

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES BOTANICAL CENTER

909 East River Drive

June 15, 1998 4:30 P.M.

SPECIAL PRESENTATION:

Oral request of Council Member Christine Hensley, to recognize those responsible for the "Flowers on Fleur", a/k/a Mission Impossible Project.

INVOCATION: Tom Vlassis, Ward I Council Member

98-1795 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, Phillips and Vlassis. Absent: McPherson.**

98-1796 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-1797 3. APPROVING CONSENT AGENDA - items 3 through 97. **Moved by Vlassis to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

98-1798 4. Communication from Legal Department regarding June 15, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion carried 6-1.**

Class "B" Beer Licenses

98-1799 5. Kyle W. Maxwell dba Beggar's Banquet, 2306 University; Renewal - Expires 6-22-98 - Application submitted 5-22-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

Class "C" Beer Licenses

98-1800 6. Toui Lo dba Des Moines Asian Food, 1623 6th Avenue; Renewal - Expires 6-24-98 (With Sunday Sales) - Application submitted 5-29-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1801 7. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #31, 2601 Southwest 9th Street; New Application (With Sunday Sales) - Application submitted 4-30-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1802 8. James S Krueger dba Eastown Amoco, 2850 East Euclid; Renewal - Expires 6-21-98 (With Sunday Sales) - Application submitted 5-28-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

Class "E" Beer Licenses

98-1803 9. Gurpal Singh dba G's Super Mart, 800 - 19th Street; New Application (With Sunday Sales) - Application submitted 4-23-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1804 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #11, 3940 East 29th Street; Renewal - Expires 6-26-98 (With Sunday Sales) - Application submitted 5-8-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1805 11. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #558, 2423 Euclid; Renewal - Expires 7-16-98 (With Sunday Sales) - Application submitted 4-29-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1806 12. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #554, 141 Southwest 63rd Street; Renewal -Expires 7-8-98 (With Sunday Sales) - Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1807 13. Albertson's Inc, Richard L. King dba Super One Foods, 100 Army Post Road; New Application (With Sunday Sales) - Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1808 14. Albertson's Inc., Richard L. King dba Super One Foods, 3400 East 33rd Street; New Application (With Sunday Sales) - Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

Class "C" Beer-Wine Licenses

98-1809 15. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 East Locust (Booth A); New Application (With Sunday Sales and Beer Garden) - Application submitted 6-4-98 for Arts Festival June 26 thru June 28, 1998. Subject to submission of acceptable electric and fire inspections. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1810 16. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 East Locust (Booth B); New Application (With Sunday Sales and Beer Garden) - Application submitted 6-4-98 for Arts Festival June 26 thru June 28, 1998. Subject to submission of acceptable electric and fire inspections. **Moved by Vlassis to adopt. Motion carried 6-1.**

Class "B" Liquor Licenses

98-1811 17. Fleur De Lis Motor Inns, Inc., Everett Scott, President dba Airport Holiday Inn, 6111 Fleur Drive; New Application (With Sunday Sales) - Application submitted 5-20-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

Class "C" Liquor Licenses

98-1812 18. AMF Bowling Centers, Inc., Douglas J. Stanard, President dba AMF Classic Lanes, 3200 Delaware; New Application (With Sunday Sales and Beer Garden) - Application submitted 5-28-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1813 19. Cristobal Miranda dba El Bohemio, 2300 Hickman Road; New Application (With Sunday Sales) - Application submitted 5-22-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1814 20. Hilltop Lounge and Restaurant, Inc., Alex J. Tollari, President dba Hilltop Lounge and Restaurant, 2820 Hubbell; Renewal - Expires 6-29-98 - Application submitted 5-20-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

WITHDRAWN

98-1815 21. J Scott Limited, J.O. Shaff, President dba J Scott Limited, 303 Locust; Renewal - Expires 6-17-98 (With Sunday Sales) - Application submitted 5-15-98.

