

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**DES MOINES CITY COUNCIL MEETING**

**September 28, 1998 4:30 P.M.**

**3:00 P.M.** - Open House Gala Celebration

**4:00 P.M.** - Dedication of Renovated City Council Chambers

Simon Estes Youth Choral Project

Cultural Connections - City Council Arts Program

**4:30 P.M. PROCLAMATIONS**

(a) Abraham Lincoln High School's 75th Anniversary

(b) Alpha Delta Kappa Month

(c) Italian Heritage Month

(d) White Cane Safety Day

**INVOCATION:** Father Peter Cade

St. George Greek Orthodox Church

98-2932 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-2933 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2934 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

98-2935 4. Communication from Legal Department regarding September 28, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-2936 5. John Munoz dba Breadeaux Pizza, 1901 Beaver Avenue; New Application (With Sunday Sales) - Application submitted 8-28-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-2937 6. Kulwinder Singh dba One Stop Food Mart, Inc., 1800 Southeast 14th Street; Renewal - Expires 10-7-98 (With Sunday Sales) - Application submitted 9-3-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-2938 7. Thomas Robert Bringleston dba Hamilton's Lounge, Inc., 605 - 7th Street; New Application (With Beer Garden) - Application submitted 9-16-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2939 8. Brooke, Ltd, Jason A. Haaes, President dba Hard Times Again, 2515 Wedgewood Road; Renewal - Expires 9-28-98 (With Beer Garden) - Application submitted 8-14-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2940 9. Donald J. Quinn dba Helen & Pat's Restaurant & Lounge, 209 Euclid; Renewal - Expires 9-30-98 - Application submitted 8-28-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2941 10. Purple Cow Players, Charles C. Carnes, President dba Ingersoll Dinner Theater, 3711 Ingersoll; Renewal - Expires 10-04-98 (With Sunday Sales) - Application submitted 9-4-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2942 11. Olson Recreation, Inc., Donald O. Olson, President dba Merle Hay Lanes, 3800 Merle Hay Road; Renewal - Expires 9-28-98 (With Sunday Sales) - Application submitted 8-28-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2943 12. Cy Corp., Inc., Si L. Scales, President dba Smokey's Triangle Tap, 2506 Post; Renewal - Expires 9-30-98 (With Sunday Sales) - Application submitted 8-31-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2944 13. Trittoria Foods, Inc., Alyce Mattis, President dba Trittoria, 207 - 215 4th Street; Renewal - Expires 10-06-98 (With Sunday Sales and Beer Garden) - Application submitted 8-24-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

98-2945 14. Robert Braune dba Drake Liquor Store, 2106 Forest Avenue; Renewal - Expires 10-01-98 - Application submitted 9-4-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

98-2946 15. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2947 16. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

98-2948 17. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

98-2949 18. Approving proposed alignment of Four Mile Creek Trail, Phase III to extend trail from Easton Boulevard north to city limits at Aurora Avenue. ([Council Communication No. 98-434](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2950 19. Approval of Change Order No. 2 with Jensen Road Company, Jim Rasmussen, President, for additional work in conjunction with the Park Avenue Box Culvert at Frink Creek, amount not to exceed \$17,500.20. ([Council Communication No. 98-428](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2951 20. Amendment No. 3 to Engineering Services Agreement with Veenstra & Kimm, Inc., H. R. Veenstra, Jr., design services for the proposed WRA Southwest Outfall Relief Sewer, Phase 12, Segment 1, increasing the contract of \$119,479.38 by \$9,576. ([Council Communication No. 98-438](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2952 21. Amendment No. 2 to Engineering Services Agreement with Veenstra & Kimm, Inc., H. R. Veenstra, Jr., President, for preparation of legal descriptions for permanent and temporary construction easements for the Grandshire Area Sanitary Sewer project - \$4,486. ([Council Communication No. 98-439](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2953 22. Joint Funding Agreement between the City of Des Moines, U.S. Department of the Interior Geological Survey, City of West Des Moines and Des Moines Water Works, to provide operation and maintenance of the six river-and stream-gaging systems, for the period from October 1, 1998 to September 30, 1999. ([Council Communication No. 98-440](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

23. NUMBER NOT USED.

98-2954 24. Private Construction Contract for Sanitary Sewer Improvements in Villas at Brook Run, located at E Douglas Avenue and Brook Ridge Court, between McAninch Corporation, (Dwayne McAninch, President-Contractor) and Brook Run L.C., (Gene Stanbrough, President-Owner) - \$47,619. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2955 25. Private Construction Contract for Street Improvements for PCC paving improvements for proposed Easter Lake Estates Plat 5 subdivision at SE 29th Court and Easter Lake Drive, between Eco-Tech Contractors, Inc., (R. S. Gillotti, President-Contractor) and The Oaks Development Company, (John Kline, President-Owner) - \$243,437.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

26. Approving contract and bond for the following projects:

98-2956 (A) 2625 Easton Blvd. Demolition & Asbestos Removal, (L.A. Wicker Company, Linda L. Wicker, Owner, 1266 Adams Street, DM). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2957 (B) 1403-1407 Forest Avenue Demolition and Asbestos Removal, (D&F Trucking (Mae Dillard, Owner, Indianola). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2958 27. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, and paving or curb replacement, waiver signed by one property owner, (call City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2959 28. Approving partial payments on ten public improvement projects. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2960 29. Communications from various contractors requesting permission to sublet certain items on four public improvement projects. (Call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

98-2961 (A) Des Moines Skywalk System Bridge 8E-9E-connection to the 9th & Locust Parking Garage, \$1,881.62 is now due and remaining balance of \$1,959.60 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2962 (B) E. Gray Street, 400 Block, Emergency Sanitary Sewer Repair, \$16,482.50 is now due and remaining balance of \$867.50 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2963 (C) 9th Street and Day Street Traffic Signalization, \$2,382.90 is now due and remaining balance of \$3,210.40 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2964 (D) SE 9th Street & E. Jackson Avenue Emergency Levee, \$213.75 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2965 (E) Sherman Hill Historic Lighting - Phase I, \$2,965.41 is now due and payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

98-2966 31. Authorizing Assessment Clerk to correct the E. 27th Street Paving Schedule No. 1990-03 against three properties (call the City Clerk's office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2967 32. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1998-47, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2968 33. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Sewer Repair (Public Works) Schedule No. 1998-48, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

98-2969 34. Approving Dedication of public street right-of-way for Relocated Army Post Road & SW 28th Street public street Right-of-Way from Fleur Drive to SW 42nd Street, and SW 28th Street from Relocated Army Post Road to Littell Avenue. ([Council Communication No. 98-426](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2970 35. Approving one Tax Abatement application for additional value added by improvements made during 1996 for submission to County Assessor for final processing. ([Council Communication No. 98-421](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2971 36. Authorizing City Manager to acquire necessary Right-of-Way for the Seventh Ward Ditch Storm Sewer Box Replacement. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2972 37. Resolution designating Highway Property, located east of Highway 28, between Relocated Army Post Road and Relocated Iowa Highway 5, pursuant to the Addendum to Development Agreement with ABC Partners, L.P. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2973 38. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion, from John T. Henry and Nancy L. Henry, 6593 SW 28th Court - \$87,553. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2974 39. Fair Market Value for property at 2940 State Avenue in conjunction with Seventh Ward Ditch Wooden Box Replacement - Phase 1, from William D. and Linda L. Gilroy - \$60,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2975 40. Approval and acceptance of a Corrected Warranty Deed and Corrected Affidavit of Possession for Army Post/Highway 28 Relocation and Runway 5/23 Extension for property owned by Robert F. Abild of 4700 Pine Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2976 41. Warranty Deed and Compensation for Future Title Work in conjunction with Easton Boulevard Detention Basin, Southern Seventh Ward Ditch Improvements, from Calvary Apostolic Church, 2611 Easton Boulevard - \$11,871. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2977 42. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion, from George W. Wise, III and Debra Wise, 2516 Littell Avenue - \$81,053. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2978 43. Approving the Execution and Issuance of Temporary License for use of Public Right-of-Way to Emco Enterprises, Inc., to install and maintain fiber optic connection between 1917 Dean Avenue and 2121 E Walnut Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2979 44. Quit Claim Deed conveying vacated alley in vicinity of 2825 High Street, to Mark C. and Opal R. Pope, \$1.00, (title clearance). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2980 45. Backslope and Property Adjustment Easement and Release, Warranty Deed and Future Title Work Compensation in conjunction with SE 14th Street at E. Diehl Avenue Intersection Improvements, from Thomas E. Jordison and Steven L. Jordison, 5832 SE 14th Street - \$15,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2981 46. Approving Noise and Avigation Easements for nine properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-2982 47. Approving amendment to Sherman Hill Neighborhood Association recognized boundaries, to extend to School Street on the North and Ingersoll Avenue on the South. ([Council Communication No. 98-417](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2983 48. Removal of Ewing Trace, Grandview Park Triangle and Southern Knolls Neighborhood Associations, from the list of Recognized Neighborhoods. ([Council Communication No. 98-418](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2984 49. Appointment recommendation of Council Member Gene Phillips, Ward IV for Rebecca Morelock to the City Plan Commission for a five-year term to expire July 7, 2003. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2985 50. Resignations from Maria Dunker and Janice Cochran from the Des Moines Enterprise Steering Committee, effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 7-0.**

98-2986 51. Approving request from Capitol East Neighborhood Association to hang permanent neighborhood banners in designated areas throughout the Capitol East Neighborhood. (Call City

Clerk's Office for listing). **Moved by Hensley to defer action and request staff to report on required maintenance of street banners. Motion Carried 7-0.**

98-2987 52. Approving request from North High School, Joan Roberts, Principal to hang 24 banners surrounding North High School (Sheridan, Sixth, Holcomb, and Second Avenues) to make a positive visual statement about North students and to instill pride in students and the community from late September through October. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

### **CITY PLAN COMMISSION RECOMMENDATIONS**

98-2988 53. Regarding request from Robert J. Edwards for vacation and conveyance of east/west alley rights-of-way between Guthrie Avenue and Milton Avenue, and between E. 14th Street and E. 16th Street. **Moved by McPherson to direct staff to negotiate with abutting property owners before moving forward with vacation and conveyance. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

**\*\*Council considered Hearing Items next\*\***

98-2989 54. Regarding request from Richard R. Channon Sr., 924 SE 9th Street, for vacation and conveyance of the East/West and North/South alley rights-of-way between Vale Street to Railroad Avenue and SE 9th to SE 8th. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

98-2990 55. Regarding request from Principal Life Insurance Co., 711 High Street, for vacation and conveyance of the East/West and North/South alley rights-of-way between High Street and Woodland Avenue, and 10th Street to 12th Street. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

98-2991 56. On 1999 HUD Consolidated Plan, Environmental Impact Assessment and Request for Release of Funds, (11-2-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2992 (A) Communication from Neighborhood Revitalization Board Chair, regarding NRB's funding recommendations. **Moved by Hensley to receive and file and refer to City Manager. Motion Carried 7-0.**

98-2993 (B) Report from CBS-4-Youth, Collaboration for Better Services for Youth, regarding request for funding. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-2994 57. On sale and conveyance of portion of the vacated North/South alley right-of-way south of Thornton Avenue between S.W. Second and S.W. Third, to Raymond E. and Lenora R. Fisher--\$25, and to Ron and Natalie Stimple, \$50, (10-5-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2995 58. On application from William J. Lillis and David I. Hansen, attorney for RAS Properties, L.C. , to rezone property at 1108 SE 30th Street, from "R-3" (Multiple Family Residential) to Ltd. "M-2" (Heavy Industrial), (10-5-98). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2996 59. On Plan and Zoning Commission initiated request to rezone properties in vicinity of 43rd, 44th, 46th Street, and Polk Blvd., between Ingersoll and Grand, from "R-3" (Multiple Family Residential) to "R1-80" (One Family District); to amend Des Moines 2000 Land Use Plan by revising classification from High Density Residential to Medium Density Residential, (10-19-98). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

98-2997 60. Billing from Ahlers, Cooney, Dorweiler, Haynie Smith & Allbee, P.C. for professional services and costs fro review of Assessment Documents, Proceedings, Notices and Certificate for Public Hearings, Contract Award, and Acceptance and Levy of Assessments on various projects. (Call City Clerk's office for listing). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flag.**

98-2998 61. Approving payment of \$1,616.05 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**

98-2999 62. Submitting various traffic regulation changes as follows, ([Council Communication No. 98-443](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation; additionally, to not remove four-way stops at E. Ninth and Arthur and at E. 12th and Washington. Motion Carried 7-0.**

- (1) Corner Clearance No Parking Restrictions on Twenty-second and Twenty-third Streets South of Forest Avenue and North of University Avenue.
- (2) Loading Zone--South Side of Des Moines Street West of East Sixth Street.
- (3) Four-Way Stop--East Ninth Street and Guthrie Avenue.
- (4) