

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
***DES MOINES BOTANICAL CENTER***  
***909 East River Drive***

August 3, 1998 4:30 P.M.

**PROCLAMATIONS - 4:00 P.M.:**

- (a) Korn Patch Clowns Appreciation Week
- (b) National Night Out

**SPECIAL PRESENTATIONS:**

- Lincoln High School Baseball Team
- 4-A State Champions

**INVOCATION:** Pastor Tony Thurston

College Avenue Christian Church

98-2415 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-2416 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2417 3. APPROVING CONSENT AGENDA - items 3 through 54: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

98-2418 4. Communication from Legal Department regarding August 3, 1998 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-2419 5. Sing Lem dba Vienlatry, 2457 East Grand Avenue; Renewal - Expires 8-10-98 (With Sunday Sales) - Application submitted 6-23-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-2420 6. Robert Louis Knudson dba Kundson's Valley Bait and Grocery, 2248 Valley Drive; Renewal - Expires 8-21-98 (With Sunday Sales) - Application submitted 7-15-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2421 7. Phillips 66 Company, James J. Mulva, President dba Phillips 66, 4402 Douglas; Renewal - Expires 8-31-98 (With Sunday Sales) - Application submitted 7-13-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2422 8. Phillips 66 Company, James J. Mulva, President dba Phillips 66, 2849 East Euclid; Renewal - Expires 8-31-98 (With Sunday Sales) - Application submitted 7-13-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2423 9. Thai Market, Inc., Sith Macvilay, President dba Thai Market, 411 1/2 East Grand Avenue; Renewal - Expires 8-8-98 (With Sunday Sales) - Application submitted 7-22-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

98-2424 10. Brook Smith dba El Patio, 611 37th Street; Renewal - Expires 8-6-98 (With Sunday Sales and Beer Garden) - Application submitted 7-20-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2425 11. AMF Bowling Centers, Inc., Douglas J. Stanard, President dba Fair Lanes, 3839 East 14th Street; Renewal - Expires 8-16-98 (With Sunday Sales)-Application submitted 7-9-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2426 12. The Grand Inc., Jerry Lee Glenn, President dba The Grand, 1501 Grand Avenue; Renewal - Expires 8-4-98 (With Sunday Sales) - Application submitted 7-27-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2427 13. Los Compadres, Inc., Raymond A. Quijano, President dba Los Compadres, 1440 Maury; Renewal - Expires 8-15-98 (With Sunday Sales) - Application submitted 7-10-98. **Moved by Phillips to adopt. Motion Carried 7-0.**

#### Beer Gardens

98-2428 14. Temporary beer garden for 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue on August 8, 1998 from 3:00 P.M. to 12:00 Midnight for Court Avenue Bridge Party/Des Moines Jaycee Foundation. Subject to submission of acceptable building, electrical, and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2429 (A) Approving exception regarding length of time request from 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue to close sidewalk and eight parking spaces in front of 208 Court Avenue on August 8, 1998 from 3:00 P.M. to 12:00 Midnight for Court Avenue Bridge Party/Des Moines Jaycee Foundation. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2430 15. Temporary beer garden for 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue on September 6, 1998 from 3:00 P.M. to 12:00 Midnight for Blues Festival. Subject to submission of acceptable building and fire inspections. **Moved by Coleman to defer to 8-17-98 to consider in conjunction with Policy recommendation from City Manager, Legal and staff regarding street closures for special events downtown. Motion Carried 7-0.**

98-2431 (A) Approving exception regarding length of time request from 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue to close sidewalk and eight parking spaces in front of 208 Court Avenue on September 6, 1998 from 3:00 P.M. to 12:00 Midnight for Blues Festival. **Moved by Coleman to defer to 8-17-98 to consider in conjunction with Policy recommendation from City Manager, Legal and staff regarding street closures for special events downtown. Motion Carried 7-0.**

98-2432 16. Temporary beer garden for The Grand Inc., Jerry Lee Glenn, President dba The Grand, 1501 Grand Avenue to close 15th Street (North of Grand) from Grand Avenue to Dead End on August 8, 1998 from 4:00 P.M. to 12:00 Midnight for 4th anniversary celebration. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2433 (A) Approving exception regarding length of time request from The Grand Inc., Jerry Lee Glenn, President dba The Grand, 1501 Grand Avenue to close 15th Street (North of Grand) from Grand Avenue to Dead End on August 8, 1998 from 4:00 P.M. to 12:00 Midnight for 4th anniversary celebration. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

