SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 28, 1997

* * * * * * * * * * *CLOSED SESSION* * * * * * * * * * * *

3:30 P.M.

97-2599 1. ROLL CALL: Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis. (Mr. Daniels entered the meeting at 3:58 P.M.)

97-2600 (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.

97-2601 (b) Closed Session to discuss matters of pending litigation.

97-2602 (c) Terminate this closed session and reconvene in open session. Moved by Vlassis to adopt. Motion Carried 7-0.

97-2603 (d) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. Moved by Hensley to adopt. Motion Carried 7-0.

97-2604 (e) Motion to recess and reconvene at 4:30 P.M. Moved by Vlassis to adopt. Motion Carried 7-0.

PROCLAMATIONS - 4:00 P.M.:

(a) International Clown Week

INVOCATION: Pastor Frank Cook, Union Park Baptist Church

97-2605 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.

97-2606 3. APPROVING CONSENT AGENDA - items 3 through 51: Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.

LICENSES AND PERMITS:

Approving
97-2607 4. Communication from Legal Department regarding July 28, 1997 License and Permit Agenda. Moved by Vlassis to receive and file. Motion Carried 7-0.

Class "B" Beer Licenses

97-2608 5. Shie Concession Company, Shie Foudree, President dba Shie Concession, Iowa State Fairgrounds, 3000 East Grand Avenue; New Application for 14 day license (With Sunday Sales and Beer Garden) - Application submitted 7-9-97. Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.


Class "C" Beer Licenses

97-2610 7. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #523, 900 Army Post Road; Renewal - Expires 8-14-97 (With Sunday Sales) - Application submitted 6-16-97. Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.

Class "E" Beer Licenses

97-2611 8. Saltwater, Inc., Craig Kelso, President dba Coral Reef Cafe, 2615 Ingersoll; Renewal - Expires 7-31-97 - Application submitted 6-30-97. Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.


Authorizing

97-2614 11. City Clerk to issue Cigarette Licenses. Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.

Beer Gardens

97-2615 12. Approving temporary beer garden for Patrick Daughenbaugh dba Carl's Place, 1620 Woodland for event to be held August 1, thru August 3, 1997 (Class Reunion) - Application
submitted 7-16-97. Subject to submission of acceptable building inspections. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2616 13. Approving temporary beer garden for Linda Bisiginano dba Chuck's Restaurant, 3610 6th Avenue for event to be held on August 2, 1997 (41st Anniversary Street Party) - Application submitted 7-16-97. Subject to submission of acceptable building and electrical inspections. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2617 14. Approving temporary beer garden for Jerry L. Glenn dba The Grand, 1501 Grand for event to be held August 9 thru August 10, 1997 (3rd Anniversary Celebration) - Application submitted 7-10-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

**PUBLIC IMPROVEMENTS**

97-2618 15. Resolution to reject all bids on the E. University Avenue Beautification - Fairground Edge (IDOT Project), one bid received - over estimate. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2619 16. Resolution to reject all bids on the Sherman Hill Historic Lighting - Phase I (IDOT Project), - bids over estimate. **Moved by Hensley to defer one week to 8-4-97, to allow staff time to explore all options regarding award of this bid. Motion Carried 7-0.**

97-2620 17. Beaverdale Recreational Trail, (IDOT Project): Resolution on submission of bids and designating lowest responsible bidder as Iowa Paving Contractors (Max Van Rees, Pres., Johnston), $322,989.20. **Moved by Vlassis to adopt. Staff to hold an informational meeting with neighbors regarding this project. Motion Carried 7-0.**

97-2621 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2622 18. Approving Professional Services Agreement with Hubbell Realty Company, 904 Walnut Street, Jim Hubbell, President, for Right-of-Way Acquisition Services for Fleur Drive Traffic Signal Upgrade Project, amount not to exceed $111,100. (Council Communication No. 97-397). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2623 19. Approving Private Construction Contract between Double T Asphalt Co., Inc., Kathleen B. Burris, President, 6050 SE Vandalia Rd., and Des Moines Independent Community School District, Elizabeth Goodwin, Board President, 1800 Grand Ave., for Casady Alternative School Bus Turn-In Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2624 20. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Richard and Denise Allen, 605 Virginia, and Paving or Curb Replacement Program, waiver signed by Melvin L. and Ilo A. Savage, and Mel Savage and Sons, Inc., 1910 7th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
97-2625 21. Request from Cramer and Associates, Inc. requesting permission to sublet certain items on the SW 7th Street Bridge over Raccoon River Rehabilitation public improvement project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2626 22. Approving partial payments on ten public improvement projects. (Call the City Clerk's office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

