

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 8, 1997

97-2989 1. ROLL CALL:**Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

*******CLOSED SESSION 3:30 P.M.*******

97-2990 I. (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 7-0.**

97-2991 (b) Closed Session to discuss matters of pending litigation.

97-2992 (c) Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2993 (d) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2994 (1) Approving payment of \$48,510, to Eli Ferreyra and his attorney, Robert Garver, in conjunction with an accident at 19th and University Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2995 (2) Resolution to indemnify five City employees in conjunction with lawsuit filed by John Brauer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2996 I. (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) American Business Women's Day in the Des Moines Area

(b) America Goes Back to School: Get Involved! Month

(c) Chesterfield Neighborhood Association Recognition

*******REGULAR SESSION*******

4:30 P.M.

INVOCATION: Pastor Tony Thurston

College Avenue Christian Church

97-2997 II. Request of Greater Des Moines Junior Soccer League to make a presentation regarding Greater Des Moines Soccer Complex under construction at S.E. 22nd and Hartford. **Moved by Vlassis to grant the request to speak. Motion Carried 7-0.**

97-2998 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2999 3. APPROVING CONSENT AGENDA - items 3 through 66. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-3000 4. Communication from Legal Department regarding September 8, 1997 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-3001 5. Higinio Alvarez dba Traditional Mexican Festival, Southeast 14th and Harriett Street; New Application for Two (2) day event to be held on September 20 and 21, 1997 (With Sunday Sales and Beer Garden) - Application submitted 8-27-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Beer Licenses

97-3002 6. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet Plus, 4503 Southwest 9th Street; New Application (With Sunday Sales) - Application submitted 5-15-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "E" Beer Licenses

97-3003 7. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #540, 3000 Merle Hay Road; Renewal - Expires 10-1-97 (With Sunday Sales) - Application submitted 8-4-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Liquor Licenses

97-3004 8. B & B Recreation, Inc., Brian S. Borowski, President dba Classic Lanes, 3200 Delaware Avenue; Renewal - Expires 9-14-97 (With Sunday Sales and Beer Garden) - Application submitted 8-5-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3005 9. Brooke, LTD, Jason A. Haes, President dba Hard Times Again, 2515 Wedgewood Road; New Application (With Beer Garden) - Application submitted 8-14-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

Authorizing

97-3006 10. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3007 11. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Beer Gardens

97-3008 12. Approving temporary beer garden for R. M. Baier Investment, Inc., R. Mike Baier, President dba Michael's Restaurant, 4041 Urbandale for special event to be held on September 13 thru 15, 1997 - Application submitted 8-14-97. Subject to submission of acceptable building inspections. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3009 13. Approving temporary beer garden for D.T. Carner, Inc., Larry Smithson, President dba PaPa's Planet, 208 - 3rd Street for special event to be held on September 27, 1997 - Application submitted 8-27-97. Subject to submission of acceptable building, electrical, and fire inspections. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Sunday Sales

97-3010 14. M. Shawn Crahan dba Safari Night Club, 2307 University; New Application submitted 8-21-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3011 15. LC's, Inc., Connie Bales, President dba LC's Corner Bar, 344 E. Jackson; New Application submitted 9-2-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

97-3012 16. Approving Professional Services Agreement with Shiffler Associates Architects, PLC, for architectural services for Waveland Golf Course Clubhouse Restroom Renovation. (Council Communication No. 97-449). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3013 17. Resolution ordering construction of SW 5th Street Bridge Rehabilitation--IDOT Project, Receiving of Bids (9-23-97) and Setting Date of Hearing (9-22-97), (Construction Estimate --\$121,564). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3014 18. Approving Official Road Use Tax Financial Report for City Streets and Parking, fiscal year 1996/97, to continue eligibility for Road Use Tax allotments, for certification to Iowa DOT. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3015 19. Approving contract and bond for the 1997 Sanitary Sewer Relining Contract No. 2, Insituform Central, Inc., (Robert W. Affholder, Pres., Chesterfield, MO), \$445,935. **Moved by Vlassis to adopt. Motion Carried 7-0.**

