

SUMMARY OF DES MOINES CITY COUNCIL MEETING

***DES MOINES BOTANICAL CENTER
909 East River Drive***

July 27, 1998 4:30 P.M.

*******CLOSED SESSION*******
3:00 P.M.

98-2282 1. ROLL CALL: **Present: Daniels, *Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis. (*Council Member Coleman entered the meeting at 3:55 P.M.)**

98-2283 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2284 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 6-1. Absent: Coleman.**

98-2285 (b) Closed Session to discuss matters of pending litigation.

98-2286 (c) Terminate this closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2287 (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.**

98-2288 (e) Motion to adjourn and reconvene at 4:30. **Moved by Vlassis to adopt. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

3. APPROVING CONSENT AGENDA - items 3 through 82. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-2290 4. Communication from Legal Department regarding July 27, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-2291 5. A & M Restaurant, Inc., Mersim Osmicevic, President dba A & M Restaurant, 2222 Forest; New Application (With Sunday Sales) - Application submitted 6-18-98. **Moved by Flagg to adopt. Staff to assure an appropriate citizenship verification is made on all alcoholic beverage applications, pursuant to State and Local requirements. Motion Carried 7-0.**

98-2292 6. Los Laureles, Inc., Eufrazio Mayorga, President dba Los Laureles, 1518 Grand Avenue; Renewal - Expires 7-29-98 (With Sunday Sales) - Application submitted 6-4-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2293 7. Benoit Enterprises, Inc., Jack Benoit, President dba Master Jack's, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 8-5-98 (With Sunday Sales and Beer Garden) - Application submitted 7-10-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2294 8. Shie Concession Co., Inc., Shie Foudree, President dba Shie Concession Co., 3000 East Grand - Iowa State Fairgrounds; New Application for 14 day permit (With Sunday Sales and Beer Garden) - Application submitted 7-15-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2295 9. Michael Cheng Fu Young dba Tsing Tsao Chinese Fast Food, 2231 B, East University; Renewal - Expires 8-4-98 (With Sunday Sales) - Application submitted 7-7-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-2296 10. Ivan Thede dba Leetown Super Valu, 2930 East University; Renewal - Expires 7-30-98 (With Sunday Sales) - Application submitted 6-18-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

98-2297 11. 1000 Walnut Management Company, E. Jeffrey Hunter, President dba Hotel Fort Des Moines, 1000 Walnut Street; New Application (With Sunday Sales) - Application submitted 6-29-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-2298 12. Apple Corps, L.P., Darrel L. Rolph, President dba Applebee's Neighborhood Grill & Bar, 6301 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 7-13-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2299 13. Apple Corps, L.P., Darrel L. Rolph, President dba Applebee's Neighborhood Grill & Bar, 3900 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 7-13-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2300 14. Kenneth Schurman dba Cheers, 2102 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 7-7-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2301 15. DC Holding Company, Inc., Dave Crimmins, President dba Crimmins Cattle Co., 4901 Fleur Drive; Renewal - Expires 7-27-98 (With Sunday Sales) - Application submitted 7-7-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2302 16. Five T Inc., Robert J. Tursi, President dba Latin King Restaurant, 2200 Hubbell; Renewal - Expires 8-1-98 (With Sunday Sales and Beer Garden) - Application submitted 6-18-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2303 17. Michael's Restaurant and Lounge, Richard Michael Baier, President dba Michael's Restaurant and Lounge, 4041 Urbandale; Renewal - Expires 7-31-98 (With Sunday Sales) - Application submitted 7-2-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2304 18. FJY, Inc., Frank J. Yacavona, President dba Pal Joey's, 6224 Grand; Renewal - Expires 8-31-98 - Application submitted 6-18-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2305 19. Raul's Taco House, Ltd., Raul F. Hernandez, President dba Raul's Taco House, 1541 East Grand; Renewal - Expires 8-3-98 (With Sunday Sales and Beer Garden) - Application submitted 6-24-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2306 20. Service Systems Associates, T. Kevin McNicholas, President dba Blank Park Zoo, 7401 Southwest 9th Street; Renewal - Expires 8-5-98 (With Sunday Sales and Beer Garden) - Application submitted 7-13-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