**LAND/PROPERTY TRANSACTIONS**

23. Fair Market Value for the following properties, in conjunction with Easton Boulevard Detention Basin Southern Seventh Ward Ditch Improvements,

97-2627 (A) 2625 Easton Boulevard, from Paul G. and Colleen L. Irving - $48,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2628 (B) Vacant land in vicinity of E. 25th/E. 26th Street and Easton Boulevard, from Paul G. and Colleen L. Irving - $110,300. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

97-2629 24. Approving recommendation of Council Member Mike McPherson, Ward II for reappointment of Edgar Hansell to the Des Moines International Airport Board for four-year term to expire June 30, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

25. Approving recommendations of Council Member Gene Phillips, Ward IV for reappointment of the following:

97-2630 (A) Edwin Buckley, Jr., Skywalk Commission for three-year term to expire April 3, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2631 (B) JoAnn Eilbert, Housing Appeals Board for three-year term to expire March 16, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2632 (C) Daniel Kealy, Des Moines Traffic Safety Committee for three-year term to expire April 3, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2633 (D) Appointment of Ida R. Miles, to the Citizen Odor Board, three-year term to expire April 3, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**STREET CLOSINGS**

97-2634 26. Approving closure of the following city streets: **Moved by Vlassis to adopt. Motion Carried 7-0.**
(1) Linda Bisignano, representing Chuck's Restaurant, 3610 6th Avenue, requesting permission to close Sixth Avenue from Euclid Avenue to Douglas Avenue on Saturday, August 2, 1997 from 5:00 P.M. until 10:00 P.M. for their 41st anniversary street party.

(2) Liz Rush, 439 SE Wilmers, requesting permission to close Wilmers from SE 5th Street to SE 3rd Street on Saturday, August 2, 1997 from 6:00 P.M. until 11:00 P.M. for a neighborhood block party.

(3) Beth Carreon, 3129 SW 40th Street, requesting permission to close Willomwre Circle from SW 40th Street to the Cul-De-Sac on Saturday, August 9, 1997 from 5:00 P.M. until 11:00 P.M. for a neighborhood block party.

(4) Kent Hayek, 1442 57th Place, requesting permission to close 57th Place from Forest Avenue to Clark Street on Saturday, August 23, 1997 from 4:00 P.M. until 10:00 P.M. for a neighborhood block party.

97-2635 27. Approving exception regarding length of time request from Jerry L. Glenn, representing The Grand, 1501 Grand Avenue, request to close 15th Street (North of Grand) from Grand Avenue to Dead End, from Saturday, August 9, 1997 from 4:00 P.M. until Sunday, August 10, 1997 at 1:00 A.M. for their third anniversary celebration. Moved by Vlassis to adopt. Motion Carried 7-0.

CITY PLAN COMMISSION RECOMMENDATIONS

97-2636 28. Regarding the East University Design Guidelines. Moved by Vlassis to receive and file. Motion Carried 7-0.

97-2637 29. Regarding request from Don Brown, Don Brown L.C. Partners, for vacation and conveyance of the SW 38th Street right-of-way directly abutting SW Thornton Avenue. Moved by Vlassis to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.

97-2638 30. Regarding request from John Buller of Taco Casa, for vacation and conveyance of a portion of Euclid Avenue right-of-way in the vicinity of 2506 Euclid Avenue. Moved by Vlassis to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.

97-2639 31. Regarding request from Scott Charles Ross, for conveyance of a portion of Carpenter Avenue right-of-way directly abutting 63rd Avenue. Moved by Vlassis to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.

SETTING DATE OF HEARINGS

97-2640 32. On Lease Agreement with Iowa School of Men's Hairstyling, $2,583.33 a month through July 31, 2000, for rent of space at 610 Des Moines Street, for the City's Employee
Health Clinic, (Trust and Agency Account), (8-4-97). Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.

97-2641 33. On application from Elias Alvarez, to rezone property at 1701 E. University from a "C-1" (Commercial Residential) to a "C-1A" (Neighborhood Commercial Reuse District), City Plan Commission recommends denial, (8-18-97). Moved by Vlassis to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-2642 34. Approving payment to Windsor Presbyterian Church, in conjunction with condemnation of property in the Intersection Improvement Project at 63rd Street and University Avenue, $102,532.96--condemnation award, $5,046.41--interest, and $11,886.55--attorney fees and expenses. Moved by Vlassis to adopt. Motion Carried 7-0.