98-1816 22. Leo's Lounge, Inc. Judy C. Leo, President dba Leo's Lounge, 1018 East 12th Street; Renewal - Expires 6-24-98 (With Sunday Sales) - Application submitted 5-13-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1817 23. Okoboji Grill of South Des Moines, Inc., William Gessmann, President dba Okoboji Grill of South Des Moines, 200 Southeast Army Post Road; Renewal - Expires 6-19-98 (With Sunday Sales and Beer Garden) - Application submitted 5-21-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1818 24. Racing Corner, Inc., Peggy D. Fousett, President dba Racing Corner, 2956 East Grand; New Application (With Sunday Sales) - Application submitted 4-29-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1819 25. J & V's Inc., Vinton A. Kono, President dba Time Out Sports Bar, 1101 Army Post Road; Renewal - Expires 6-17-98 (With Sunday Sales) - Application submitted 5-20-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1820 26. Polk County, Iowa, Jack Bishop, Chair dba Veterans Memorial Auditorium, 833 - 5th Street; Renewal - Expires 6-30-98 (With Sunday Sales and Beer Garden) - Application submitted 5-21-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

Class "E" Liquor Licenses

98-1821 27. Albertson's Inc., Richard L. King, President dba Super One Foods, 100 Army Post Road; New Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1822 28. Albertson's Inc., Richard L. King, President dba Super One Foods, 3400 East 33rd Street; New Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion carried 6-1.**

Authorizing

98-1823 29. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1824 30. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion carried 6-1.**

Beer Gardens

98-1825 31. Temporary Beer Garden for Evelyn Rogers dba Evy's, 1119 Grand Avenue for a street dance on June 27, 1998. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1826 (A) Approving exception regarding length of time request from Evelyn Rogers dba Evy's, 1119 Grand Avenue, request to close 12th Street from Grand Avenue to High Street from 5:00 P.M. to 12:00 Midnight, Saturday, June 27, 1998 for a street dance. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1827 32. Temporary Beer Garden for Larry Smithson dba Papa's Planet, 208 3rd Street for a street dance on June 27, 1998. **Moved by Vlassis to adopt with the amendment that the street closure be approved from 6:00 P.M. to 12:30 A.M. only, with additional time allowed for clean up. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

98-1828 (A) Approving exception regarding length of time request from Larry Smithson dba Papa's Planet, 208 3rd Street, request to close 3rd Street (WEST LANE ONLY) and Court Avenue (NORTH LANE ONLY) from 208 3rd Street to 206 3rd Street on Saturday, June 27, 1998 from 1:00 P.M. until 12:00 Midnight for a street dance. **Moved by Vlassis to adopt. and approve the street closure/event from 6:00 P.M. to 12:30 A.M. with one added hour for clean up. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

Change Of Location

98-1829 33. J. Scott Limited, J.O. Shaff, President dba J. Scott, 400 Locust requesting permanent transfer of Class "C" License No. LC-29295 to 303 Locust effective June 18, 1998. **Moved by Vlassis to adopt. Motion carried 6-1.**

Sunday Sales

98-1830 34. City Lights, LC, Michael Wilson, President dba City Lights, 508 Clifton. **Moved by Vlassis to adopt. Motion carried 6-1.**

PUBLIC IMPROVEMENTS

35. NUMBER NOT USED.

98-1831 36. Approving application to Iowa Department of Transportation for Traffic Safety Funds to cover portion of construction costs for Merle Hay Road Widening-Ovid Avenue to Douglas Avenue and 56th Street Closure South of University Avenue with related improvements at intersection of 56th and University Avenue. ([Council Communication No. 98-253](#)). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1832 37. Approving Agreement with Norfolk Southern Railway Company for storm sewer license in 100 block of E. 18th Street. ([Council Communication No. 98-256](#)). **Moved by Vlassis to adopt. Motion carried 5-1-1. Nays: Flagg. Absent: McPherson.**

98-1833 38. Approving Professional Services Agreement with Shuck-Britson, Inc., in conjunction with design of retaining wall to stabilize Lincoln Place Drive - \$17,100. ([Council Communication No. 98-255](#)). **Moved by Vlassis to adopt. Motion carried 6-1.**

39. Resolution Ordering Construction of the following:

98-1834 (A) 1998 Sanitary Sewer Relining Contract No. 1, Receiving of Bids, (6-30-98), and Setting Date of Hearing, (7-13-98), (Construction Estimate - \$433,905). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1835 (B) 7th Street and Grand Avenue Parking Garage Relighting, Receiving of Bids, (6-30-98), and Setting Date of Hearing, (7-13-98), (Construction Estimate - \$266,000). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1836 (C) Fire Station No. 10, Receiving of Bids, (6-30-98), and Setting Date of Hearing, (7-13-98), (Construction Estimate - \$415,100). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1837 (D) Glendale Mausoleum Renovation, Receiving of Bids, (6-30-98), and Setting Date of Hearing, (7-13-98), (Construction Estimate - \$30,000). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1838 (E) Park Avenue Widening at SW 56th Street, Receiving of Bids, (6-30-98), and Setting Date of Hearing, (7-13-98), (Construction Estimate - \$411,970). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1839 (F) SW 3rd Street Storm Sewer-Thornton Avenue to Rose Avenue, Receiving of Bids, (6-30-98), and Setting Date of Hearing, (7-13-98), (Construction Estimate - \$128,195). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1840 40. Communications from various contractors requesting permission to sublet certain items on four public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1841 41. Approving partial payments on four public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1842 42. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the Guthrie Avenue Industrial Park Demolition Phase 3, \$62,944.04 is now due and \$15,722.81 remaining balance is due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1843 43. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 85 locations, (call the City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1844 44. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Kevin Techau, 5921 Waterbury Circle, and curb/driveway construction, waiver signed by three property owners, (call the City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion carried 6-1.**

SPECIAL ASSESSMENTS

98-1845 45. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of May, 1998, for certification to Polk County Treasurer, (call the City Clerk's Office for various amounts). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1846 46. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for May 1998. **Moved by Vlassis to adopt. Motion carried 6-1.**

LAND/PROPERTY TRANSACTIONS

98-1847 47. Offer to Purchase Real Estate and Warranty Deed in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), 5200 Pine Ave., from William W. Griffith and Mary J. Griffith, 5200 Pine Ave. - \$91,054. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1848 48. Quit Claim Deed and Compensation for Future Title Work in conjunction with 1995 Paving Program No. 1-East 22nd Street, Dean Avenue to Maple Street, from Bessie Eveland, 2201 Maple Street - \$5,066. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1849 49. Backslope and Property Adjustment Easement and Release in conjunction with East University Avenue and East 9th Street Intersection Improvement, from Joseph Song and Kumsan Song, 1144-1146 E. 9th Street - \$50. **Moved by Vlassis to adopt. Motion carried 6-1.**

50. Backslope and Property Adjustment Easement and Release, Permanent Easement for Street Right-of-Way, Temporary Easement for Construction, Permanent Easement for Storm Sewer Right-of-Way and Surface Water Flowage, and Future Title Work Compensation in conjunction with SW 3rd Street Storm Sewer, Thornton Avenue to Rose Street, from the following:

98-1850 (A) Steve G. Best and Jill R. Best, f/k/a Jill R. Pickering, 3701 SW 3rd Street - \$1,237. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1851 (B) Donald Lee Stevens and Mary Lou Stevens, 3715 SW 3rd Street - \$1,189. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1852 (C) Janet M. Argotsinger, 3705 SW 3rd Street - \$1,184. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1853 (D) Dennis J. Flannery and Toni M. Flannery, fka Toni M. Babberl, 3621 SW 3rd Street - \$2,711. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1854 51. Backslope and Property Adjustment Easement and Release, Permanent Easement for Street Right-of-Way, and Future Title Work Compensation, in conjunction with 30th Street/31st Street Realignment at University Avenue, Kingman Avenue to Forest Avenue from Krause Holdings, Inc., 3104 University Avenue - \$1,138. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1855 52. Temporary Easement for Construction, Permanent Easement for Storm Sewer Right-of-Way, and Future Title Work Compensation in conjunction with 1997 Sanitary Sewer Repair Contract No. 1, 2800 Blk Francis Ave., 2700 Blk E. Douglas Ave., 700 Blk Ronwood Dr., from F. Dow Bates and Adele L. Bates, vacant land adjacent to 3706 E. 28th St. - \$3,500. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1856 53. Approving Noise and Avigation Easements for four properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1857 54. Approving resolution conditionally approving and ratifying roll call of May 4, 1998 for Subdivision Plat entitled Rothfus Lake Estates located west of SE 34th Street south of Evergreen Avenue. **Moved by Vlassis to adopt. Motion carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-1858 55. Recommendation for appointment of Mrs. Sharon Stegall to the Des Moines Commission on Human Rights for a three year term to expire April 2, 2001. **Moved by Vlassis to adopt. Motion carried 6-1.**

STREET CLOSINGS

98-1859 56. Approving the closure of the following City streets. **Moved by Vlassis to adopt. Motion carried 6-1.**

(1) Steve Gude, 3111 40th Place, requesting permission to close 40th Place from Adams to Ashby, on Saturday, July 12, 1998 from 3:00 P.M. until 9:00 P.M. for a neighborhood block party.