Authorizing

98-2307 21. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2308 22. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

98-2309 23. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Beer Gardens

98-2310 24. Permanent beer garden for Big Dog Enterprises, Inc., Stewart Ambrose, President dba Fish Bowl, 3029 Merle Hay Road; New Application submitted 7-16-98. Subject to submission of acceptable electrical and fire inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2311 25. Temporary beer garden for 215 Group L.C., Scott Formaro dba Gilligan's, 208 Court Avenue on August 1, 1998 from 3:00 P.M. to 12:00 Midnight for Barnstormers party. **Moved by Hensley to DENY. Motion Carried 7-0.**

98-2312 (A) Approving exception regarding length of time request from 215 Group L.C., Scott Formaro dba Gilligan's, 208 Court Avenue to close sidewalk and eight parking spaces in front of 208 Court Avenue on August 1, 1998 from 3:00 P.M. to 12:00 Midnight for Barnstormers Party. **Moved by Hensley to DENY. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

98-2313 26. 1998 Paving Program Contract No. 1: Ordering bids, (8-11-98) approving plans, specifications and form of contract, notice to bidders, fixing bid security, and setting date of hearing (8-17-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2314 (A) First consideration of ordinance establishing the grade of E. 25th Street from Dean to Capitol. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-2315 (B) First consideration of ordinance establishing the grade of E. Virginia Avenue from SE 22nd to 265.28 feet east of SE 22nd; E. Clinton Avenue from E. 31st to E. 33rd; E. 27th Court from Cleveland to Easton; E. 32nd Street from E. University to Cleveland, and Guthrie Avenue from E. 29th to E. 31st. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

27. Resolution Ordering Construction of the following:

98-2316 (A) Glendale Cemetery Parking Lot, Receiving of Bids, (8-11-98), and Setting Date of Hearing, (8-17-98), (Construction Estimate - \$20,884). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2317 (B) Parks Roads Resurfacing, Receiving of Bids, (8-11-98), and Setting Date of Hearing, (8-17-98), (Construction Estimate - \$112,450). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2318 (C) 1998 Sanitary Trunk Sewer Cleaning and Televising, Receiving of Bids, (8-11-98), and Setting Date of Hearing, (8-17-98), (Construction Estimate - \$67,255). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2319 (D) 1998 Sanitary Sewer Cleaning and Televising, Receiving of Bids, (8-11-98), and Setting Date of Hearing, (8-17-98), (Construction Estimate - \$46,282.50). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2320 (E) 2015 & 2019 Woodland Avenue Demolition & Asbestos Removal, Receiving of Bids, (8-11-98), and Setting Date of Hearing, (8-17-98), (Construction Estimate - \$26,700). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

98-2321 (A) Des Moines Skywalk System Bridges 2C-2D; 2C-3C, Neumann Brothers, Inc. (C. Arthur Wittmack, Pres.), \$5,215.75 is now due and \$147,440.70 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2322 (B) 1997 City-Wide PCC Pavement Restoration Program, P.G. Construction, Inc. (Keith Purdy, Pres., Ankeny), \$9,089.35 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2323 (C) Waveland Lodge Air Conditioning, Accurate Mechanical Company, Inc. (John E. Miller, Pres.), \$1,623.75 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2324 29. Approving Private Construction Contract for construction of Sanitary Sewer Improvements for Easter Lake Estates Plat 5, at Easter Lake Drive and SE 29th Court between McAninch Corporation, Dwayne McAninch, President-Contractor and Oaks Development, John C. Kline, President, Owner - \$238,395. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2325 30. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by three property owners, and paving or curb replacement, waiver signed by one property owner (Call the City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2326 31. Authorizing City Engineer to repair, replace, or reconstruct sidewalks at 72 locations, (call the City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2327 32. Approving extension of time to move house from 835 Martin Luther King, Jr. Parkway to 672 18th Street until August 31, 1998, to Timelis Restoration, L.L.C. **Moved by Vlassis to receive, file and grant extension until 8-31-98. Motion Carried 7-0.**

98-2328 33. Approving partial payments of seven public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Staff to report on removal and proposed replacement of trees at 31st and Kingman. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

98-2329 34. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for June, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2330 35. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of June, 1998, for certification to Polk County Treasurer (call City Clerk's office for amounts). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-2331 36. Permanent Easement for Sanitary Sewer Right-of-Way in conjunction with Central Recycling, from Eugene J. Schmitt and Landfill of Des Moines, Inc., dba Central Recycling, 1800 Block of East Hartford - \$0. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2332 37. Backslope and Property Adjustment Easement and Release, Warranty Deed to City and Future Title Work Compensation in conjunction with Iowa 65 (E. 14th St) and Guthrie Avenue Intersection Improvement from Marcella Dant and Joan Loggins, 1402 Thompson Avenue - \$5,021. **Moved by Vlassis to adopt. Motion Carried 7-0.**

38. Quit Claim Deed in conjunction with Martin Luther King, Jr., Parkway-Central Business District Arterial Loop By-Pass (CBD Loop) from Polk County Board of Supervisors for the following:

98-2333 (A) Property in the vicinity of SW 17th and Market Streets - recording fees only. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2334 (B) 610 SE 14th Court - recording fees only. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2335 39. Temporary Easement for Construction, Permanent Easement for Storm Sewer Right-of-Way, Future Title Work Compensation, and Tenant Contract in conjunction with Merle Hay Road Sanitary Sewer, from Divall Insr Income Properties 2 Limited Partnership and Hickory Park, Inc., dba Hostetler's BBQ, 4875 Merle Hay Rd. - \$2,125. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2336 40. Approving Noise and Avigation Easements for eight properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2337 41. Accepting Special warranty Deeds for former railroad right-of-way from owners of 20 properties abutting thereon, all in conjunction with the settlement of a condemnation appeal entitled Sams Riverside Auto et al v. City of Des Moines et al--South East Diagonal Project. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2338 42. Permanent Access Easement in conjunction with 2nd Ave and Franklin Pump Station from Jene D. Hughes and Kathy A. Hughes, 2nd Ave Bait Shop-2nd Ave and Franklin -

\$10,060 per settlement agreement of 5/18/98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-2339 43. Reappointment recommendation of Council Member Chris Hensley for the reappointment of Robert Mickle to the Neighborhood Rehabilitation Board for a three-year term to expire June 30, 2001 **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2340 44. Appointment of Joseph J. Bell, Jeff Rowat and L.E. Calvert as Valuation Committee for Special Assessment Appraisal Services. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

98-2341 45. Approving closure of the following City streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Robert L. Thomas, 2804 46th Street, requesting permission to close 46th Street from New York to Beavercrest, on Sunday, August 16, 1998 from 3:00 P.M. until 9:00 P.M. for a block party.

(2) Emma Anderson, 2015 40th Place, requesting permission to close 40th Place from Hickman to Franklin, on Sunday, September 13, 1998 from 2:00 P.M. until 7:00 P.M. for a block party.

98-2342 46. Approving exception regarding length of time request from 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 18, 1998 from 6:00 P.M. until 12:00 Midnight, on Saturday, September 19, 1998 from 9:00 A.M. until 12:00 Midnight, and on Sunday, September 20, 1998 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.**

CITY PLAN COMMISSION RECOMMENDATIONS

98-2343 47. Regarding request from James O. Boyt, for vacation of a portion of east/west and north/south alley rights-of-way in vicinity of E. 6th and Grand Avenue, and conveyance of substantially all such rights-of-way to Mr. Boyt subject to restrictions. **Moved by Phillips to adopt and refer to the City Manager and Legal Department for implementation of vacation. Staff to report on conveyance alternatives, property values and methodology of conveyance to abutting property owners, for report back at the 8-17-98 Council meeting. Motion Carried 7-0.**

****Council considered Hearing Items 86-91 next****

SETTING DATE OF HEARINGS

98-2344 48. On voluntary annexation of property in vicinity of 4300 Hubbell Avenue, Baker Real Estate, et al, (to include lot 7, Capitol Heights Replat), (8-17-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2345 49. On sale and conveyance of vacated alley right-of-way in vicinity of 2216 Elizabeth Street, to Cordell L. McGuire, \$25 plus costs, (8-3-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2346 50. On sale and conveyance of alley right-of-way at 3844 Sixth Avenue, to Daniel R. Burkle, \$25 plus costs, (8-3-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2347 51. On request from George D. Fischer, to rezone property at 2800 E. Watrous Avenue, from "R1-80" (One Family Residential) to a Limited "R1-70" (One-Family, Low Density Residential), to allow for platting of new subdivision, (8-17-98). **Moved by Phillips to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-2348 52. Approving payment of \$17,786.13 to Chester Woodburn, III for representation of Stephen Stawser in case of Smith v. City of Des Moines et al., No. 4-96-80101. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

98-2349 53. Approving payment of \$681.50 to F. Montgomery Brown of law firm of Cook, Gotsdiner, McEnroe & McCarthy for representation of Officer Kenneth Brown in case of Leverette, et al. v. Heller, et al. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

98-2350 54. Approving payment of \$1,007.00 to Daniel Voogt of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

98-2351 55. Approving payment of \$67.46 to Austin, Gaudineer, & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al., No. 4-95-cv-70724. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

98-2352 56. Submitting traffic regulation changes as follows, [Council Communication No. 98-305](#). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Parking restriction revisions on the West side of 1st Street South of New York Avenue.

(2) Corner Clearance on the North side of E. Olinda Avenue West of Indianola Avenue.

(3) Corner Clearance on the North side of Thompson Avenue East and West of E. 23rd Street.

98-2353 57. Regarding Terms of Agreement between the City and Teachout Properties, L.L.C., for renovation of the Teachout Building at E. 5th and Locust Streets/Capitol Gateway East. ([Council Communication No. 98-313](#)). **Moved by Coleman to receive, file and adopt recommendation as contained in Council Communication No. 98-313. Motion Carried 6-1. Absent: Daniels.**

98-2354 58. Submitting out-of-state travel requests for Jim Tutt, Mark Durham, Ron McClurg, Anthony Merrill, Robert Cox, Craig Youngblood, Kerry Schneider and Michael Peterson. ([Council Communication No. 98-304](#)). **Moved by Coleman to adopt. Council Member Coleman volunteered to work with Staff to formulate a policy regarding City Employees' use of Des Moines Airport for flight services. Motion Carried 7-0.**

APPROVING

98-2355 59. Community Services Block Grant Program Third Quarter Activity Report for 4-1-98 to 6-30-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2356 60. Investment Agreement with United Way of Central Iowa for Community Development Outreach Program from 7-1-98 to 6-30-99 - \$17,252. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Coleman declares a conflict of interest, and abstains from voting.**

98-2357 61. Weatherization contract with Iowa Department of Human Rights/Division of Community Action Agencies for weatherization assistance for low-income persons from 8-1-98 to 3-31-99 - \$53,679. **Moved by Vlassis to adopt. Motion Carried 7-0.**