98-2434 17. Approving emergency repair work on sewer collapse in vicinity of E. Bell Avenue awarded to The Underground Company, Duane Burkhardt, President, \$119,850. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2435 18. Approving Professional Services Agreement with Shive-Hattery, Inc., (Thomas Hayden, President & CEO) to perform work for design of Miscellaneous Improvements at the WRA Wastewater Treatment Plant - \$23,000. ([Council Communication No. 98-325](#)). **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2436 19. Approving contract and bond for Tuttle Street Paving- SW 5th Street to SW 9th Street (ML King Jr. Parkway Project) with M. Peterson Construction Co. (Merlin Peterson, Pres.) - \$860,185.75. **Moved by Phillips to adopt. Motion Carried 7-0.**

20. Resolution Ordering Construction of the following:

98-2437 (A) E. Indianola Avenue Widening at Evergreen Avenue, Receiving of Bids, (8-18-98), and Setting Date of Hearing, (8-24-98), (Construction Estimate - \$115,260). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2438 (B) SE 14th Street and E. Army Post Road Intersection Improvements - (IDOT), Receiving of Bids, (8-18-98), and Setting Date of Hearing, (8-24-98), (Construction Estimate - \$219,372). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2439 21. Approving Private Construction Contract for Storm Sewer Improvements for Easter Bay Colony Plat 2, located at Evergreen Avenue and E. Marion Street between McAninch Corporation, (Dwayne McAninch, President), Contractor and Clarke Company, Ltd., (John J. Clarke, Partner), Owner - \$134,467. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2440 22. Approving Private Construction Contract for Construction of Sanitary Sewer Improvements for Easter Bay Colony Plat 2, located at Evergreen Avenue and E. Marion Street between McAninch Corporation (Dwayne McAninch, President), Contractor, and Clarke Company, Ltd., (John J. Clarke, Partner), Owner - \$108,156. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2441 23. Approving Private Construction Contract for Storm Sewer Improvements for Easter Lake Estates Plat 5, located at Easter Drive and SE 29th Court between McAninch Corporation (Dwayne McAninch, President), Contractors, and Oaks Development (John C. Kline, President), Owner - \$180,241. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2442 24. Approving Private Construction Contract for Street Improvements for Airport Commerce Park West Plat 2, Phase 1, located at SW 56th and Park Avenue between M. Peterson Construction Company (Merlin Peterson, President), Contractor, and Airport Commerce Park, L.C. (Gerard D. Neugent, Manager and President), Owner - \$193,701.50. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2443 25. Approving partial payments on four public improvement projects. (Call City Clerk's Office for listing). **Moved by Phillips to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

98-2444 26. Resolution Levying Assessments for costs of Nuisance Abatement-Sidewalk Replacement/Repair (Contractor Paved) Schedule No. 1998-45 and providing for payment thereof. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2445 27. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of July, 1998, (1998-27) for Certification to Polk County Treasurer. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2446 28. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for July, 1998. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

29. Conveyance of City-Owned Municipal Housing Agency Property Pursuant to Affordable Home Ownership Program for the following:

98-2447 (A) Pamela Sue Perry, 1316 Burnham. [\(Council Communication No. 98-321\)](#) **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2448 (B) Taffy R. Hillenga, 115 SE Pleasantview Drive. [\(Council Communication No. 98-320\)](#). **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2449 30. Authorizing the City Engineer to enter into Maintain Vacancy Agreements on various rental properties in the vicinity of E. 14th and Guthrie in conjunction with E. 14th Street (US 65) and Guthrie Avenue Intersection Improvement. [\(Council Communication No. 98-326\)](#). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2450 31. Approving Noise and Avigation Easements for three properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2451 32. Warranty Deed and Offer to Purchase in conjunction with Army Post/Highway 28 Relocation & Runway 5/23 Extension (Grant 23), from R. Howard Trent and Virginia Trent, 7075 SW 60th Street - \$81,078. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2452 33. Warranty Deed and Offer to Purchase in conjunction with Airport Expansion, from Robert Kelly McAninch and Lucinda J. McAninch, 2607 Littell Avenue - \$100,043. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2453 34. Backslope and Property Adjustment Easement and Release in conjunction with Ease University Avenue and East 9th Street Intersection Improvement, from Joel W. Bittner, 1111 E. University - \$125. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-2454 35. Resignation of Frank Bailey from the Citizen Odor Board effective immediately. **Moved by Coleman to receive, file and accept with deep regret; request City Manager to review the Board and Commission structure to determine roles, structure, policy authority, and need, as appropriate, including Council input from previous survey, and perhaps conduct a new survey of Council regarding same. Motion Carried 7-0.**

98-2455 36. Accepting resignation of Sue Luthens from the Public Housing Board effective immediately. **Moved by Hensley to receive, file and accept with deep regret; request City Manager to review role, structure and policy authority of this Board for a recommendation by November 1, 1998. Motion Carried 7-0.**

## **STREET CLOSINGS**

98-2456 37. Approving closure of the following City Streets. **Moved by Phillips to adopt. Motion Carried 7-0.**

(1) Connie Kauzlarich, 2407 46th Street, requesting permission to close 46th Street from Hickman to Holcomb, on Saturday, August 22, 1998 from 5:00 P.M. until 11:00 P.M. for a block party.

(2) Mary Krantz, 4011 John Lynde Road, requesting permission to close John Lynde Road from 42nd Street to 37th Street, on Sunday, August 30, 1998 from 4:30 P.M. until 7:30 P.M. for a block party.

(3) Elizabeth M. Rush, 439 SE Wilmers, requesting permission to close Wilmers from SE 3rd to SE 5th, on Saturday, August 29, 1998 from 6:00 P.M. until 11:00 P.M. for a block party.

(4) Bob Cochran, 4034 Ardmore Road, requesting permission to close Ardmore Road from Aurora Avenue to Shawnee Place, on Saturday, August 22, 1998 from 4:00 P.M. until 10:00 P.M. for a block party.

(5) Melody Nelson, 1012 39th Street, requesting permission to close 39th Street from Kingman to School, on Sunday, August 16, 1998 from 4:00 P.M. until 9:00 P.M. for a block party.

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

98-2457 38. Approving payment of \$838.57 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2458 39. Approving payment of \$152.00 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran case of Price, et al. v. Moran, et al., 4-96-CV-80860. **Moved by Phillips to approve payment. Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

98-2459 40. Submitting traffic regulation changes as follows, ([Council Communication No. 98-324](#)). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Request for Corner Clearance Parking Restriction-East side of Forty-first Street north of Ingersoll Avenue and the north side of Ingersoll Avenue east and west of Forty-first Street.

(2) Request for Corner Clearance Parking Restriction-East side of Fortieth Place south of Sheridan Avenue.

98-2460 41. Submitting out-of-state travel requests for Harold Smith and Eric Nevins. ([Council Communication No. 98-318](#)) **Moved by Phillips to adopt. Motion Carried 7-0.**

## **APPROVING**

98-2461 42. Communication from City Clerk submitting report on City Council meeting/meal expenses for July, 1998. **Moved by Phillips to receive and file. Motion Carried 7-0.**

98-2462 43. Authorizing approval of Revised Section 8 Administrative Plan and Equal Housing Opportunity Plan. ([Council Communication No. 98-319](#)). **Moved by Phillips to adopt. Motion Carried 7-0.**

44. Bids for the following:

98-2463 (A) Dewey Ford, Inc., (444 East 4th Street, Mark Vukovich, President) for three (3) compact 4-door sedans to be used by the Traffic and Transportation Division \$39,960.(Eight bids mailed-two received). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2464 (B) Alexander Chemical Corporation, (Lisle, IL, Gillman Leavitt, President) for annual price agreement renewable for two (2) additional twelve (12) month periods for liquid sulfur dioxide to be used by the Engineering Department (Wastewater Reclamation Facility) \$15,000.(Nine bids mailed-two received). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2465 (C) 3M Company, (St. Paul, Minnesota), State of Iowa Contract 02700, (Municipal Code Section 2-86(c) for reflective sheeting to be used by the Engineering Dept. (Traffic & Transportation Div.), \$13,499.76. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2466 (D) Repair parts for number two centrifuge bowl and conveyor manufactured and single area-wide distributor by Sharples/Alfa Leval, (Warminster, PA) for Engineering Department (Wastewater Reclamation Facility). (Municipal Code Section 2-86(a)(6) sole source and competitively bid, \$32,000. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2467 45. Authorizing Finance Director to draw warrants on register of August 7, 1998; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning August 3, 1998 and August 10, 1998, and the biweekly payroll due employees on July 31, 1998. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

98-2468 46. Amending Chapter 8 of the Municipal Code regarding update of the Plumbing Code, and to defer consideration. **Moved by Phillips to defer to 8-17-98. Motion Carried 5-2. Nays: Coleman and McPherson.**

98-2469 47. On amendment to the Zoning Ordinance regarding allowed size of canopies and number of car service areas for convenience stores and gas stations within "C-1" and "NPC" districts. **Moved by Phillips that this ordinance do now pass, [#13,626](#). Motion Carried 7-0.**

98-2470 48. On amendment to the Zoning Ordinance regarding off-premise advertising signs. **Moved by Phillips that this ordinance do now pass, [#13,627](#). Motion Carried 7-0.**

98-2471 49. On vacation of east/west alley right-of-way between S.E. 15th and S.E. 16th south of Maury. **Moved by Phillips that this ordinance do now pass, [#13,628](#). Motion Carried 7-0.**

98-2472 50. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Phillips that this ordinance do now pass, [#13,629](#). Motion Carried 7-0.**

(1) Mid-block signal--1600 block of E. Evergreen (Jackson Elementary School)

(2) Handicapped Parking Space--south side of Lyon Street west of E. 17th Street.

