

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 4, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (A) Lupus Awareness Month
- (B) Iowa Brain Injury Awareness Month
- (C) National Javits-Wagner-O'Day Week
- (D) White Cane Safety Day
- (E) Des Moines' Week of Lapidary
- (F) Alpha Delta Kappa Month

SPECIAL PRESENTATIONS - 4:15 P.M.:

- (A) Behind the Badge, History of Des Moines Police Department
- (B) Closed Caption of City Council Meetings for the Hearing Impaired

INVOCATION: Father Mike McLaughlin

Holy Trinity Catholic Church

99-3050 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

****Council considered Item 54 next****

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

99-3151 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED. **Moved by Brooks to adopt, including Extra Item 2. Motion Carried 7-0.**

99-3152 3. APPROVING CONSENT AGENDA - items 3 through 53: **Moved by Brooks to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-3053 4. Communication from Legal Department regarding October 4, 1999 License and Permit Agenda. **Moved by Brooks to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-3054 5. Roberto Chavez dba El Tapatio, 1704 East Grand; Renewal - Expires 10-20-99 (With Sunday Sales) - Application submitted 9-22-99. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3055 6. Sing Lem dba Vienlatry, 2457 East Grand; New Application (With Sunday Sales) - Application submitted 9-17-99. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

Class "C" Beer Licenses

99-3056 7. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1043, 2110 Guthrie; Renewal - Expires 10-13-99 (With Sunday Sales) - Application submitted 8-27-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3057 8. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1048, 4503 Fleur Drive; Renewal - Expires 10-13-99 (With Sunday Sales) - Application submitted 8-27-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3058 9. Geron, Inc., Eugene H. Davis, President dba Kwik Shop #515, 4538 Lower Beaver Road; Renewal - Expires 11-19-99 (With Sunday Sales) - Application submitted 9-15-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-3059 10. Boesen The Florist, Inc., Thomas L. Boesen, President dba Boesen The Florist - Renewal - Expires 10-17-99 - Application submitted 9-15-1999. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

99-3060 11. Benchang Laung Aram dba A Taste of Thailand, 215 East Walnut; Renewal - Expires 10-23-99 - Application submitted 8-26-99. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3061 12. Marlene Todd/Marsha Moen dba The Corner, 2724 Ingersoll; Renewal - Expires 10-14-99 - Application submitted 9-13-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3062 13. Robin's Nest, Inc., Dan Smith, President dba Robin's Wood Oven Grill, 6401 Southeast 14th Street; Renewal - Expires 10-15-99 (With Sunday Sales) - Application submitted

9-24-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-3063 14. Blazing Saddle, Inc., Robert Jeffery Eikleberry, President dba Blazing Saddle, 416 East 5th Street; Renewal - Expires 10-23-99 (With Sunday Sales) - Application submitted 9-15-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3064 15. Drake Area Restaurants Corporation, R. Stephen Vilmain, Manager dba Drake Diner, 1111 - 25th Street; Renewal - Expires 10-18-99 (With Sunday Sales and Outdoor Service) - Application submitted 9-24-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3065 16. Juan J. Guardiola dba El Ganadero, 3211 Indianola Road; Renewal - Expired 9-22-99 (With Sunday Sales) - Application submitted 8-24-99. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3066 17. G.T. Race Car Bar, Inc., John J. Limke, President dba G.T. Race Car Bar, 3013 Ingersoll; Renewal - Expires 10-12-99 (With Sunday Sales) - Application submitted 9-17-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3067 18. Loca, Inc., Kenneth D. Roush, President dba Kenny D's, 3925 East 14th Street; Renewal - Expires 10-14-99 (With Sunday Sales) - Application submitted 8-26-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3068 19. Encounters, Inc., Veronica L. Tyler, President dba McCoy's Pool & Pub, 3708 Beaver; Renewal - Expires 10-17-99 (With Sunday Sales) - Application submitted 9-17-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3069 19-I Patrick T. Rushing, dba The All American Sports Bar & Grill, 6305 SW 9th St. - New Application (With Sunday Sales and Coin-Operated Machines) - Application submitted 9-10-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3070 20. Valley Park Stadium, Inc., Lawrence A. Reed, President dba Valley Park Stadium, 4337 Park Avenue: Renewal - Expires 10-31-99 (With Sunday Sales and Outdoor Service) - Application submitted 9-20-99. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3071 20-I Embassy Club, Michael LaValle, Manager dba Embassy Club, 4th and Grand Parking Ramp, Top Floor; New 5 day Application for event on October 9, 1999 (Iowa Democratic Party Reception)-Application submitted 9-29-99. Subject to submission of acceptable Building, Electrical, Zoning and Fire Inspections. **Moved by Brooks to adopt. Motion Carried 7-0.**

