

SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 22, 1997 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

International Printing Week

INVOCATION: Father Peter Cade

St. George Greek Orthodox Church

97-3951 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-3952 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3953 3. APPROVING CONSENT AGENDA - items 3 through 90: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

97-3954 4. Communication from Legal Department regarding December 22, 1997 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

Class "C" Beer Licenses

97-3955 5. G.L. & J., Inc., Gary Kudrna, President dba Gary's Amoco, 145 University; Renewal - Expires - 01-02-98 (With Sunday Sales) - Application submitted 12-01-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3956 6. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #2, 1307 Army Post Road; Renewal - Expires -01-07-98 (With Sunday Sales) - Application submitted 11-26-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3957 7. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #29, 4900 Urbandale Avenue; Renewal - Expires 01-29-98 (With Sunday Sales) - Application submitted 11-26-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3958 8. Fareway Stores, Inc., Robert L. Kramer, President dba Fareway, 100 Euclid Avenue; Renewal - Expires 01-21-98 - Application submitted 10-27-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3959 9. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #207, 4200 Hubbell; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3960 10. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #552, 4944 Douglas; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3961 11. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #208, 3200 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "E" Beer Licenses

97-3962 12. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 1320 East Euclid; Renewal - Expires 12-28-97 (With Sunday Sales) - Application submitted 11-26-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3963 13. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 12-26-97 (With Sunday Sales) - Application submitted 11-26-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3964 14. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #2722, 2211 University; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3965 15. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #2742, 4164 Easton Blvd; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3966 16. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #2731, 3104 University; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3967 17. Kum & Go, L.C., Kyle Krause, President dba Kum & Go #2729, 2829 Easton; New Application (With Sunday Sales) - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Beer-Wine Licenses

97-3968 18. Wong Enterprises, Inc., Wayne Wong, President dba Kwong Tung Restaurant; 2721 Ingersoll Avenue, Renewal - Expires 01-07-98 - Application submitted 12-05-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "B" Liquor Licenses

97-3969 19. Fleur De Lis Motor Inns, Inc., Everett R. Scott, President dba Airport Holiday Inn, 6111 Fleur Drive; Renewal - Expires 12-27-97 (With Sunday Sales) - Application submitted 10-30-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Liquor Licenses

97-3970 20. Big Dog Enterprises, Inc., Stuart Ambrose, President dba Fish Bowl Bar and Grill, 3029 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 11-26-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3971 21. United Mexican American Community Center, Mary Campos, V-President dba United Mexican American Community Center, 828 Southeast Scott; Renewal - Expires 12-29-97 (With Sunday Sales) - Application submitted 11-21-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Authorizing

97-3972 22. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3973 23. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Gamerrooms

97-3974 24. Discovery Zone, Inc., Scott Bernstein, President dba Discovery Zone #779, 4365 Merle Hay Road; Renewal - Expires 12-31-97 - Application submitted 11-18-97 - to be effective January 1, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3975 25. Robert Porter dba Eastgate Cinema III, 1550 East Euclid; Renewal - Expires 12-31-97 - Application submitted 10-23-97 - to be effective January 1, 1998. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-3976 26. New Books, Inc., Roy May, President dba The Blue Nude, 1117 Grand Avenue; Renewal - Expires 12-31-97 - Application submitted 10-27-97 - to be effective January 1, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3977 27. Mid State News, Inc., Roy May, President dba Gallery, 1114 Walnut; Renewal - Expires 12-31-97 - Application submitted 10-31-97 - to be effective January 1, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3978 28. ABV Management, Inc., R. Marler, President dba Adult Emporium, 1401 East Army Post Road; Renewal - Expires 12-31-97 - Application submitted 11-24-97 - to be effective January 1, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3979 29. ABV Management, Inc., R. Marler, President dba Bachelors Library, 2020 East Euclid; Renewal - Expires 12-31-97 - Application submitted 11-24-97 - to be effective January 1, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

97-3980 30. Kenneth Phipps dba Phoenix, 1410 Grand Avenue; Renewal - Expires 12-31-97 - Application submitted 12-2-97 - to be effective January 1, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Refunds