## **ORDINANCES - SECOND CONSIDERATION**

98-2473 51. Establishing the grade of E. 25th Street from Dean to Capitol. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-2474 52. Establishing the grade of E. Virginia Avenue from SE 22nd to 265.28 feet east of SE 22nd; E. Clinton Avenue from E. 31st to E. 33rd; E. 27th Court from Cleveland to Easton; E. 32nd Street from E. University to Cleveland, and Guthrie Avenue from E. 29th to E. 31st. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-2475 53. On vacation of a portion of the E. 33rd Street right-of-way between E. Douglas and E. Clinton. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-2476 54. On rezoning of property at 2407 SW 9th Street from "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial). **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-2477 (A) Final consideration of ordinance above. **Moved by Phillips 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, [#13,630](#). Motion Carried 7-0.**

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

## **COUNCIL REQUESTS**



98-2478 55. From Council Member Tom Vlassis, to allow Ms. Chris Thomas, 1619-23rd Street, DM, to speak regarding dogs. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Phillips.**

## **COMMUNICATIONS/REPORTS**

98-2479 56. Petition from area residents, requesting installation of a 4-way stop sign at Sixth and Aurora. **Moved by McPherson to receive, file and refer to City Manager and Traffic Safety Committee for review and recommendation as soon as possible. Motion Carried 7-0.**

## **HEARINGS (Opened at 5:30 P.M.) (Items 57 thru 61)**

98-2480 57. On sale and conveyance of alley right-of-way at 3844 Sixth Avenue, to Daniel R. Burkle, \$25 plus costs. **Moved by McPherson to defer action to 8-17-98 to obtain additional information from staff regarding location and size of property to be conveyed. Motion Carried 7-0.**

98-2481 58. On sale and conveyance of vacated alley right-of-way in vicinity of 2216 Elizabeth Street, to Cordell L. McGuire, \$25 plus costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-2482 59. On 1505 & 1507 E. Walnut Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as D&F Trucking, (Mae Dillard, Owner, Indianola), \$18,549. **Moved by Phillips to adopt. Motion Carried 7-0.**

**WITHDRAWN** 98-2483 (A) Approving contract and bond.

**WITHDRAWN** 98-2484 (B) Request for permission to sublet.

98-2485 60. On SE 14th Street and E. Diehl Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (R.S. Gillotti, President, WDM), \$298,168.55. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2486 61. On Walnut Street Sanitary Sewer Televising: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Infrastructure Technologies, Inc., (Robert N. Thul, President, Brooklyn Park, MN), \$5,140. **Moved by Phillips to adopt. Motion Carried 7-0.**

\* \* END HEARINGS at 5:35 P.M. \* \*

## **APPROVING**

62. Number Not Used

98-2487 63. Rescinding Offers to purchase real estate in the Capitol East Urban Renewal Area-- 1503, 1533, and 1543 E. Walnut, and accepting new offer to purchase real estate at 1503 E. Walnut. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2488 64. Appointment of members to Des Moines Enterprise Zone Commission to administer State of Iowa certified Des Moines AgriBusiness Park and Des Moines Enterprise Community Enterprise Zones, continued from 7-27-98. ([Council Communication 98-310 of 7-27-98](#)) **Moved by Flagg to defer to 8-17-98. Motion Carried 7-0.**

98-2489 65. New job classifications for the Municipal Public Housing Agency as follows, ([Council Communication No. 98-323](#)): **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Flagg Absent: Phillips.**

(1) Housing Programs Administrator, Range 29

(2) Public Housing Supervisor, Range 22

(3) Section 8 Housing Supervisor, Range 20

(4) Admissions Supervisor, Range 16

(5) On-Site Property Manager, Range 9

## **A G E N D A**

### **BOARD OF HEALTH**

**August 3, 1998**

98-2490 MOTION TO CONVENEMoved by Vlassis that the City Council Adjourn and Convene as a Board of Health. **Motion Carried 6-1. Absent: Phillips.**

### **AUTHORIZING**

98-2491 1. Court authority to abate the public nuisance at 3408 Amherst; Titleholders: Estel V. Betts and Ardell L. Betts; Legal Interest Holder: FEZ, Inc. of Des Moines, William S Rothmeyer, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Phillips.**

98-2492 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:00 P.M. Motion Carried 6-1. Absent: Phillips.**