62. Amendments to Low-Income Home Energy Assistance Program (LIHEAP) Contract Number LIHEAP-2298-07J:

98-2358 (A) Number Five to decrease "Regular Assistance" line item by \$45,000 and increase "Energy Crisis Intervention Payments" by \$45,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2359 (B) Number Six to increase contract budget by \$12,300 in "Energy Crisis Intervention Payments"(\$3,075), "Client Services" (\$3,075) and "Administration Costs" (\$6,150). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2360 63. Supportive Housing Program (SHP) Application to U.S. Department of Housing & Urban Development (HUD) for supplemental funding for local homeless programs to address service gaps. ([Council Communication No. 98-307](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2361 64. Request from owner of Savery Hotel to use Skywalk Corridor in Savery Hotel Building as part of fire exit system for their building. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2362 65. Submission of 1998 Public Housing Service Coordinator Grant Application, to U.S. Department of Housing and Urban Development. ([Council Communication No. 98-303](#)). **Moved by Hensley to adopt. City Manager to report on funding of Administrative Interns, job descriptions and responsibilities in Finance Department and if net employee reduction is being maintained. Motion Carried 7-0.**

98-2363 66. Purchase of materials and equipment for the Fleur Drive Beautification Project on June 10, 1998 in conjunction with the Iowa Summit on Volunteerism. ([Council Communication No. 98-315](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

98-2364 67. Authorizing issuance of Certificate of Completion and Release of Good Faith Deposit for disposition parcel Nos. 7A, 7B, and 7C/Riverpoint Capitol-Center Development Area Urban Renewal Project to Meredith Corporation (Meredith Office Project/1615 Locust Street). ([Council Communication No. 98-312](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

98-2365 68. Request from Marion Lucas, Manager, Iowa State Fair, requesting permission for a temporary easement for head-in parking along north side of Dean Avenue from E. 31st Street to E. 34th Street, permission to temporarily fence to curb along E. 31st Street and E. 30th Street fronting Dean Avenue, and request "NO PARKING" signs be posted in area on east of E. 34th Street (Gate 7) and Grand Avenue entry to Fairgrounds both north to University and south to Walnut Street from Monday, August 10 through Sunday August 23. **Moved by Vlassis to approve the request. Motion Carried 7-0.**

69. Bids for the following:

98-2366 (A) Bid awarded to Herman M. Brown Co., (100 Sheridan Avenue, Glenn Karr, General Manager) for a vacuum catch basin cleaner, jet rodder, and truck cab and chassis to be used by the Public Works Department (Sewer Division), \$140,412. Bid from Elliott Equipment Company did not meet specifications, therefore non-compliant. (Seven Bids mailed-two received.) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flag.**

98-2367 (B) RFP awarded to Bendata, Inc., (Colorado Springs, CO., Vance Brown, President) for an Automated Help Desk System to be used by the Information Technology Department, \$43,780. RFP from Doextra Corporation did not meet specifications, and were disqualified. (Five proposals mailed-three received). ([Council Communication No. 98-. 314](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flag.**

98-2368 69. (C) Economy Data Products, Inc., (Urbandale, IA, Harrington K. Mason, President) for computer paper to be used by the Information Technology Department (Data Center), \$28,000. (Ten bids mailed-five received). (Call City Clerk's Office for material breakdown and prices). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2369 70. Report of Civil Service Commission submitting Entrance List for Truck Driver, and Promotional Lists for Traffic Device Maintenance Worker and Street Maintenance Worker. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-2370 71. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2371 72. Authorizing Finance Director to draw warrants on registers of July 24, 1998 and July 31, 1998 and the bills of the Des Moines Municipal Housing Agency for the week beginning July 27, 1998, and the biweekly payroll due employees on July 17, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-2372 73. 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 McPherson that this ordinance do now pass, [#13,620](#). Motion Carried 7-0.**

98-2373 74. Submitting various traffic regulation changes as follows. **Moved by Vlassis that this ordinance do now pass, [#13,621](#). Motion Carried 7-0.**

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

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

(3) 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.