20. Approving Private Construction Contract for the following:

97-3016 (A) Storm Sewer in new development, Airport Business Center Plat I, located at Gannette Avenue and Register Drive between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractors and ABC Partners, L.P. (Kevin Johnson, Partner, West Des Moines), Owners - \$84,787. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3017 (B) Sanitary Sewer in new development, Airport Business Center Plat I, located at Gannette Avenue and Register Drive between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractors and ABC Partners, L.P. (Kevin Johnson, Partner, West Des Moines), Owners - \$33,742. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3018 (C) Storm Sewer in new development, Woods on the River - Plat 3, located at Riverwoods Avenue and Deep Woods Court between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractors and Clarke Company, Ltd. (John J. Clarke, Partner, Des Moines), Owners - \$142,153. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3019 20. (D) Sanitary Sewer in new development, Woods on the River - Plat 3, located at Riverwoods Avenue and Deep Woods Court between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractors and Clarke Company, Ltd., (John J. Clarke, Partner, Des Moines), Owners - \$149,781. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3020 (E) Storm Sewer Extension for proposed subdivision, Rothfus Lake Estates located at 4500 block of SE 34th Street between McAninch Corporation (Dwayne McAninch, President, West Des Moines), Contractors and Rosemary W. Bishop and David W. Rothfus Trust, (Rosemary W. Bishop, Partner, Omaha, NE), Owners - \$13,422. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3021 21. Authorizing City Engineer to proceed with Sidewalk Construction, waiver signed by one property owner, and Paving or Curb Replacement Program, waivers signed by five property owners, (call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

22. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

97-3022 (A) Demolition Contract No. 164, B.H.N.A.C., \$95 is now due, \$5,074.10 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3023 (B) Asbestos Removal - Martin Luther King, Jr., Parkway Contract 1 East/West, \$13,513.75 is now due and \$711.25 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3024 (C) SW 28th Street and Wolcott Avenue Subdrain, \$1,287.73 is now due and \$979.05 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3025 23. Approving partial payments on fourteen (14) public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3026 24. Communication from McAninch Corporation requesting permission to sublet certain items on Easter Lake Retention Basins-Phase 1 public improvement project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

97-3027 25. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of August, 1997, Schedule No. 1997-28, for certification to Polk County Treasurer (call City Clerk's office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3028 26. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for August, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3029 27. Authorizing Assessment Clerk to correct Schedule No. 1996-35, in the amount of \$6,632, 1714 Logan Avenue, judgment was paid. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-3030 28. Fair Market Value of 869 Martin Luther King, Jr. Parkway, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop), from Edward H. and Betty Jean Sorensen, 1000 Knob Hill Dr. - \$75,000. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3031 29. Approving Minimum Assessment Agreement with 2001 Partnership, L.L.C. for disposition of Parcel No. 31A (2001 DeWolf Street) Guthrie Avenue Business Park Urban Renewal Area. (Council Communication No. 97-443). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3032 30. Quit Claim Deed, in conjunction with construction of Levee Maintenance, from Polk County, 1316 South Union Street-recording fees only. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3033 31. Purchase of 3700 Army Post Road, in conjunction with Army Post Rd/Highway 28 Relocation and Runway 5/23 Extension, from Elston J. and Margaret E. Norland - \$282,569.40. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3034 32. Purchase of 1600 and 1608 Sixth Avenue, in conjunction with Sixth Avenue Urban Renewal Area, from Hazel Syphrit Estate/Maria Varvel, 1749 E. Park - \$53,000 plus \$1,000 each property closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-3035 33. Approving Noise and Avigation Easements for one property, in conjunction with the Airport Noise Compatibility Program, Phase II, (Resale Assurance Program). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3036 34. Approving Noise and Avigation Easements for six properties, in conjunction with the Airport Noise Compatibility Program, Phase II, (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3037 35. Easement for Sanitary Sewer Right-of-Way and Temporary Easement for Construction, in conjunction with WRA Phase 12-Southwest Outfall Relief Sewer, from MidAmerican Energy Company, vacant land at SE corner of Marker and SE 17th Street - \$7,501. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3038 36. Release and Abandonment of Existing Sanitary Sewer Easement and Establishment of New Sanitary Sewer Easement, in conjunction with WRA Phase 12-Southwest Outfall Relief Sewer, from Meredith Corporation, vacant land at NW corner of Market Street and SW 17th Street - \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-3039 37. Approval and Recognition of Chesterfield Neighborhood Association, boundaries-- Des Moines River on the south, Railroad Tracks on the north, E. 14th Street on the west, and S.E. 30th Street on the east, (Special Presentation at 4:00 P.M.) (Council Communication No. 97-445). **Moved by Vlassis to adopt. Motion Carried 7-0.**