97-3981 31. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

97-3982 32. Bid from Cramer and Associates, Inc., (990 NE 44th Avenue, Delmer Cramer, President) for immediate emergency repairs for severe deterioration of Seventh & Mulberry Parking Garage (Engineering Department) pursuant to Section 384.103(2) of the Iowa Code, \$9,700. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3983 33. Approving Agreement for sale of City-owned Roadway Ice and Weather Detection System (RWIS) to Iowa Department of Transportation in exchange for free installation, maintenance and future use of the sensor information. ([Council Communication No. 97-607](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3984 34. Designating lowest responsible bidder as McAninch Corporation (Dwayne McAninch, President), \$130,432 , and approving contract and bond for construction of Southeast Airport Trunk Sanitary Sewer, Phase 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3985 35. Bid from Hydro-Klean Industrial, (Ankeny, IA) for rehabilitation of Debra Heights sanitary trunk sewer in vicinity of 2800 block of Aurora Avenue at original estimated cost of \$7,715.96 requesting change order to increase Purchase Order 68475 to \$11,267.09 for extra time and materials. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3986 36. Approving partial payments on nine public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-0.**

37. Approving acceptance of Private Construction Contracts for proposed Somerset II Subdivision at SE 3rd/SE 5th Street and Army Post between McAninch Corporation, Contractors and Clarke Company, Ltd., Owners for the following:

97-3987 (A) Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3988 (B) Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3989 38. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for 1997 ACC Pavement Milling & Resurfacing, Des Moines Asphalt & Paving Company, \$19,962.36 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

97-3990 39. Approving Notice of Filing of Deficiency Assessments Schedule No. 1997-61. **Moved by Vlassis to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

WITHDRAWN

97-3991 40. Revised Fair Market Value for property located at 2367 E. 14th Street, in conjunction with Iowa 65 (E. 14th Street) and Guthrie Avenue Intersection Improvement, from Imperial Properties, Inc. - \$97,000.

41. Fair Market Values in conjunction with 30th Street/31st Street Realignment at University Avenue, for the following properties:

97-3992 (A) David G. and Beverly J. Khodai, 3019 University Avenue - \$25,000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3993 (B) Florence E. Weichman, 3021 University Avenue - \$90,000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3994 (C) E.L.M. Trust/E. L. McCoy (Trustee), 1201 31st Street - \$59,000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3995 42. Authorization to acquire right-of-way in vicinity of 3400 Army Post Road from Richard D. and Cathleen G. Heiken for use as a consolidated fuel facility. **Moved by Phillips to adopt. Motion Carried 6-0.**

97-3996 43. Approving Noise and Avigation Easements for 6406 SW 16th Street, in conjunction with Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3997 44. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way, and Compensation for Future Title Work, in conjunction with Merle Hay Road Sanitary Sewer, North of Meredith Drive, from Lyle King, vacant land east of Merle Hay Road - \$450. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3998 45. Permanent Easement for Storm Sewer Right-of-Way in conjunction with Private Construction Contract, from Ingersoll Development Company, L.C., 2700 Ingersoll Avenue - \$1. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-3999 46. Offer to Purchase Real Estate and Acceptance, Backslope and Property Adjustment Easement and Release, Warranty Deed, and Partial Release of Mortgage, in conjunction with Army Post Road/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), from Virgil A. and Twylla A. Kerr, 2412 Littell - \$8,334. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4000 47. Administrative Settlement, Offer to Purchase Estate and Acceptance Warranty Deed in conjunction with Easton Boulevard Detention Basin, Southern Seventh Ward Ditch Improvements, from Paul G. and Colleen L. Irving, 2625 Easton Boulevard - \$58,000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4001 48. Permanent Easement for Traffic Signal and Street Lighting Systems in conjunction with Fleur Drive Traffic Signal Upgrade, from Primate Realestate, Inc., 3131 Fleur Drive - \$406, 4000 Fleur Drive-\$400, and 4021 Fleur Drive-\$274. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4002 49. Permanent Easement for Traffic Signal and Street Lighting Systems and Consent and Waiver as to Easement by Mortgagee in conjunction with Fleur Drive Traffic Signal System Upgrading, from Robert Hunter-3210 Fleur Dr.- \$408. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4003 50. Permanent Easement for Sanitary Sewer Right-of-Way, in conjunction with Private Construction Contract, from Easter Lake Estates, Inc., for vacant land on SE 5th Street - \$1. **Moved by Vlassis to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-4004 51. Approving recommendation of Neighborhood Revitalization Board for designation of members to meet Community Service Block Grant regulations for Administering Board composition. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4005 52. Approving Enterprise Community Steering Committee (ECSC) Revised Procedural Rules to become effective March 16, 1998. ([Council Communication No. 97-606](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4006 53. Communication from Board of Directors of Des Moines Independent School District advising of appointment of Board Member Mark Schuling as Board's liaison to City Council for 1997-98. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

97-4007 54. Regarding request from Pete Klindt, Git-N-Go Convenience Stores for vacation and conveyance of a portion of the Ninth Street right-of-way at 2601 SW Ninth. **Moved by Vlassis**

to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 6-0.