(2) Jenny Schiltz, 2318 45th Street, requesting permission to close 45th Street from Holcomb to Hickman on Saturday, June 27, 1998 from 3:00 P.M. until 9:00 P.M. for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

98-1860 57. Regarding approval of East University Avenue Beautification Site Plan Policy. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1861 58. Regarding approval of a request from Scott Formero, for vacation and lease of 7' by 42.3' of the southern portion of Court Avenue right-of-way to allow for outdoor sidewalk cafe seating. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion carried 6-1.**

98-1862 (A) Setting date of Hearing on vacation of Court Avenue right-of-way at 208 Court Avenue-- Gilligan's, (6-22-98). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1863 59. Regarding Architectural Advisory Committee's approval of recommendations for Fire Station No. 10, located in Ewing Park on E. Indianola Avenue. **Moved by Phillips to receive and file. Staff to recommend the best way to connect the station to a sewer system in the future. Motion carried 6-1.**

98-1864 60. Regarding approval of Burke Park Master Plan, (vicinity of E. 6th and Filmore). **Moved by Vlassis to receive and file. Motion carried 6-1.**

SETTING DATE OF HEARINGS

98-1865 61. On approval of vacation and sale of east/west alley right-of-way between S.E. 15th and S.E. 16th south of Maury, to Bud J. and Leola M. Sonderleiter, \$400 plus costs, (6-22-98). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1866 (A) Recommended rejection of offer from Bud Sonderleiter, for two City-owned lots in vicinity of S.E. 15th and Vale. **Moved by Vlassis to reject the offer from Mr. Sonderleiter. Motion carried 6-1.**

98-1867 62. On approval of amendment to the Zoning Ordinance regarding off-premise advertising signs, (7-13-98). **Moved by Coleman to adopt. Motion carried 6-1.**

98-1868 (A) Amending and extending temporary moratorium to August 6, 1998. **Moved by Coleman to adopt. Motion carried 6-1.**

98-1869 63. On approval of 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. (7-13-98). **Moved by Hensley to adopt. Staff requested to report on sale of alcoholic beverages and number of pumps at sites on major roadways. Motion carried 6-1.**

98-1870 64. On recommended Denial by City Plan Commission on request from George D. Fischer to rezone property at 2800 E. Watrous, from "R1-80" (One Family Residential), to "R1-70" (One-Family, Low Density Residential), to allow for platting of subdivision, (7-13-98).

Moved by Phillips to refer back to City Plan Commission for further study. Motion Carried 5-2. Nays: Vlassis. Absent: McPherson.

98-1871 65. On lease agreement with various vehicle rental agencies, for rental of vehicles for use by Parks and Recreational programs and maintenance of park facilities, 6-22-98). ([Council Communication No. 98-258](#)). **Moved by Vlassis to adopt. Motion carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-1872 66. Approving payment of \$495.85 to Thomas Foley of Nyemaster, Goode, Voigts, West, Hansell & O'Brien for representation of Michael McBride in case of Leverette, et al. v. Heller, Case No. 4-97-CV-80749. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1873 67. Approving payment of \$598.50 to Daniel Voogt of Whitfield & Eddy, P.L.C. for representation of Michael Stueckrath in case of Gales v. Huffman, et al. 4-97-CV-10605. **Moved by Vlassis to approve payment. Motion carried 6-1.**

98-1874 68. Approving payment of \$237.50 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Camden Moran in case of Price, et al. v. Moran, et al, 4-96-CV-80860. **Moved by Vlassis to approve payment. Motion carried 6-1.**

98-1875 69. Approving payment of \$7,790.16 to Guy Cook for representation of Roger Stiles in case of Smith v. City of Des Moines, et al. No. 4-96-80101. **Moved by Vlassis to approve payment. Motion carried 6-1.**

98-1876 70. Approving payment of \$196.97 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services to the City in conjunction with the Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1877 71. Approving payment of \$1,839.20 to Clifford J. Watkins III and \$13,472.68 to Joe Walsh, his attorney for fees and court costs subject to dismissal with prejudice of lawsuit and a release of all claims regarding wrongful termination from employment. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1878 72. Approving payment of \$18,526.42 to Jamie Ochoa for lump sum payment pursuant to workers' compensation for injury during course of employment. **Moved by Vlassis to adopt. Motion carried 6-1.**

CITY MANAGER COMMUNICATIONS

98-1879 73. Submitting out-of-state travel request for Floyd Jones. ([Council Communication No. 98-241](#)). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1880 74. Submitting various traffic regulation changes as follows. **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion carried 6-1.**

(1) Request for Speed Reduction-Southwest Sixth-third Street between Browns Woods Drive and Army Post Road.

(2) Request for No Stopping, No Standing Designation Near Lovejoy Elementary School.