97-2643 35. Approving payment of $2,086.23 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance to the City in conjunction with environmental matters with the COTA Industries property at 5512 S.E. 14th Street. Moved by Vlassis to adopt. Motion Carried 7-0.


CITY MANAGER COMMUNICATIONS

97-2646 38. Submitting out-of-state travel request for David Bowen. (Council Communication No. 97-401). Moved by Vlassis to adopt. Motion Carried 7-0.

APPROVING


97-2648 40. Communication from Cindy Minor, 2529 E. Walnut submitting banner design on behalf of the Fairground Neighbors requesting design approval permission to display 20 banners in the area bounded by University, the Railroad tracks, Dean Avenue and East 30th, in recognition of the Iowa State Fair. Moved by Vlassis to approve and grant permission. Motion Carried 7-0.

97-2649 41. Form of Documents and authorizing City Manager to execute release and satisfaction documents for Neighborhood Conservation Services (NCS) Projects. (Council
Communication No. 97-403). Moved by Vlassis to approve. Motion Carried 7-0.

97-2650 42. Approving Annual Performance Report for the Program Year 1996 Comprehensive Housing Affordability Strategy (CHAS). Moved by Vlassis to adopt. Motion Carried 7-0.

97-2651 43. Contract with Governor's Traffic Safety Bureau (GTSB) for new traffic safety program; "Looking Beyond the Ticket". (Council Communication No. 97-396). Moved by Vlassis to adopt. Motion Carried 7-0.

97-2652 44. Renewal of City's insurance coverage (for certain property and casualty exposure), effective August 1, 1997 through June 30, 1998, cost not to exceed $306,550. (Council Communication No. 97-399). Moved by Vlassis to adopt. Motion Carried 7-0.

97-2653 45. Receipt of Insurance for various City projects and functions for recording by the City Clerk. Moved by Vlassis to adopt. Motion Carried 7-0.

46. Bids for the following:

97-2654 (A) Computerland, (611 East 2nd Street, Wayne Clure, President) for computer equipment to be used by the Community Development Department (Neighborhood Conservation Service), $11,008. (Eleven bids mailed-four received). Moved by Vlassis to adopt. Motion Carried 7-0.

97-2655 (B) O'Halloran International Inc., (1780 East Sheridan, Jim O'Halloran, President) for a refuse compaction truck to be used by the Parks and Recreation Department, $59,529. (Twelve bids mailed-five received). Moved by Vlassis to adopt. Motion Carried 7-0.

97-2656 (C) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for a cargo van to be used by the Parks and Recreation Department, $19,734.20. (Eight bids mailed-three received). Moved by Vlassis to adopt. Motion Carried 7-0.

97-2657 47. Report of Civil Service Commission submitting Promotional Lists for Light Equipment Operator and Senior Police Officer. Moved by Vlassis to receive and file. Motion Carried 7-0.

97-2658 48. Authorizing Finance Director to draw warrants on registers of August 1, 1997 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning July 28, 1997, and the biweekly payroll due employees on August 1, 1997. Moved by Vlassis to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

97-2659 49. On vacation of East/West alley right-of-way in the vicinity of 303 SE 34th Street. Moved by Vlassis that this ordinance do now pass, #13,510. Motion Carried 7-0.
ORDINANCES - SECOND CONSIDERATION

97-2660 50. On vacation of a portion of street right-of-way in the vicinity of E. 19th Street and Mattern Avenue. **Moved by Vlassis that this ordinance do now pass, #13,511. Motion Carried 7-0.**

**ORDINANCES - FIRST CONSIDERATION**

97-2661 51. Amending Chapter 2 of the Municipal Code regarding contracts exempt from bidding. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**Council considered Extra Item No. 1 next**

**ORDINANCES - FIRST CONSIDERATION**

97-2662 52. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Removal of controls on Lyon Street from E. 12th to E. 14th; Removal of loading zone on the south side of Woodland west of 10th; Extension of loading zone at 104 SW 4th Street and removal of meter; Corner clearance on both sides of Pioneer Road at SE 6th and at the intersection of E. Locust Street and E. 5th; additional handicapped meter on Mulberry at 6th Avenue; stop sign on Colfax/E. 33rd Street intersection at E. Douglas; stop sign on E. Tiffin at North Union, and on Winegardner Road at Timber Lane. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