38. Correction to the following Roll Calls of August 18, 1997 to correct scrivener's error in term limits (expiration month), for the Revitalization Board as follows:

97-3040 (A) Roll Call 97-2825 - Recommendation of Mayor Robert D Ray for appointments of Mary Moore, Sr. for a one-year term to expire June 30, 1998 and Dolph Pulliam for a three-year term to expire June 30, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3041 (B) Roll Call 97-2831 - Recommendation of Council Member Chris Hensley for appointment of Suzanne O. Erwin for a three-year term to expire June 30, 2000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3042 39. Communication from Bob King, Chair, Neighborhood Revitalization Board notifying the Mayor and City Council of resignation of Linda Goeldner, effective immediately.

Moved by Vlassis to receive, file and declare seat vacant. Motion Carried 7-0.

STREET CLOSINGS

97-3043 40. Approving closure of the following city streets--**Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Mark Burnham, 930 37th Street, requesting permission to close 37th from Crocker Street to School Street on Saturday, September 13, 1997 from 3:00 to 9:00 P.M. for neighborhood block party.

(2) Al Gross, representing Capital Striders, PO Box 25238, requesting permission to close Locust Street from 3rd Street to 4th Street on Sunday, September 21, 1997 from 8:00 A.M. until 12:00 Noon for the finish line for a 10 mile road race.

(3) Jeanne Schinkel, 3606 Lindlavista Way, requesting permission to close Lindlavista Way from 38th Street to 38th Place on Saturday, October 4, 1997 from 2:00 P.M. until 6:00 P.M. for a neighborhood block party.

41. Approving exception regarding length of time--street closing request from the following:

97-3044 (A) Ken Horner, representing Lincoln High Band, 2600 SW 9th Street, request to close SW 12th from Bell Avenue to Davis Street and Davis Street from SW 12th to SW 11th Street and Bell Avenue from SW 9th Street to SW 12th Street and SW 11th Street from Davis Street to Kirkwood Avenue on Saturday, October 18, 1997 from 8:00 A.M. until 6:00 P.M. for central Iowa band competition. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3045 (B) Reverend Lawrence Hoffmann, representing St. Anthony School/Church, 16 Columbus Avenue, request to close South Union from Indianola Avenue to SE Edison Avenue on Friday, September 19, 1997 from 6:00 P.M. until 12:00 Midnight and Saturday, September 20, 1997 from 9:00 A.M. until 12:00 Midnight, and Sunday, September 21, 1997 from 11:00 A.M. until 6:00 P.M. for a fall festival and church carnival. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3046 (C) Larry Smithson, representing Papa's Planet, 208 3rd Street, request to close 3rd Street (ONE LANE ONLY) and Court Avenue (ONE LANE ONLY) from 208 3rd Street to 206 3rd Street, Saturday, September 27, 1997 from 6:00 P.M. until 12:00 Midnight for a street dance. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and Hensley.**

CITY PLAN COMMISSION RECOMMENDATIONS

WITHDRAWN 42. Regarding request from Martha Schmitt, for vacation and conveyance of a north/south alley in vicinity of 24th Street and Kingman Blvd.

97-3047 43. Regarding request from Shari S. Sites, for sale of City land in the vicinity of 401 Payton Avenue. **Moved by Vlassis to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-3048 44. Regarding request from Eugene Peek, for vacation and conveyance of SE 27th Street right-of-way, and two alleys, south of Railroad Avenue and north of the railway. **Moved by Vlassis to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-3049 45. Regarding request from Neighborhood Finance Corporation (NFC), for vacation and conveyance of the north portion of the Franklin Avenue right-of-way in the vicinity of Sixth 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

WITHDRAWN 46. 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", (9-22-97).

97-3050 47. On application from Catherine Carson to rezone property at 7301 Fleur Drive from "R1-80" (One-Family Residential) and "R-5" (Mobile Home Residential) to a Limited "C-2" (General Retail and Highway-Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan, (9-22-97). **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN 48. On application from Cooper Homes, Inc., to rezone property at 3200 Stanton Avenue, from "R1-80" (One Family Residential) to a "R1-60" (One Family, Low Density Residential) and to find this in conformance with the Des Moines 2000 Land Use Plan, (9-22-97).

49. On the following Urban Renewal projects/plans, (10-27-97):

97-3051 (A) Proposed termination of the Southeast Prime Service Area. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3052 (B) Proposed termination of the Vandalia Acres Relocation Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3053 (C) Adopting Urban Renewal Plan for the SE AgriBusiness Urban Renewal Area. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

50. NUMBER NOT USED.

97-3054 51. Approving payment of \$7,750 to William C. Jewett for worker's compensation claim, subject to the approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3055 52. Approving an additional lump sum payment of \$4,178.89 to Jack Wilson, Sr. for permanent partial disability settlement complying with the rules of the Iowa Industrial Commissioner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3056 53. Approving payment of \$647.28 to Guy Cook for representation of Roger Stiles in case of Smith v. City of Des Moines, et al. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

97-3057 54. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

97-3058 55. Submitting various traffic regulation changes as follows--(Council Communication No. 97-446). **Moved by Vlassis to receive, file and refer to City Manager for preparation of proper legislation. Motion Carried 7-0.**

(1) Request for Corner Clearance--South Side of Allison Avenue East of Forty-fourth Street.

(2) Request for Handicapped Parking--South Side of City Hall.

(3) Request for Extension of Parking Restriction--East Side of Cambridge Street from East Sheridan Avenue to North of Hull Avenue.

(4) Request for Loading Zone--East Side of Southeast Third Street North of Market Street.

APPROVING

97-3059 56. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for City Primary Election to be held on Tuesday, October 7, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3060 57. Request from Downtown Partnership Inc. submitting banner design on behalf of Des Moines Symphony's 60th Anniversary Season to be displayed during the month of September. **Moved by Vlassis to receive, file and approve the banner design as submitted. Motion Carried 7-0.**

97-3061 58. State of Iowa Grant Agreement for FY97/98 Funding of Airport Commercial Air Service Marketing Program - not to exceed \$60,000. (Council Communication No. 97-453). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3062 59. Subordination Agreement to Norwest Equipment Finance, Inc. relating to new equipment for Accent Tag and Label Inc., 2201 Rittenhouse (owners - Dixie and Joe Davis and Becky and Gary Carter). **Moved by Vlassis to approve. Motion Carried 7-0.**

60. Bids for the following:

97-3063 (A) Cambridge Microscopic Video System manufactured from Henry Louis, Inc., (Iowa City, Henry Louis, President) for accurate print reproduction of latent fingerprints to be used by the Police Department. (Municipal Code Section 2-86 Sole Source Vendor). (\$17,523.59) (Council Communication No. 97-455). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3064 (B) Annual Agreement renewable for one additional year for diesel fuel and gasohol to be used by the Public Works Department - City vehicles, patterned after IDOT. Bid awarded to Keck, Inc., (320 SW 9th Street, John Keck, President). (Nine bids mailed-six received). (Call City Clerk's Office for listing of various specifications). (Council Communication No. 97-454). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3065 (C) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for two (2) four-wheel drive utility vehicles to be used by the Engineering Department (Wastewater Reclamation Facility), \$36,138. (11 bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3066 (D) Low compliant bid awarded to Tri-State West, (Grimes, Hugh Stafford, President) for a turf truckster to be used by the Park and Recreation Department (Soccer Complex), \$28,177, Big Bear Equipment Co., (Granger, IA) did not meet truckster specifications, therefore, non-compliant. (Six bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3067 61. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3068 62. Report of Civil Service Commission submitting Entrance Lists for Transcriber Typist, Jail Security Officer, and Promotional Lists for Airport Field Worker and Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

97-3069 63. Authorizing Finance Director to draw warrants on registers of September 5, 1997 and September 12, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning September 8, 1997 and September 15, 1997, and the biweekly payroll due employees on September 12, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

97-3040 64. Amending Chapter 2 of the Municipal Code regarding legal description of the City Boundary in the vicinity of Meredith Drive and Merle Hay Road to reflect annexation of Huess property, 5555 to 5611 Meredith Drive. **Moved by Vlassis that this ordinance do now pass, #13,522. Motion Carried 7-0.**

97-3071 65. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes to establish a loading zone on New York Avenue in front of 219 New York Avenue, and for an additional three 10-hour meters on the south side of Woodland Avenue at 10th Street. **Moved by Vlassis that this ordinance do now pass, #13,523. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

97-3072 66. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Request for Reversal of Parking Restriction--Loomis Avenue from Southwest Ninth Street to Southwest Twelfth Street; Petition for Traffic Controls--Walker Street from East Fifteenth Street to East Eighteenth Street; Request for Traffic Control--North Valley Drive at Fifty-sixth Street; and Request to Remove Two-Hour Parking Restriction--Twenty-fourth Street South of University Avenue. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

97-3073 67. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Request for Extension of Existing Corner Clearance--North Side of Thornton West of South Union, Request for Extension of Existing Parking Restriction--South Side of Bell West of South Union, Request for Reduction in Corner Clearance--West Side of Eighth Street South of Franklin Avenue to Hickman Road, Request for Corner Clearance--East Side of 41st South of Germania Drive, and Request for Removal of Commercial Loading Zone and Installation of Two Ten-Hour Meters--West Side of E. 3rd North of E. Walnut Street. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Item 74 and 75 next****

HEARINGS (Opened at 7:31 P.M.) (Items 68 thru 73)

97-3074 68. On application from Eugene Cherney to rezone property at 801 SW 63rd Street, from an "R1-60" (One Family Low Density) to a "C-1" (Neighborhood Retail Commercial), to amend the Des Moines 2000 Land Development Concept by revising classification from Low Density Residential to Commercial, and to find application in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3075 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

97-3076 (B) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes. **Moved by Hensley 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, [#13,524](#). Motion Carried 6-1. Absent: Daniels.

97-3077 (C) On application from JSV Community Properties, Inc., for vacation and conveyance of an alley Right-of-Way in the vicinity of SW 63rd Street and Winona Avenue-\$500 plus costs. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3078 (D) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

97-3079 68. (E) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley 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, [#13,525](#). Motion Carried 7-0.**

97-3080 69. On application from O'Reilly Automotive, Inc., for vacation and conveyance of right-of-way in the 1900 block of Guthrie Avenue-\$23,884.30. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3081 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

97-3082 (B) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes. **Moved by McPherson 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, [#13,526](#). Motion Carried 6-1. Absent: Daniels.**

97-3083 70. On vacation and conveyance of the North/South alley right-of-way south of Walnut Street between 8th and 9th Street, to Norwest Financial, Inc., \$19,600, and to Central College \$19,600, (continued from 8-18-97) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3084 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

97-3085 (B) Final consideration of ordinance above, (waiver requested by Norwest Financial), requires 6 votes. **Moved by Hensley 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, [#13,527](#). Motion Carried 6-1. Absent: Daniels.**

97-3086 71. On Ninth Street at Day, and 6th Avenue at University Installation and Upgrading of

Traffic Signalization: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Brothers, Inc. Electrical Contractors, (Charles L. Brown, C.E.O., 107 E. 5th DM), \$64,208. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3087 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3088 72. On Blank Park Zoo Cats Exhibit Demolition and Site Utilities: Resolution to REJECT all bids and close the hearing--two bids received, over estimate. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3089 (A) Resolution reordering construction, Receiving of bids (9-16-97), and Setting Date of Hearing (9-22-97), (Construction estimate-Base \$208,000). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3090 (B) Agreement with MidAmerican Energy Company to install three-phase electrical system to serve the entire zoo and a 3-phase electric line to serve the Cats Exhibit - \$27,897.49. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3091 73. On Police Station Step Replacement: Resolution to REJECT all bids and close the hearing--one bid received, over estimate. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3092 (A) Resolution reordering construction, Receiving of bids (9-16-97), and Setting Date of Hearing (9-22-97), (Construction estimate-\$95,000). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

* * END HEARINGS at 7:40 P.M. * *

****Council considered Item 77 through end of agenda next****

APPROVING

97-3093 74. Report on Capitol Gateway East Urban Design Plan, from the Steering Committee, for referral to appropriate City Boards and Commissions for review and recommendation. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-3094 75. Recommendation from City staff regarding construction of Beaverdale Urban Bike/Recreational Trail Project. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Flagg supports portion of the trail from 50th street to the East only.**

97-3095 (A) Petitions submitted in favor of Inter-Urban Multi-Use Trail. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

****Council considered Item 76 first - then Item 75****

****Council Member Daniels left the meeting at 6:15 P.M. after**

**casting his
vote on Item 75****

****Council considered Hearing Item 68 through 73 next****

97-3096 76. Proposed retiree health insurance premiums for period October 1, 1997 through September 1998, based on actual costs incurred in prior year. (Council Communication No. 97-451). **Moved by Vlassis to approve. Refer to City Manager and City Council Legislative Sub-Committee for further study, (see roll call for details). Motion Carried 4-3. Nays: Phillips, Daniels and McPherson.**