(3) Request for Two-Sided Parking Restriction-Southeast Seventeenth Street between Pleasantview Drive North to End of the North Curve.

(4) Request for Two-Sided Parking Restriction-Southwest Ninth Street from County Line Road North 300 Feet.[\(Council Communication No. 98-252\).](#)

****Council considered Hearing Items 104 through 109 next****

APPROVING

98-1881 75. Submitting Monthly Financial Report for April 1998. (Copy on file in City Clerk's Office). **Moved by Vlassis to receive and file. Motion carried 6-1.**

76. NUMBER NOT USED.

98-1882 77. Sponsorship Agreement with Oscar Mayer Foods, a division of Kraft Foods, Inc., for 1998 Oscar Mayer Talent Search at the Blank Park Zoo on July 31, August 1 and August 2, 1998.[\(Council Communication No. 98-257\).](#) **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1883 78. 1998 Comprehensive Grant Program Application to U.S. Department of Housing and Urban Development for funds to be used for completion of modernization activities for 912 public housing residences.[\(Council Communication No. 98-239\).](#) **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1884 79. Contract with Powell Chemical Dependency Center for \$70,278 in Social Service Block Grant (SSBG) funding for February 1, 1998 to January 31, 1999 for Recovery Village Project Phase II Implementation Plan.[\(Council Communication No. 98-259\).](#) **Moved by Hensley to adopt as amended, for the period July 1, 1998 through June 30, 1999. Current gaps to be filled in, with no duplication or added services; staff to work with Continuum of Care and Iowa Health Systems to fill units in existing buildings. Motion Carried 4-2-1. Nays: Coleman and Flagg. Absent: McPherson.**

****Mayor Daniels left the meeting at 6:25 P.M.****

98-1885 80. Grant Agreement with Iowa Department of Economic Development (IDED) for the development and implementation of a business driven training center in the Enterprise Community, from June 15, 1998 to August 15, 1998 in an amount not to exceed \$5,000.[\(Council](#)

[Communication No. 98-244](#)). **Moved by Coleman to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-1886 81. Contract with Iowa State University/Polk County Extension for \$25,000 in Social Services Block Grant (SSBG) funding for the Summer 1998 Food, Environmental and Animal Sciences Camp Project, for the period of June 15, 1998 to August 7, 1998. **Moved by Coleman to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-1887 82. Contract with Iowa Comprehensive Human Services for \$8,010 Social Services Block Grant (SSBG) funding for the General Labor Training Project, for the period of May 5, 1998 to December 31, 1998. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1888 83. Contract for Safe Haven Activities Project with Human Services Coordinating Board for \$57,500 of Weed and Seed Funding for the period from June 15, 1998 to December 31, 1998. **Moved by Vlassis to adopt. Motion carried 5-1. Council Member Coleman declares a conflict of interest and abstains from voting.**

98-1889 84. Amendment One to the Enterprise Community Grant Writer Project extending the project to February 28, 1999. **Moved by Coleman to adopt. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1890 85. Grant Agreement with Iowa Department of Economic Development for \$635,560 of Emergency Shelter Grant (ESG) funds to carry out emergency shelter assistance activities for the period of July 1, 1998 to June 30, 1999. ([Council Communication No. 98-251](#)). **Moved by Hensley to adopt, as amended and attached to roll call. To defer approval of two agencies: Our Community Kitchen and Hispanic Ministries, to await results of an independent audit, as appropriate; and, staff to explore structure of contract periods for possible six month approval, with six month extension. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1891 (A) Communication from Bob King, Chair, Neighborhood Revitalization Board, regarding 1998-99 Emergency Shelter Grant Allocations. **Moved by Hensley to receive, file and approve. Motion carried 5-2. Absent: Daniels and McPherson.**

****Council considered Item 112 next****

98-1892 86. 1997 Comprehensive Housing Affordability Strategy (CHAS) Annual Performance Report (APR) for period January 1, 1997 to December 31, 1997. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1893 87. Issuance of \$19,400,000 in General Obligation Bonds and levying tax to pay. **Moved by Vlassis to adopt. Motion carried 6-1.**