HEARINGS (Opened at 5:36 P.M.) (Items 53 thru 55)

97-2663 53. On vacation of the north/south and east/west alley rights-of-way in the block south of Railroad between SE 9th and SE 10th. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2664 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-2665 54. On Boiler Replacement at Fire Station No. 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Stroh Corporation, (John F. Stenberg, Pres., 5000 Park Avenue, DM), $53,700. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-2666 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 7-0.**

$355,750. (Council Communication No. 97-398). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2668 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**END HEARINGS at 5:40 P.M.**

*Council considered Extra Items, Item 52, and Item 56 thru end of agenda next*

**CITY MANAGER RECOMMENDATIONS**

97-2669 56. Requesting rate change at Third and Court Parking Garage for monthly roof parking. (Council Communication No. 97-400). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

**APPROVING**

97-2670 57. Submittal of REAP Grant application for Kiwanis Nature Island Bridge Start Station - $78,720 in State Funding. (Council Communication No. 97-402). **Moved by McPherson to adopt. Motion Carried 7-0.**

**COUNCIL REQUESTS**

97-2671 58. Oral request of Council Member Tom Vlassis, Chair of Employee Evaluation Sub-Committee, to discuss annual evaluation and compensation review for City Clerk and Corporation Counsel. **Moved by Vlassis to approve salary increase in same manner as approved for other SPM employees; specifically, 6% retroactive to 1-1-97 for Corporation Counsel; and, 3% retroactive to June 30, 1997 for Corporation Counsel and the City Clerk. Motion Carried 7-0.**

**COMMUNICATIONS/REPORTS**

97-2672 59. Request from Samantha Hutchison, 1657 E. Walker, to speak regarding traffic in vicinity of East High and intersection of E. Walker. **Moved by Phillips to receive and file petitions, and refer to Traffic Department for review and recommendation back to Council at the 8-18-97 Council meeting. Motion Carried 7-0.**

**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.

97-2673 1. Request from Council Member Mike McPherson to discuss Storm Sewer problem in the 700 block of Grandview. SPONSOR: McPherson. **Moved by Flagg to receive, file and grant the request to speak; refer to City Manager for a comprehensive analysis of City's sewer needs, citywide, by August 28, 1997, and to further direct City Manager to make City crews available to address immediate concerns raised. Motion Carried 7-0.**

**Council considered Hearing Items 53 thru 55 next**

97-2674 2. Approving recommendation of Neighborhood Revitalization Board, for appointment of Lyla Dozier, Ward III and Martha Walden, Ward II, Strategic Planning Commission for two-year term to expire December 31, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2675 3. Approving recommendation for appointment of James Krambeck, Ward III, to the Civic Center of Greater Des Moines Board of Trustees, one-year term to expire June 1, 1998. SPONSOR: Mayor Ray. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2676 4. Request of Council Member George Flagg to discuss two hour parking restriction in front of 1163-24th Street. SPONSOR: Flagg. **Moved by Flagg to receive, file, and refer to City Manager and Traffic Safety Committee for review and recommendation back to Council at the August 28, 1997 Council meeting. Motion Carried 7-0.**

97-2677 5. Change Order with Eco Tech Contractors, for temporary asphalt surfacing, temporary left turn signals, additional traffic channelization devices and removal of temporary traffic control devices at the end of the Fair, in conjunction with E. University Avenue at Williams Street Intersection Improvements-IDOT Project, not to exceed $40,000. SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2678 6. Approving Class "C" Beer License for Phillips 66 Company, 4151 Merle Hay Road. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2679 7. Approving renewal of Airport Liability Insurance. SPONSOR: Hensley. **Moved by Flagg to adopt. Motion Carried 7-0.**

**AGENDA**

**BOARD OF HEALTH**

**July 28, 1997**

97-2680 MOTION TO CONVENE Moved by Vlassis that the City Council adjourn and convene as a Board of Health. **Motion Carried 7-0.**
AUTHORIZING

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

97-2681 (A) 2947 Mahaska, vacant, Titleholder: Nick E. Kirk. Moved by Vlassis to adopt. Motion Carried 7-0.


97-2683 2. Release of demolition cost reserved held under claim number AF7051360 regarding property known as 1212 E. 17th Ct. owned by Robert and Barbara Folsom. Moved by Vlassis to adopt. Motion Carried 7-0.

97-2684 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:05 P.M.