Authorizing

99-3072 21. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

Refunds

99-3073 22. City Treasurer to issue Refunds. **Moved by Brooks to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

99-3074 23. Approving Professional Services Agreement with Snyder and Associates, (Dennis L. Snyder, President, Ankeny) for conceptual design phase services for Southern Seventh Ward Ditch-Easton Basin Conceptual Design - \$89,950. ([Council Communication No. 99-453](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3075 24. Approving Professional Services Supplemental Agreement No. 1 with Snyder & Associates, Inc.,(Dennis L. Snyder, P.E., President, Ankeny) for additional design and construction phase services on E. 14th Street Traffic Signal Interconnect Project - \$17,500. ([Council Communication No. 99-446](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

99-3076 25. Approving Joint Funding Agreement for 1999/2000 with U.S. Geological Survey, U.S. Department of the Interior for operation and maintenance of six river and stream-gaging stations. ([Council Communication No. 99-454](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

26. Approving Change Orders for the following:

99-3077 (A) No. 1 with DF Trucking for additional work in conjunction with the Demolition Contract No. 168 BHNAC (1229 7th Street) in an amount not to exceed \$22,500. ([Council Communication No. 99-451](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3078 (B) No. 7 with Bergstrom Construction, Inc. for additional work in conjunction with the Police Station Remodeling 1998-1999 contract in an amount not to exceed \$21,067. ([Council Communication No. 99-444](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3079 27. Resolution authorizing Mailing and Publication of Notice of Intent to construct Pennsylvania Avenue and Buchanan Street Intersection and to acquire property for project and setting date of hearing, (11-15-99). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3080 28. Resolution authorizing Mailing and Publication of Notice of Intent to continue a previously approved project to construct S.W. 9th Street Bridge over Yeader Creek and to continue acquire property for project and setting date of hearing, (11-15-99). **Moved by Brooks to adopt. Motion Carried 7-0.**

29. Approving Private Construction Contracts for the following:

99-3081 (A) Storm Sewer Improvements for north border area of East of Army Post Road, West of Indianola Avenue to serve Casey's General Store at 2150 East Army Post Road between Kenyon Construction, (Greg Kenyon, Owner, Guthrie Center, IA, Contractor) and Casey's

Marketing Company, Eli J. Wirtz, Secretary, One SE Convenience Boulevard, Ankeny, IA- owner - \$40,000. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3082 (B) Storm Sewer Improvements in Outlot "Z" Airport Commerce Park West Plat 2 located at Park Avenue and 63rd Street between McAninch Corporation, (Dwayne McAninch, President, West Des Moines, Iowa, Contractor) and Airport Commerce Park, L.C. (Gerald D. Neugent, Manager & President of Knapp Properties, West Des Moines, IA, Owner - \$20,501. **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3083 30. Authorizing City Engineer to proceed with sidewalk repair, waivers signed by two property owners, and paving or curb replacement, waivers signed by one property owner (call the City Clerk's Office for list). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3084 30-I Authorizing City Engineer to repair, replace or reconstruct sidewalks at 103 locations, (call the City Clerk's Office for list). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3085 31. Communications from various contractors requesting permission to sublet on two public improvement projects. (Call City Clerk's Office for listing). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3086 32. Approving partial payments on five public improvement projects. (Call City Clerk's Office for listing). **Moved by Brooks to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

99-3087 33. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of September 1999, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3088 34. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for September 1999. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-3089 35. Approving Noise and Avigation Easements for two properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. City Manager to provide a detailed report on the Aviation Noise Easement and Buyout Programs. Motion Carried 7-0.**

STREET CLOSINGS

99-3090 36. Pat Haines, 1504 42nd St., requesting permission to close 42nd Street from Forest to College on Saturday, October 16, 1999 (Rain Date of October 23, 1999), from 2:00 P.M. to 8:00

P.M. for a neighborhood party. **Moved by Brooks to approve the street closure listed. Motion Carried 7-0.**