SETTING DATE OF HEARINGS

97-4008 55. On petition to establish the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID), (1-19-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4009 (A) Recommendation from City Plan Commission. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

97-4010 56. On proposed termination of the Vandalia Acres Relocation Program Urban Renewal Project, (1-26-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4011 (A) On proposed termination of the Southeast Prime Service Area Urban Renewal Project, (1-26-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4012 (B) On adoption of Urban Renewal Plan for the SE AgriBusiness Urban Renewal Area, (1-26-98). **Moved by Flagg to adopt. Motion Carried 6-0.**

97-4013 57. On application from Dan Lyons to rezone property located at 1938 SE 6th Street from "C-1" Neighborhood Retail Commercial District to "C-1A" Neighborhood Commercial Reuse District, (1-5-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4014 58. On Supplemental Agreement No. 5, to extend term of existing lease agreement to June 25, 2030, with U.S. Government Airport Leasehold, for the Iowa Air National Guard, (1-5-98). ([Council Communication No. 97-593](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-4015 59. Approving payment of \$6,874.50 to Harold Belieu and his attorney Joel Bittner for workers' compensation settlement for injuries suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4016 60. Approving payment of \$152.50 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al. **Moved by Vlassis to approve payment. Motion Carried 6-0.**

97-4017 61. Approving payment of \$8,115.36 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services rendered in representing the City with respect to general financing issues for period January 4, 1996 through December 31, 1996. **Moved by Vlassis to adopt. Motion Carried 5-1. Pass: Flagg.**

CITY MANAGER COMMUNICATIONS

97-4018 62. Submitting out-of-state travel request for Ken Danley and Eric Anderson. ([Council Communication No. 97-595](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

APPROVING

63. Review of Low Income Housing Tax Credits for the following, ([Council Communication No. 97-596](#)):

97-4019 (A) No Opposition - River Bend Partnership, L.P.-(Iowa Housing Corporation and William Knapp II), for rehabilitation of 2 buildings supplying 16 units located at 1245 and 1439 6th Ave. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4020 (B) No Opposition - River Valley Estates Partnership, L.P.-(Jim and Roxanne Conlin), for new construction of 5 buildings supplying 92 units located at 6001 SW Creston, and 6021-6023 SW Creston Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4021 (C) No Opposition - Sargent Park Chateau, L.P.-(B.J. Baker), for construction of 72 units located at 3500, 3502, and 3504 E. Douglas. **Moved by McPherson to adopt. Motion Carried 6-0. Staff to assure issues regarding management and local ownership are addressed.**

97-4022 (D) No Opposition - Southbrook Green Apts. II, L.P.-(Jim and Roxanne Conlin), for new construction of 36 units to be located at 1514 SE Evergreen. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4023 64. Amended and Extended Lease Agreement with Central Construction and Demolition Recycling, Inc. to conduct landfill operations, (White Landfill No. 4). vicinity of 15th Street and Aurora Avenue. ([Council Communication No. 97-604](#)). **Moved by Vlassis to defer to January 5, 1998 for additional information on ownership. Motion Carried 6-0.**

97-4024 65. Report from Local Law Enforcement Block Grant Advisory Board, Police Department proposal, and disbanding 1997 Local Law Enforcement Block Grant Advisory Board. ([Council Communication No. 97-598](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4025 66. Authorizing Des Moines Park and Recreation Department to submit an application to State of Iowa/Iowa Arts Council Grant program for funding for Firststar Nitefall. ([Council Communication No. 97-601](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4026 67. Approving grant application to the Iowa Department of Transportation for a State Trails Grant, for the Inter- Urban Trail Project, M. L. King Jr. parkway to John Pat Dorrian Trail, the amount of \$193,024. (Council Communication No. 97-603). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4027 68. Resolution declaring First Baptist Child Care Center in breach of Operational Agreement for Downtown Child Care Center (Fifth and Keo Parking Garage) and authorizing

Mayor to execute Default Notice. ([Council Communication No. 97-597](#)). **Moved by Flagg to adopt. Motion Carried 6-0.**