ORDINANCES - SECOND CONSIDERATION

98-2374 75. Amending Chapter 23 of the Municipal Code regarding regulation and management of private use of public rights-of-way, and to further defer. **Moved by Vlassis that this ordinance be deferred for further consideration until the regular City Council meeting on 8-17-98. Motion Carried 7-0.**

98-2375 76. Amending Chapter 26 of the Municipal Code regarding licensing of communication systems within public right-of-way, and to further defer consideration. **Moved by Vlassis that this ordinance be deferred for further consideration until the regular City Council meeting on 8-17-98. Motion Carried 7-0.**

98-2376 77. Amending Chapter 8 of the Municipal Code regarding update of the Plumbing Code. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Coleman and McPherson.**

98-2377 78. 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 7-0.**

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

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

98-2378 79. On amendment to the Zoning Ordinance regarding allowed size of canopies and number of car service areas for convenience stores and gas stations within "C-1" and "NPC" districts. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-2379 80. On rezoning of properties from SW 42nd Street and Army Post Road -- east and north of future relocated Army Post Road to Littell Avenue, from "R1-80", "PBP" and "PUD", to "M-3" (Limited Industrial District), for future airport related use. (requires 6 votes for passage). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-2380 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinance must be considered and voted on for passage at two Council meeting prior to the meting 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, [#13,622](#). Motion Carried 7-0.**

98-2381 81. On amendment to the Zoning Ordinance regarding off-premise advertising signs. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays Vlassis.**

98-2382 82. On vacation of east/west alley right-of-way between S.E. 15th and S.E. 16th south of Maury. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

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

ORDINANCES - FIRST CONSIDERATION

98-2383 83. Extending temporary waiver of building permit fees for reconstruction of damage as a result of recent flooding and storms, through September 28, 1998. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

98-2384 (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by McPherson that the rule requiring that an ordinance 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, [#13,623](#). Motion Carried 6-1. Absent: Coleman**

COUNCIL REQUESTS

98-2385 84. From Council Member At Large George Flagg regarding flooding in vicinity of 314 Southwest Miller Avenue. **Moved by Phillips to receive, file and discuss. Motion Carried 7-0.**

98-2386 85. From Council Member At Large George Flagg regarding neighborhood concerns in vicinity of Southside Golf Course. **Moved by Flagg to receive, file and discuss; refer to City Manager and Parks Director for a report by Labor Day. Motion Carried 7-0.**

****Council considered items 92 through end of agenda next****

HEARINGS (Opened at 5:45 P.M.) (Items 86 thru 91)

98-2387 86. On vacation and sale of a portion of the E. 33rd Street right-of-way between E. Douglas and E. Clinton, to Laverne R. and Rebecca J. Overton, \$100. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-2388 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-2389 87. On sale and conveyance of north/south alley between 41st and 42nd Street extending north from Crocker Street, to Ranchland Company, \$25 plus costs. **Moved by Flagg to continue the hearing to August 17, 1998 at 5:30 P.M. to allow staff to report on appropriate value of this property. Motion Carried 7-0.**

98-2390 88. On vacation and sale of the North/South alley between 10th and 11th Streets, north of Grand, to Principal Mutual Life Insurance Company, \$63,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2391 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-2392 (B) Final consideration of ordinance above, (waiver requested by applicant). **Moved by Vlassis that the rule requiring that an ordinance 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, [#13,624](#). Motion Carried 7-0.**

98-2393 89. On application from Rhonda Burkhardt, to rezone property at 2407 SW 9th Street from "R1-60" (One-Family Low Density Residential) to "C-1" (Neighborhood Retail Commercial). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2394 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-2395 90. On Redevelopment Proposal from Ben's Keystone Construction, L.C., for purchase of property at 714 SE 10th, 809 SE Maury, 710 SE 8th, 713 SE 7th, 816 SE 7th, and 820 SE 7th, Capitolview South Neighborhood, and approving sale price of \$11,335. ([Council Communication No. 98-306](#)). **Moved by Vlassis to approve. Motion Carried 4-3. Nays: Coleman, Flagg and McPherson.**