SETTING DATE OF HEARING

99-3091 37. On 7th Amendment to Riverpoint Capitol Center Urban Renewal Plan, to provide for acquisition of property located between 10th and 15th Streets between Locust Street and Grand Avenue (Gateway West) (10-25-99). **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3092 (A) Authorizing staff to take necessary action to acquire property from Des Moines Development Corporation as part of the Gateway West project. ([Council Communication No. 99-455](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3093 38. On Sixth Amendment to the restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to allow tax abatement for industrially and commercially assessed property in area west of Fleur Drive and north of Relocated Army Post Road (10-18-99). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3094 39. On a Lease Agreement with United Parcel Service, Inc., for the leasing of 2401 Army Post Road for the construction of a parcel sort center and other facilities (10-18-99). ([Council Communication No. 99-459](#)). **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3095 40. On the 2000 HUD Consolidated Plan (11-15-99). ([Council Communication No. 99-450](#)). **Moved by Coleman to adopt. Council requests the City Manager's funding recommendations at least a week before the scheduled hearing date of 11-15-99. Motion Carried 7-0.**

99-3096 (A) Communication from Chair of Neighborhood Revitalization Board, transmitting the NRB's funding recommendations for the five year strategy/one year action plan for the 2000 HUD Consolidated Plan. **Moved by Brooks to receive, file and refer to City Manager. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-3097 41. Submitting City of Des Moines 1998-99 Equal Opportunity Report and 1999-2000 Affirmative Action Annual Work Plan. ([Council Communication No. 99-449](#)). **Moved by Brooks to receive and file. Motion Carried 7-0.**

99-3098 42. Submitting out-of-state travel request for John Hagener. ([Council Communication No. 99-463](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

APPROVING

99-3099 43. Submission of 1999 Public Housing Drug Elimination Grant Application to U.S. Department of Housing and Urban Development (HUD) to provide drug prevention activities and programs for Public Housing families. ([Council Communication No. 99-456](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

WITHDRAWN99-3100 44. Amendment Two to the 1999 Emergency Repair Loan Program increasing the amount to \$32,000 and using \$12,000 of the additional income for the purchase of five computers and modular paneling.

99-3101 45. Issuance of Certificate of Completion for 2100 Dixon Street/Guthrie Avenue Business Park Urban Renewal Area to JJFPBI, L.C. and release of Good Faith Deposit. **Moved by Brooks to approve. Motion Carried 7-0.**

46. Bids for the following:

99-3102 (A) Municipal Pipe Tool Co., (Hudson, IA, Steve Gearhart, President) for sewer television equipment to be used by the Engineering Department \$74,500. (Seven bids mailed-six received). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3103 (B) National Graphic Supply (Albany, NY, Stuart Klitter, President) for digital darkroom multimedia management system to be used by the Police Department (Criminal Investigation Division), \$39,667.82. (Eighteen bids mailed-four received). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3104 (C) Bid awarded to Hawkeye Truck Equipment, (5800 NW 2nd Avenue, Wayne Steinkamp, President for purchase of a liquid dispensing system to be used by Public Works (Street Maintenance), \$16,862. Bid from Spray Specialties, Inc. did not meet field operational date before date. (Eight bids mailed-four received). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3105 (D) Bid awarded to Swaney Equipment Co., (Ankeny, IA, Robert Martin, Jr., President) for a wheel loader to be used by the Park and Recreation Department, \$63,886. Bids from James W. Bell, Inc. and Spreitzer, Inc. did not meet various specifications. (Nine bids mailed-three received). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3106 (E) American Home Improvement, (3408 Broadway, Frank Mienke, President) for Birdland Park East Shelter roof replacement to be used by the Park and Recreation Department , \$25,500. (Nine bids mailed-one received).([Council Communication No. 99-460](#)). **Moved by Brooks to adopt. Motion Carried 7-0.**

99-3107 (F) AVI Systems, (Urbandale, IA, Joseph M. Stoeboer, President) for purchase of a cable television production system (Cable 7) to be used by the Information Technology Department and Public Information Office, \$262,681. (Eleven bids mailed-one received). ([Council Communication No. 99-442](#)). **Moved by McPherson to deny award of the bid. Motion Carried 4-3. Nays: Daniels, Brooks and Vlassis.**

99-3108 (F1) City Council discussion of awarding bids and the Request for Proposals (RFP) process. **Moved by McPherson to refer to the City Manager to develop a policy for Council consideration, regarding consultant preparing RFP's and bidding on the same project. Motion Carried 7-0.**