88. Bids for the following:

98-1894 (A) Peerless Supply, (1701 Guthrie Avenue, Bruce Iler, President) for archival Storage System Shelves to be used by the Engineering Department, \$19,360.50. (Eight bids mailed-five received). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1895 (B) Audio Art, Inc., (8500 Hickman Road, Patrick McManus, President) for sound and light service for use at the Music Under the Stars and Firststar Nitefall on River concerts to be provided by the Park and Recreation Department, \$11,600. (Seven bids mailed-four received). **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1896 (C) Government Computer Sales, Inc., (Issaquah, WA), State of Iowa Contract 2433, (Municipal Code Section 2-86 for five Gateway computer systems to be used by the Police Department, \$10,505.94. **Moved by Vlassis to adopt. Motion carried 6-1.**

WITHDRAWN

98-1897 88. (D) Bid awarded to GE Capital IT Solutions, (Urbandale, IA, Jack Welch, President) for an annual contract renewable for two additional twelve month periods for computers and accessories to be used by all city departments, \$455,035. Bid from Pomeroy Computer Resources did not meet specifications, therefore, non-compliant. (Thirteen bids mailed-seven received).([Council Communication No. 98-247](#)).

89. Report of Civil Service Commission submitting the following:

98-1898 (A) Entrance List for Custodial Worker, and Promotional Lists for Street Maintenance Worker, Sewer Maintenance Worker, Assistant Operator, and Senior Police Officer (June 2, 1998 Civil Service Commission Meeting). **Moved by Vlassis to receive and file. Motion carried 6-1.**

98-1899 (B) Entrance List for Police Officer and Promotional List for Police Sergeant (June 4, 1998 Civil Service Commission Meeting). **Moved by Vlassis to receive and file. Motion carried 6-1.**

98-1900 90. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1901 91. Authorizing Finance Director to draw warrants on registers of June 12, 1998 and June 19, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning June 15, 1998, and the biweekly payroll due employees on June 5, 1998. **Moved by Vlassis to adopt. Motion carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

98-1902 92. Amending Section 2-362.05 of the Municipal Code amending language to read penalty for violation of Airport Regulations would be misdemeanor or municipal infraction. **Moved by Vlassis that this ordinance do now pass, [#13,611](#). Motion carried 6-1.**

98-1903 93. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance do now pass, #13,612. Motion carried 6-1.**

(1) Convert Parking Meter 12-407 to Handicapped Parking Meter.

(2) Corner Clearance-West Side of York Street South of University Avenue.

(3) Corner Clearance-South Side of Garfield Avenue West of E. 37th Ct. and West Side of E. 37th Ct. South of Garfield Avenue.

ORDINANCES - SECOND CONSIDERATION

98-1904 94. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion carried 6-1.**

(1) No Parking-South Side of Urbandale Avenue East and West of Westover Boulevard.

(2) Loading Zone-East Side of Fourth Street North of Vine Street.

(3) One-Sided Parking Restriction-South Side of Hackley Avenue from Fleur Drive to S.W. 19th Street and East Side of S.W. 19th Street from Hackley Avenue to McKinley Avenue.

(4) Parking Restriction and Corner Clearance-East Side of Ohio Street South of College Avenue.

(5) Corner Clearance-South Side of Sherrick Avenue West of 67th Street.

(6) One-Sided Parking Restriction-Scott Avenue Between S.E. 30th and Raccoon Street.

(7) Permanent Traffic Signals-Intersection of S.E. 30th and Scott Avenue.

(8) Parking Changes-East Ninth Street Between Filmore Street and Roosevelt Avenue.

98-1905 95. Amending Chapter 2 of the Municipal Code regarding official action to formally change the name of the Neighborhood Revitalization Board. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion carried 6-1.**

98-1906 96. Amending Chapter 21 of the Municipal Code regarding waste haulers. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion carried 6-1.**

98-1907 97. Adding and enacting Section 7-6.01 of the Municipal Code regarding removal of animal waste. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

98-1908 98. Amending Chapter 26 of the Municipal Code regarding Water Works Board of Trustees, and the City's water utility--Code update for compliance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Staff to report on Board compensation at next meeting. Motion Carried 5-1-1. Nays: Flagg. Absent: McPherson.**

98-1909 99. Amending Chapter 17 of the Municipal Code to allow cage or box live trapping of non-domestic animals or wildlife presenting a nuisance or danger to person or property. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Daniels and McPherson.**

COUNCIL REQUESTS

98-1910 100. Oral request from Mayor Preston Daniels to discuss the "Lend-A-Hand" Program, Phase II. **Moved by Hensley to defer to 6-22-98. Motion carried 5-2. Absent: Daniels and McPherson.**