97-4028 69. Intergovernmental 28E Agreement with Counties of Polk, Madison, Jasper, Boone, Dallas, Warren, Story, Audubon, Guthrie and Carroll to continue Central Iowa Employment and Training Consortium (CIETC) through June 30, 2000. ([Council Communication No. 97-600](#)). **Moved by Vlassis to adopt. Motion Carried 5-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-4029 70. Submitting adopted budget certificate for the Des Moines Water Works. **Moved by Hensley to defer action to January 5, 1998 for additional information from Legal on disposition of this item. Motion Carried 6-0.**

97-4030 71. Request from Richard Nichols, President, Nichols Controls and Supply, Inc. (120 SW 6th Ave) to purchase City-owned urban renewal property for the construction of a building in the Central Place Industrial Park for referral to appropriate City staff. **Moved by Vlassis to receive and file and direct the appropriate staff to prepare the necessary documents for the Nichols Controls & Supply Company to make a proposal to purchase City-owned property in the Central Place Urban Renewal area. Motion Carried 6-0.**

97-4031 72. Tax Abatement applications for additional value added by improvements made during 1997. (414 applications on file in Clerk's Office). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4032 73. Community Services Block Grant contract with Iowa Department of Human Rights/Division of Community Action Agencies for community services to low-income persons from October 1, 1997 to September 30, 1998 - \$336,334. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4033 74. Amendment to Weed and Seed Human Services Coordinating Board (HSCB) Safe Haven contract to extend project period from December 31, 1997 to December 31, 1998. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4034 75. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for Special Primary Election to be held on Tuesday, February 3, 1998 and Special City Election on Tuesday, March 3, 1998. **Moved by Vlassis to receive and file and grant request. Motion Carried 6-0.**

76. Bids for the following:

97-4035 (A) Karl Chevrolet, (Ankeny, Karl Moyer, President) for a 3/4 ton pickup, snow plow and accessories to be used by the Engineering Department (Wastewater Reclamation Facility), \$22,040.42. (Seven bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4036 (B) American Vault & Locker, Mfg., Co., (Mattoon, IL, Paul Vavala, President) for seven (7) hazardous materials storage buildings to be used by the Engineering Department, \$30,545. (Five bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4037 (C) GE Capital IT Solutions, (11180 Aurora Street, Urbandale, IA.), State of Iowa Contract No. 1984 (Municipal Code Section 2-86 (c) for upgrading of Compaq computer equipment to be used by the Information Technology Department, \$10,667. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4038 (D) Government Computer Sales, Inc., (Issaquah, WA) for eight (8) Gateway computer systems to be used by the Information Technology Department. (State of Iowa Contract No. 2433, Municipal Code Section 2-86 (c), \$16,567.68. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4039 (E) City Supply Corporation, (100 Indiana Avenue, Jeff Hasley, President) for specialized gasket materials to be used by the Engineering Department (Wastewater Reclamation Facility) for an operational emergency pursuant to Municipal Code Section 2-88(b), \$10,449.28. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4040 (F) AAA Security, (10401 Hickman, Tom Skeens, President) for Video Camera Recording Equipment to be used by the Police Department (Administrative Services Division), \$11,934, Per Mar Security and Pratt Audio-Visual did not meet specifications, therefore are non-compliant. (Eight bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4041 77. Report of Civil Service Commission submitting Promotional Lists for Heavy Equipment Operator, Fire Medic, Senior Fire Medic, and Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

97-4042 78. Authorizing Finance Director to draw warrants on registers of December 26, 1997 and January 2, 1998; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning December 22, 1997 and December 29, 1997, and the biweekly payroll due employees on January 2, 1998. **Moved by Vlassis to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

97-4043 79. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Vlassis that this ordinance do now pass, [#13,548](#). Motion Carried 6-0.**

(1) Request for stop signs at East 15th St. at Tiffin Avenue.

(2) Requests for Corner Clearances:

(A) South Side of Cleveland Avenue East of 29th Street and South Side of Cleveland Avenue West of East 30th Street.

(B) West Side of S.E. 18th Court South of Park Avenue.

(C) West Side of 62nd St. North of University Avenue.

(D) South Side of School Street East of 31st Street.

(E) West Side of 51st Street North of Hickman Road.