99-3109 47. Authorizing Finance Director to draw checks on registers of October 8, 1999 and October 15, 1999, to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks beginning October 4 and October 11; and to draw checks for biweekly payroll due employees on October 8, 1999. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-3110 48. Amending Chapter 27 of the Municipal Code regarding traffic regulation to add additional parking meter space south side of Grand Avenue west of 7th Street. **Moved by Brooks that this ordinance do now pass, [#13,755](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

99-3111 49. Amending Chapter 16 of the Municipal Code regarding noise, sound levels and sound equipment; process to revoke sound permits and adopt new permit fees. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-3112 50. Amending Chapter 17 of the Municipal Code regarding nuisances - abandonment of property in any public right-of-way (minor editorial change). **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-3113 51. On amendment to the Zoning Ordinance, authorizing Planning Director to administratively grant certain minor exceptions to district regulations. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-3114 52. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Parking Restriction Modifications - Beaver Avenue south of Urbandale Avenue.

(2) Corner Clearance Parking Restriction - East side of E. 10th Street north of E. Seneca Avenue.

(3) Relocation of Parking Meters and Loading Zone Installation - North Side of E. Grand Avenue east of E. 6th Street.

99-3115 53. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Brooks that this ordinance be considered and given second vote for passage.**

Motion Carried 7-0.

(1) Corner clearance parking restriction - west side of SW 5th Street north and south of Murphy.

(2) Parking Restriction Change required by School Closing/Relocations.

(3) Convert Capitol Avenue from E. 15th Street to E., 16th Street to two-way operation.

(4) Allow parking on E. 38th Street between Hubbell Avenue and Douglas Avenue.

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

****Council considered Item 75 and hearing Items 59 through 70 next****

COUNCIL REQUESTS

99-3116 54. From Council Member George E. Flagg regarding taxi parking and access to customers at the Airport. **Moved by Flagg to receive, file and grant the request to speak. Motion Carried 7-0.**

99-3117 55. From Mayor Daniels regarding placing a bronze plaque at the Simon Estes Amphitheater. **Moved by McPherson to receive, file and discuss; refer to staff to review and recommend appropriate signage to identify the project. Motion Carried 7-0.**

99-3118 56. From Mayor Daniels to speak regarding the "TAIWAN EARTHQUAKE RELIEF FUND". **Moved by McPherson to receive, file and discuss; refer to staff to recommend a response to all such natural disasters. Motion Carried 7-0.**

99-3119 57. From Council Member Tom Vlassis regarding placement of generic "VOTE" signs. **Moved by Brooks to receive, file and grant the request to speak; approve the concept and authorize Council Member Vlassis to explore funding options, location, design, including an "adopt-a-sign" concept; working with the Polk County Auditor, Secretary of State, and League of Women Voters, as well. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

99-3120 58. From Jack Baird, 3304 Lindlavista Way regarding ideas for Council to be more user-friendly and accessible to citizens, and alleged complacency in City operations. **Moved by Coleman to receive, file and grant request to speak. Comments regarding Fire Prevention**

month were referred to Fire Chief to follow up. Mr. Baird also commented on early start time of Council meetings and suggested they start after the dinner hour. Motion Carried 7-0.

****Council considered Item 71 through end of agenda next****

HEARINGS (Opened at 6:45 P.M.) (Items 59 thru 70)

59. Approving various items regarding the Court Avenue Entertainment Project:

99-3121 (A) Communication from Architectural Advisory Committee and Urban Renewal Board regarding design plans. **Moved by Hensley to approve. Motion Carried 6-1. Nays: Flagg.**

99-3122 (B) Extension of contract with developer. ([Council Communication No. 99-457](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3123 (C) Offer to purchase property and acceptance of Warranty Deed for conveyance of property located at 4th and Court Avenue from Norwest Bank, N.A. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3124 (D) Continue and Close the Public Hearing on the vacation of a portion of the North-South Alley between 6th Avenue and 7th Street and Mulberry and Plum Streets. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3125 (E) Continue and Close the Public Hearing on the conveyance of a portion of the North-South Alley between 6th Avenue and 7th Street and Mulberry and Plum Streets to Norwest Bank, N.A. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

