt Baker, CEO, 111 SW Jackson, \$123,400. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

99-2226 87. On Skywalk Bridge 4D-4E (Locust between 4th and 5th) Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services, (Chris Brault, Owner, Urbandale), \$12,700. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

99-2227 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

99-2228 88. On E. 14th Street Traffic Signal Interconnect (IDOT Project): Resolution approving plans, specifications, form of contract documents and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

* * END HEARINGS at 6:40 P.M. * *

****Council considered Items 79, 80 and 81 next****

APPROVING

99-2229 89. Accepting donation of \$8,000 raised by students in the Talented and Gifted program at Callanan Middle School to be used for repairs to the exterior of the Woodland Cemetery Receiving Vault. ([Council Communication No. 99-325](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2230 90. Loan and collateral documents for City loan of \$135,000 to assist Modular Products, Incorporated at SW 14th Street location. [\(Council Communication No. 99-326\)](#). **Moved by Hensley to approve. Motion Carried 7-0.**

99-2231 91. Professional Services Agreement for Development and Evaluation of a Golf Management Request For Proposal (RFP) with McGladrey and Pullen, LLP. for contracted golf management services - not to exceed \$7,500. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Vlassis.**

99-2232 92. Declaring Official Intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in conjunction with specified parking system projects. [\(Council Communication No. 99-323\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-2233 93. Professional Auditing Services with KPMG LLP, for year ending June 30, 1999. [\(Council Communication No. 99-322\)](#). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

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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.

99-2234 1. Resolution of appreciation to all associated with success of the U.S. Senior Open. SPONSOR: Hensley. **Moved by Hensley to adopt the Proclamation and authorize presentation to the City of West Des Moines, Motion Carried 7-0.**

99-2235 MOTION TO ADJOURN. **Moved by Coleman to adjourn at 7:10 P.M. Motion Carried 7-0.**