91. On Tuttle Street Paving--SW 5th to SW 9th (part of M.L. King Jr. Parkway Project):

98-2396 (A) Approving plans, specifications, form of contract documents and Engineer's estimate of costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2397 (B) Resolution on submission of bids and designating lowest responsible bidder as M. Peterson Construction Co. (Merlin Peterson, President, 4000 Delaware, DM), \$860,185.75. **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:18 P.M. * *

****Council considered items 51 through 85 next****

APPROVING

98-2398 92. Final consideration of ordinance 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 Flagg that this ordinance do now pass, #13,625. Motion Carried 7-0.**

98-2399 (A) Establishing Annual salary of members of Board Of Water Works Trustees effective 8-1-98. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2400 93. Intergovernmental 28E Agreement for purpose of pledging Suburban and County Hotel/Motel Tax Revenues for financing a portion of Sec Taylor Stadium Improvements. ([Council Communications No. 98-309](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2401 94. Consideration of Strategic Priorities for FY 2000, as recommended by the Strategic Planning Commission. **Moved by Hensley to adopt. Motion Carried 7-0.**

95. Items regarding proposed grocery store at 6th and University Avenues:

98-2402 (A) Request to seek funding under the Section 108 Guaranteed Loan Program -- \$2,000,000 for inclusion in the 1999 HUD CDBG Consolidated Plan, and approving submission

of application to HUD -- \$1,000,000 under the Economic Development Initiatives (EDI) Loan Program, to foster large- scale commercial development. **Moved by Vlassis to adopt, as amended to \$1,000,000 in EDI funding. Motion Carried 6-1. Nays: McPherson.**

98-2403 95. (B) Authorizing City Manager to establish a Community Task Force and approving voluntary acquisition of property and related activities -- Northwest corner of 6th and University Avenues, Riverpoint Capitol Center Urban Renewal Area. ([Council Communication No. 98-311](#)). **Moved by Vlassis to approve. Motion Carried 6-1. Nays: McPherson.**

98-2404 96. Lease Agreement with Army Corps of Engineers for public park and recreation purposes along the Des Moines River corridor between Sixth Avenue and Euclid Avenue to make further progress on Inter Urban Trail project. ([Council Communication No. 98-308](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

97. Items regarding Des Moines Enterprise Zones:

98-2405 (A) Partial exemption from local taxation for value added by improvements made to real property by businesses within the Des Moines AgriBusiness Park and Des Moines Enterprise Community Enterprise Zones. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2406 (B) Appointment of members to Des Moines Enterprise Zone Commission to administer State of Iowa certified Des Moines AgriBusiness Park and Des Moines Enterprise Community Enterprise Zones. ([Council Communication No. 98-310](#)). **Moved by Flagg to defer action to 8-3-98 Council meeting. Motion Carried 7-0.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

98-2407 1. Resolution directing that the residential properties adjoining the new Airport Fuel Storage Facility be promptly acquired. SPONSOR: Hensley. ([Council Communication No. 98-316](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2408 2. Approving Submission of REAP Grant Application for the Kiwanis Nature Island Bridge Start Station, \$115,750. SPONSOR: McPherson. ([Council Communication No. 98-317](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

July 27, 1998

98-2409 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:

98-2410 (A) 2027 Mondamin, vacant, Titleholders: Darryl D. and Denise M. Williams. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2411 (B) 1419 5th, vacant, Titleholders: Walker K. and Lea G. White Trust; Contract Buyers: John B. and Tatia R. Nichoff. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2412 (C) 2801 SE 8th Ct., vacant, Titleholders: Larry D. Dills, Sr. and Opal A. Dill. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2413 (D) 1552 23rd, vacant, Titleholder: Polk County, Iowa; Contract Buyers: Inie Clement, Augustine Akpan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2414 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:50 P.M.**