99-3126 (F) Continue and Close the Public Hearing and approve warranty deed on the proposed sale of property located at 7th and Mulberry Streets to Norwest Bank, N.A. ([Council Communication No. 99-458](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3127 60. On application and issue (three options) of a certificate of Public Convenience and Necessity to Operate Limousine Services, to Tracy L. Earles, d/b/a Hawkeye Limousines, Inc. (continued from 9-13-99). **Moved by Flagg to adopt alternate two. Motion Carried 6-1. Absent: McPherson.**

99-3128 61. On proposed annexation of property in vicinity of NE 14th and northern City limits, and allowing phase-in of City taxes on portions of the territory to be annexed (Phillips 66), (continued from 9-27-99). ([Council Communication No. 99-448](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

99-3129 (A) Setting Date of Hearing on proposed rezoning of land along NE 14th Street from "A-1" to "C-2" (10-18-99). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

99-3130 (B) Agreement for extension of sewer service outside of city limits with Phillips Petroleum Company. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Coleman.**

99-3131 62. On application from Jerry's Homes, for rezoning of 7401 block of Indianola Road, from "R1-80" (One family Residential), and "A-1" (Agricultural District), to "PUD" (Planned Unit Development), and to approve PUD Conceptual Plan (continued from 9-27-99). **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.**

99-3132 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Brooks and Vlassis.**

WITHDRAWN99-3133 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

99-3134 63. On lease of 631 SE 26th Court, Chesterfield Center, to Southeast Des Moines Boxing Club, \$1 per year, plus consideration for reduction in staff hours. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Flagg.**

99-3135 64. On partial exemption from property taxation for Aramark Uniform Services, Inc., 2500 Delaware. **Moved by McPherson to continue to 10-18-99. Motion Carried 5-2. Absent: Coleman and Flagg.**

99-3136 65. On Building Officials determination that structure at 1719 6th Avenue constitutes a public nuisance. ([Council Communication No. 99-447](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3137 66. Resolution to REJECT all bids on the Sec Taylor Stadium Drain Repairs, (one bid received-bid security insufficient). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Flagg.**

99-3138 67. On Witmer Park Path Paving: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation, (J.M. Yonker, President, Grimes, IA), \$16,770. (Continued from 9-27-99) ([Council Communication No. 99-465](#)). **Moved by Vlassis to adopt. Staff to review and recommend City purchasing or leasing equipment for this type of construction in the future. Motion Carried 6-1. Absent: Hensley.**

99-3139 (A) Approval of contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

99-3140 68. On Flood Hazard Mitigation Buyout Program Demolition and Asbestos Abatement Contract No. 1: Resolution approving plans, specifications, form of contract documents, Engineering's estimate, and designating of lowest responsible bidder as M.E.D.A. Mains, (Phil Mains, Moulton, IA), \$55,201. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3141 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3142 69. On Martin Luther King, Jr., Parkway Demolition, Contract 7-North/South Segment: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as L.A. Company, (Linda L. Wicker, Des Moines), \$45,592. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3143 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3144 70. On Intent to Continue a Previously Approved Public Improvement Project and to Continue Acquisition of Property for the Martin Luther King, Jr. Parkway Project (continued from 9-27-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 7:38 P.M. * *

APPROVING

99-3145 71. Establishing Fair Market Value for six properties in conjunction with the Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass - \$1,972,600 (5 properties continued from 9-27-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-3146 72. Utility Relocation Agreement with MidAmerican Energy Company to accommodate construction of the Martin Luther King, Jr. Parkway Project. ([Council Communication No. 99-445](#)). **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Coleman and Vlassis.**

99-3147 73. Approving Supplemental Agreement No. 16 with Earth Tech, Inc. (formerly Rust Environmental & Infrastructure, Inc.) for design phase services, in connection with East/West Segment of Martin Luther King, Jr., Parkway (SW 2nd to Fleur Drive) (\$2,490,000), and for North/South Segment (Center Street to Fleur Drive), (\$2,593,000) (continued from 9-27-99). ([Council Communication No. 99-462](#)). **Moved by Hensley to adopt, and approve formation of a Traffic Pattern Study Committee to involve all stakeholders in the project and to be supported by staff. Motion Carried 6-1. Absent: Coleman.**

99-3148 74. Professional Services Agreements for Special Assessment Appraisal Services between City of Des Moines and Rebecca K. Orr, Joseph J. Bell, Jeff Rowat, and L.E. Calvert, for the period of October 5, 1999 to October 4, 2000. ([Council Communication No. 99-452](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