COMMUNICATIONS/REPORTS

98-1911 101. Receipt of report from Entertainment Center Task Force. **Moved by Hensley to receive and file; refer to City Manager. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1912 102. From Union Park Neighborhood Association regarding need for traffic safety device at E. Ninth and Guthrie. **Moved by Hensley to receive, file and grant request to speak; refer to City Manager and Traffic Safety Committee for review and recommendation. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1913 103. From James E. Berkley, 8170 Harbach Blvd., Clive, requesting to speak regarding sign placement at 7th and Mulberry. **Moved by Phillips to receive, file and grant the request to speak; refer to City Manager and Traffic Safety Committee for review and recommendation. Motion carried 5-2. Absent: Daniels and McPherson.**

****Council considered Item 110 through end of agenda next****

HEARINGS (Opened at 5:31 P.M.) (Items 104 thru 109)

98-1914 104. On Resolution of Necessity for Asphalt Stabilization Schedule No. 1998-39, (continued from 6-1-98). **Moved by Vlassis to adopt. Motion carried 6-1.**

DELETE (A) Franklin Avenue from 30th Street to 50' E. of west line of 2905 Franklin Avenue.

98-1915 (B) Petition in objection. **Moved by Vlassis to receive and file. Motion carried 6-1.**

98-1916 105. On amendments to Traffic Code and Zoning Ordinance, to permit Community Development Dept. staff to write parking tickets for cars illegally parked in front yards, for violation of the Zoning Ordinance. **Moved by Coleman to adopt. Legal to report on fine and enforcement procedures. Motion carried 6-1.**

98-1917 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion carried 6-1.**

98-1918 106. On Fire Station No. 7 Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Academy Roofing Co., (John McDermott, President, 1014 SE Lorenz Dr., Ankeny), \$25,700. **Moved by Phillips to adopt. Motion carried 6-1.**

98-1919 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion carried 6-1.**

98-1920 107. On Merle Hay Road Sanitary Sewer-North of Meredith Drive: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as McAninch Corporation, (Dwayne McAninch, President, 6800 Lake Drive, Suite 125, West Des Moines), \$341,518. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1921 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion carried 6-1.**

98-1922 108. On 1998 Pavement Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as M. Peterson Construction Co., (Merlin Peterson, President, 4000 Delaware, DM), \$425,801.25. **Moved by Hensley to adopt. Motion carried 6-1.**

98-1923 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion carried 6-1.**

98-1924 109. On Resolution to Close Hearing on Sec Taylor Stadium Irrigation Project, (no bids received).([Council Communication No. 98-243](#)). **Moved by Flagg to adopt. City Manager to review original contract and report on City's responsibilities at Sec Taylor. Motion carried 6-1.**

* * END HEARINGS at 6:01 P.M. * *

****Council considered Items 79 through 103 next****

APPROVING

98-1925 110. Establishing administrative policy regarding chronic violators of Municipal Code Provisions as enforced by Neighborhood Zoning and Health Division which will define the chronic violator and establish the process used to prosecute these cases. ([Council Communication No. 98-260](#)). **Moved by Coleman to receive and file, with comment, and to direct that the Community Development Department proceed to enact the administrative policy regarding chronic violators. Council favors \$500 for first offense and \$750 for second offense. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1926 111. Report and recommendations from Task Force on Distressed Neighborhoods regarding the effective use of Neighborhood Revitalization Programs in distressed/transitional negative neighborhoods. ([Council Communication No. 98-250](#)). **Moved by Phillips to adopt. City Manager will report at July 13 meeting. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1927 112. Request for Proposals (RFP) regarding Consolidated Plan Objectives and Activities and Funding Criteria for 1999 Consolidated Plan, Community Development Block Grant (CDBG) funding. ([Council Communication No. 98-245](#)). **Moved by Coleman to adopt. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1928 (A) Communication from Bob King, Chair, Neighborhood Revitalization Board, regarding Request for Proposals (RFP). **Moved by Coleman to receive, file and approve. Motion carried 5-2. Absent: Daniels and McPherson.**

****Council considered Items 114 and 121 next****

113. The following Professional Services Agreement with EMA Services, Inc., (George Mathes, Pres., St. Paul, MN) in conjunction with design services for computerized process control system project at WRA Wastewater Treatment Facility ([Council Communication No. 98-242](#)).