97-3097 77. Submission of the Prairie Meadows Racetrack and Casino grant application to assist in financing the development of the Greater Des Moines Softball Park. (Council Communication No. 97-448). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3098 78. Authorizing staff to formulate and issue a Request for Proposals (RFP) for a carousel ride concession in Union Park, and negotiate operation and maintenance agreement for subsequent Council consideration - \$3,000. (Council Communication No. 97-450). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3099 79. Contract with Dunbar/Jones Partnership to develop a master plan for Southwestern Hills Neighborhood area -\$41,280. (Council Communication No. 97-452). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Daniels.**

97-3100 80. Agreement with Union Pacific Railroad Company (UP) for installation and maintenance of automatic flashing light signals at the UP railroad crossing on Jackson Street. (Council Communication No. 97-447). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3101 81. Agreement with United Way of Central Iowa for program to provide affordable single-family, owner-occupied housing in Capitolview South neighborhood - \$25,000 (\$12,500 for two years). (Council Communication No. 97-444). **Moved by Flagg to adopt. City Manager to define responsibility of Neighborhood Revitalization Board (NRB) to the City Council and the Board. Motion Carried 5-1. Absent: Daniels. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

97-3102 82. Amendment One to the 1995 Neighborhood Housing Services of Des Moines, Inc. HOME Purchase Rehabilitation Project, to reduce the number of new single family handicapped accessible infill homes from three to two, extend the project to June 30, 1998, and reduce the program income from \$61,400 to \$35,750. **Moved by Flagg to defer action to 9-22-97. Motion Carried 6-1. Absent: Daniels.**

97-3103 83. Amendment One to the 1996 HOME Agreement with Neighborhood Housing Services, Inc., increasing 1996 HOME allocation to \$226,800. **Moved by Hensley to defer action to 9-22-97. Motion Carried 6-1. Absent: Daniels.**

COUNCIL REQUESTS

WITHDRAWN97-3104 84. Oral request of Council Member Preston Daniels, to discuss ticketing procedures for Handicap Parking Violations.

COMMUNICATIONS/REPORTS

97-3105 85. From Clair Canfield, Collection Manager, 310 Community Credit Union, to speak regarding judgment against property at 1317 E. 14th. **Moved by McPherson to receive, file and grant the request to speak; refer to Legal to reach a compromise, as suggested by Mr. Canfield. Motion Carried 6-1. Absent: Daniels.**

97-3106 86. Request from Lawrence White, 1000-24th Street #13, to speak regarding various issues. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Daniels.**

97-3107 87. Request from Kevin Johnson, 1934 Cottage Grove, to speak regarding City Beautification Clean-up. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

97-3108 88. From Brenda LaBlanc representing Laurel Hill Association, requesting to speak regarding Community Development Block Grant (CDBG) request for Laurel Hill Association. **Moved by Phillips to receive, file and grant the request to speak; refer to City Manager, Legal and Park Board, to provide assistance necessary to resolve this issue; attempt to extend real estate offer to purchase, in writing; return to Council agenda of 9-22-97. Motion Carried 6-1. Absent: Daniels.**

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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.

97-3109 1. Request from Council Member Gene Phillips, Ward IV, to discuss City's infrastructure as it relates to Ward IV. **Moved by Phillips to discuss, and refer to City Manager to address issues outline by Council Member Phillips. Motion Carried 6-1. Absent: Daniels.**

97-3110 2. Approving temporary beer garden for Norma J. Brodersen d/b/a Hickman Pub, 2335 Hickman Road, for one-day event September 20, 1997. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3111 3. Recommendation from City Manager submitting out-of-state travel requests for William Moulder and Michael Matthes. (Council Communication No. 97-456). SPONSOR: Mayor Ray **Moved by Vlassis to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

September 8, 1997

97-3112 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATION

97-3113 1. Communication regarding demolition cost reserve escrowed for 2721 E. 9th. **Moved by Vlassis 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 6-1. Absent: Daniels.**

AUTHORIZING

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

97-3114 (A) 719 Dixon, vacant, Titleholder: William Music. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3115 (B) 1100 - 26th, vacant, Titleholder: Western United Life Assurance Company, A Corporation; Contract Buyer: John L. Erie; Legal Interest Holders: Nancy Nervig, James E. Nervig. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3116 3. Release of demolition cost reserve held under claim number 92-447482 regarding property known as 3317 Douglas owned by Rodney and Marsha Wamsley. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-3117 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:50 P.M.**