99-3149 75. Purchase of 2534 Dean Avenue by Des Moines Coalition for the Homeless for inclusion in their Transitional Housing Program. ([Council Communication No. 99-461](#)). **Moved by Brooks to DENY the request for approval to purchase 2534 Dean. City Manager and staff to review and recommend a process to preserve funding balance for the Coalition by the next Council meeting Motion Carried 5-2. Nays: Coleman and Hensley.**

99-3150 (A) Communication from Chair of Neighborhood Revitalization Board regarding NRB's opposition to the above and in support of the Fairgrounds Neighborhood Association. **Moved by Brooks to receive and file. Motion Carried 5-2. Nays: Coleman and Hensley.**

WITHDRAWN99-3151 76. Subordination Agreement with City of Des Moines, Flynn Enterprises, Inc., and General Electric Capital Corporation to finance part of a local management buyout of EMCO Industries rather than a sale of this division to out of state interests. ([Council Communication No. 99-443](#))

99-3152 77. Subordination of an Economic Loan between the City of Des Moines and Raccoon River Brewing Company, L.L.C., to the CIT Group/Equipment Financing, Inc. to refinance the debt owed to Lyon Credit Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

99-3153 1. Approving authorization to submit application to Iowa Department of Transportation for Statewide Transportation Enhancement funds for East-West section of Martin Luther King Jr. Parkway project from Southwest Seventh to Southwest Sixteenth Street. ([Council Communication No. 99-464](#)). SPONSOR: Hensley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3154 2. Approving Sodexo Marriott Management, Inc. dba Drake University Rathskeller/Olmsted Upper Level, 29th and Carpenter requesting temporary transfer of Class C Liquor License to Drake University Knapp Center, 2601 Forest Avenue for one day event on October 9, 1999 - Application submitted 10-4-99. Subject to submission of acceptable Building, Electrical, Zoning and Fire inspections. SPONSOR: Vlassis. **Moved by Brooks to adopt. Motion Carried 7-0.**

AGENDA

BOARD OF HEALTH October 4, 1999

99-3155 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

99-3156 (A) 2348 Dean, vacant, Titleholder: Craig S. Rogers; Legal Interest Holder: Firststar Bank, Iowa, N.A. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3157 (B) 2545 E. Railroad (Foundation Only), vacant, Titleholder: Schooler & Schooler, Inc.; Legal Interest Holder: Hartford Carlisle Savings Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3158 (C) 3406-5th, vacant, Titleholders: Stephen R. Stegall, Sharon J. Stegall, Stephen R. Stegall d/b/a Midwest Realty, Inc.; Legal Interest Holder: First Interstate Bank of Urbandale n/k/a Boatmen's Bank of Urbandale n/k/a Nationsbank Mortgage Corp. n/k/a Bank of America Mortgage. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3159 (D) 1526-23rd, vacant, Titleholder: Peter N. Saurugger; Legal Interest Holders: Unicor Mortgage, Inc., Eugene Bogash **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3160 (E) 1534-23rd vacant, Titleholder: Peter N. Saurugger; Legal Interest Holders: Unicor Mortgage, Inc., Eugene Bogash **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3161 (F) 4124 E. 28th, vacant, Titleholders: Olin J. Sweet, DECEASED, Grace L. Sweet, DECEASED; HEIRS OF OLIN AND GRACE SWEET, Donald Sweet, DECEASED, Louise Sweet, DECEASED, Dorothy Bohn, DECEASED; HEIRS OF DONALD AND LOUISE SWEET: Sally Hanson, Thomas Hanson, Cheryl Hanes, Thomas Hanes; HEIRS OF DOROTHY BOHN: John Bohn, Mary Bohn, Carol Journey, John Journey,; Contract Buyers: Merle McAfee, DECEASED, Hazel McAfee, DECEASED; HEIRS OF MERLE AND HAZEL McAFEE: Wanda Reyes, Robert Reyes, Jennie Chapman, Raymond Chapman, Joyce Millard, Jimmy Millard, Bob McAfee, Barbara McAfee, Zelma Terry, DECEASED; HEIRS OF ZELMA TERRY: Amy Heaberlin, George Heaberlin, Ivan Terry, Wanda Terry, David Terry, Norma Terry, Robin Lynn Lester, Frank H. Lester, III; Legal Interest Holders: John Zajicek, Kristine Zajicek. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-3162 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:05 P.M. Motion Carried 7-0.**