98-1929 (A) Amendment Number One in amount not to exceed \$242,370. **Moved by Hensley to adopt. Motion carried 4-1-2. Pass: Flagg. Absent: Daniels and McPherson.**

98-1930 (B) Amendment Number Two in amount not to exceed \$172,080. **Moved by Hensley to adopt. Motion carried 4-1-2. Pass: Flagg. Absent: Daniels and McPherson.**

114. The following regarding Continuum of Care for the Homeless:

98-1931 (A) Continuum of Care Strategic Plan for the Homeless as amended and submission to U.S. Department of Housing and Urban Development. ([Council Communication No. 98-246](#)). **Moved by Hensley to adopt. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1932 (B) Resolution of Agreement for Continuum of Care Partnership. **Moved by Hensley to adopt. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1933 (C) Communication from Robert L. King, Chair of Neighborhood Revitalization Board, recommending adoption of Continuum of Care as amended by the Board. **Moved by Hensley to**

receive and file, and adopt the recommendations. Motion carried 5-2. Absent: Daniels and McPherson.

****Council Member Flagg left the meeting at 8:50 P.M.****

98-1934 115. Extension of contract with Central Parking System of Iowa, Inc. for one-year period-July 1, 1998 through June 30, 1999, with a management fee of \$11,167 per month. ([Council Communication No. 98-254](#)). **Moved by Hensley to defer action to June 22. Staff to report on fee increase and performance measures for contractor. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1935 116. Continuation of curbside recycling program and amendment to Municipal Code for implementation of collection fee in the amount of \$1.75 per household per month beginning July, 1999. ([Council Communication No. 98-249](#)). **Moved by Phillips to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1936 117. Extension of franchise agreement with TCI of Central Iowa (TCI) until August 18, 1998 to allow time to complete negotiations and finalize a new franchise agreement. ([Council Communication No. 98-240](#)). **Moved by Coleman to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1937 118. Execution and issuance of temporary license for use of public right-of-way to Qwest Communications Corporation for construction, installation, operation and maintenance of a long distance telephone system. **Moved by Hensley to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1938 119. Appointment of Scott Beattie as Assistant City Attorney I, effective June 16, 1998. **Moved by Hensley to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1939 120. Modified job specifications for Fire Medic classification, to change EMS certification level. ([Council Communication No. 98-248](#)). **Moved by Phillips to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1940 121. Communication from City Manager regarding Des Moines Coalition for the Homeless - Transitional Housing Program. **Moved by Phillips to receive and file. Motion carried 5-2. Absent: Daniels and McPherson.**

98-1941 122. Update on proposed annexation for areas northeast, Southeast and south of the current City boundaries. **Moved by Phillips to receive and file. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

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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.

98-1942 1. Grant Agreement between United States Soccer Federation Foundation, Inc., Greater Des Moines Junior Soccer league and the City - \$100,000 grant award. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1943 2. Revision to Capital Improvements Budget - Sanitary Sewer and Storm Water Utility Program. SPONSOR: Hensley. ([Council Communication No. 98-261](#)). **Moved by Hensley to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1944 3. Approving Lease of Property, with Union Pacific Railroad Company, for emergency access to the Valley Gardens Area, in conjunction with anticipated flooding on the Raccoon River. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1945 (A) Contract for performance of emergency work in conjunction with anticipated flooring on the Raccoon River. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

A G E N D A

BOARD OF HEALTH

June 15, 1998

98-1946 MOTION TO CONVENE. **Moved by Hensley that the City Council Adjourn and Convene as a Board of Health. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

COMMUNICATION

1. Communications regarding demolition cost reserve escrowed for:

98-1947 (A) 3409 - 4th Street. **Moved by Phillips to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1948 (B) 247 E. 16th Street. **Moved by Phillips to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion carried 4-3. Absent: Daniels, Flagg and McPherson.**

AUTHORIZING

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

98-1949 (A) 3508 Easton Blvd., vacant, Titleholder: Roena F. Coleman; Contract Buyer: Juan Guardiola. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1950 (B) 2534 Dean, vacant, Titleholders: Helen M. Fankhauser; David L. Cowling; Legal Interest Holder: Principal Residential Mortgage, Inc. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1951 (C) 2348 E. Grand, vacant, Titleholder: Kenneth A. Heilskov, Pamela J. Heilskov; Contract Buyers: Pammy M. Grantham n/k/a Pam Bolen, Don Bolen. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1952 (D) 3622 5th, vacant, Titleholder: Donald T. Pett; Legal Interest Holders: FEZ, Inc., of Des Moines; American Bail Bonds a/k/a American Surety Corp. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1953 2. (E) 1538 23rd, vacant, Titleholder: Eugene Bogash; Legal Interest Holders: Albert F. Oppel, Sally S. Oppel. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-1954 MOTION TO ADJOURN. **Moved by Phillips to adjourn at 9:10 P.M. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**