97-4043 80. On application from Larry Morgan, Broadlawns Medical Center, to rezone property at 1801 Hickman Road, from "R-3" (Multiple Family Residential) and "U-1" (Flood Plain District) to "C-0" (Commercial-Residential), (amended legal description). **Moved by Vlassis that this ordinance do now pass, [#13,549](#). Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

97-4045 81. On vacation of a portion of the Davis Avenue right-of-way in the vicinity of 2301 SW 9th Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4046 82. On vacation of Franklin Avenue right-of-way west of Sixth Avenue, (Neighborhood Finance Corporation). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4047 83. Amending Chapter 17 of the Municipal Code regarding nuisances subject to enforcement by administrative hearing procedure or civil action. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4048 84. Amending Chapter 15 of the Municipal Code regarding increase in golf fee for Junior Badges for 1998, no other fee increases recommended for 1998. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4049 85. Amending Chapter 2 of the Municipal Code regarding duty of City board and commission members to abstain from participating in matters which the member has direct financial interest. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4050 86. Amending Chapters 7 and 23 of the Municipal Code regarding ownership and use of service dogs and assistive animals. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4051 87. Amending Chapter 2 of the Municipal Code regarding creation of a new Information Technology Department to replace the Data Processing Division of the Finance Department. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4052 88. Amending Chapter 26 of the Municipal Code to provide exemption for governmental entities and agencies for license fee, insurance, and bond requirements for issuance of communications licenses. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4053 89. On rezoning of property at 2009 E. 38th Court from "U-1" (Flood Plain) to "R1-60" (One Family, Low Density Residential). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-4054 90. On rezoning of property at 614 SE Fourth Street, from "R1-60" (One-Family, Low Density Residential) to "M-1" (Light-Industrial). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

ORDINANCES - FIRST CONSIDERATION

97-4055 91. Amending Chapter 15 of the Municipal Code regarding creation and appointment of advisory committees to the City Park and Recreation Board, to allow residents and non-residents, continued from 12-8-97. ([Council Communication No. 97-608](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

7-4056 92. 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 6-0.**

(1) Parking in respect to geographical layout of New Meredith Corporation Complex Area.

(2) To update list of Four-Way Stop Intersections.

97-4057 93. Amending Chapter 27 of the Municipal Code to expand Parking Meter Districts from two to three. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-4058 (A) Amending Chapter 27 of the Municipal Code realigning boundaries of the new Parking Meter Districts. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

COUNCIL REQUESTS

97-4059 94. From Council Member At Large George E. Flagg recommending formation of a City/School Committee to study and implement sales tax proposals. **Moved by Flagg to receive, file and discuss; establish a Council Committee of Daniels, Flagg and Hensley, to set up a meeting with the School Board representatives at the earliest possible date. Motion Carried 5-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

COMMUNICATIONS/REPORTS

97-4060 95. Communication from Park and Recreation Department regarding Gray's Lake Master Plan. ([Council Communication No. 97-602](#)). **Moved by Hensley to receive, file and adopt the recommendation contained in the attached Council Communication No. 97-602. Motion Carried 6-0.**

HEARINGS (Opened at 6:05 P.M.) (Items 96 thru 101)

97-4061 96. Communication from Community Development Director identifying basis to declare the Sixth Avenue Area as an urban renewal area and for adding it to the Riverpoint Capitol-Center Development Area Urban Renewal Project. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

97-4062 (A) Communication from the City Plan and Zoning Commission finding the proposed termination of the Sixth Avenue Urban Renewal Area and the 5th Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area to be in conformance with the Des Moines 2000 Land Use Plan. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

97-4063 (B) Resolution closing hearing on termination of the Sixth Avenue Urban Renewal Area and approving same. ([Council Communication No. 97-594](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4064 (C) Approving amendment to Des Moines 2000 Land Use Plan to conform with current plans for Sixth Avenue Area. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4065 (D) Resolution of Necessity Finding Sixth Avenue Area a blighted area appropriate for designation as urban renewal area. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4066 (E) Resolution closing hearing on the 5th Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area and approving same. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4067 (F) First consideration of ordinance amending and expanding the Riverpoint Capitol-Center Development Area tax increment financing (TIF) district to include the Sixth Avenue Area. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-4068 (G) Communications from Bob King, Chair Neighborhood Revitalization Board, and from River Bend Neighborhood, regarding above. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

97-4069 97. On proposed Connection Fee Ordinance for Southeast Airport Trunk Sewer System Benefited District, (Council Communication No. 97-610). **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: McPherson. Pass: Flagg.**

97-4070 (A) Approving Second Consideration of ordinance establishing district. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 4-1-1. Nays: McPherson. Pass: Flagg.**

97-4071 (B) Communication in objection. **Moved by Hensley to receive and file. Motion Carried 4-1-1. Nays: McPherson. Pass: Flagg.**

97-4072 98. On lease for parking spaces in the Park and Ride Facility to Principal Mutual Life Insurance Company. **Moved by Vlassis to adopt. Motion Carried 5-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-4073 99. On amendments to the Zoning Ordinance regarding size of gas stations in "C-1" (Neighborhood Commercial Districts). **Moved by Hensley to adopt. Second consideration of ordinance to be deferred to allow study and report by Plan and Zoning Regulation Committee. Motion Carried 6-0.**

97-4074 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-4075 100. Recommendation from City Plan Commission regarding amendments to the Des Moines 2000 Land Use Plan for 3300 E. Euclid Avenue. **Moved by McPherson to defer to 1-5-98. Motion Carried 6-0.**

97-4076 (A) On application from B.J. Baker III, to rezone property at 3300 E. Euclid from R2-A (General Residential), U-1 (Flood Plain), and "C-2" (General Retail and Highway-Oriented Commercial) to a PUD, and approving Conceptual Plan GRANDVIEW PLAZA P.U.D., (continued from 12-8-97). **Moved by McPherson to continue the hearing on the proposed rezoning until January 5, 1998, at 5:30 P.M.**

WITHDRAWN

97-4077 (B) First consideration of ordinance above.

97-4078 101. Communication from the City Plan Commission regarding application of Nelson Farmer to vacate and convey an easement upon a portion of unimproved Urbandale Avenue north of Leado Avenue. **Moved by Vlassis to adopt and to refer to the City Manager and Legal Department for implementation, Motion Carried 6-0.**

97-4079 (A) Closing hearing and approving vacation and conveyance of an Easement for Driveway Access, \$100. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-4080 (B) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-4081 (C) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes. **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, [#13,550](#). Motion Carried 6-0.**

* * END HEARINGS at 6:28 P.M. * *

CITY MANAGER RECOMMENDATIONS

97-4082 102. Regarding Tax Increment Appropriations for Fiscal Year 1998-99. ([Council Communication No. 97-605](#)). **Moved by Vlassis to adopt recommendation in Council Communication No. 97-605. Motion Carried 6-0. Council Member Flagg registers a NO vote on Sec Taylor portion.**

APPROVING

103. Preannexation Agreements for the following:

97-4083 (A) Baker Real Estate, L.P.; Bernard J. Baker, III and Karen L. Baker, husband and wife; and Bernard J. Baker, Jr. and Berniece A. Baker, husband and wife, for a tract of land north of and adjoining the City between E. 42nd and E. 46th Streets. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-4084 (B) Sally K. Gottstein and Sharon Rae Beecher, for a tract of land north of and adjoining the City between E. 38th and E. 42nd Streets. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-4085 104. Adoption of new Job Specifications for position of Right-of-Way Administrator. ([Council Communication No. 97-599](#)). **Moved by Vlassis to defer action to January 5, 1998, for additional background information from the City Manager. Motion Carried 6-0.**

97-4086 105. Recommendation of City Manager and Corporation Counsel regarding Procedural Rule 11 of the City Council Rules. **Moved by Flagg to defer action to January 5, 1998. Motion Carried 6-0.**

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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.

97-4087 1. Request from Council Member At-Large George E. Flagg, to discuss inspection of rental properties for possible carbon monoxide or other dangerous gases. SPONSOR: Flagg. **Moved by Flagg to receive, file, discuss and refer to City Manager to advise appropriate City Staff that MidAmerican Energy has a program to address this issue. Motion Carried 5-1. Absent: McPherson.**

97-4088 2. Oral request of Council Member Chris Hensley to discuss future Council action regarding allocation of Hotel/Motel Tax revenue. SPONSOR: Hensley. **Moved by Vlassis to discuss, and allow continued work toward a formal agreement with other communities to consolidate appropriation of hotel/motel funds. Motion Carried 6-0.**

A G E N D A

BOARD OF HEALTH

December 22, 1997

97-4089 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-0.**

AUTHORIZING

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

97-4090 (A) 1280 DeWolf (vacant), TITLEHOLDERS: Dexter W. Johnson, DECEASED, Lillian C. Johnson, DECEASED; HEIRS TO THE TITLEHOLDERS: Larry Barker, Glenda Barker, William Turner, Charlotte R. Turner; LEGAL INTEREST HOLDER: FUNB as Custodian for Munico, Inc. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-4091 (B) 1229 7th (Front) (vacant), TITLEHOLDER: Zachary M. Abild. **Moved by Vlassis to defer to 1-5-98. Motion Carried 6-0.**

97-4092 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:45 P.M.**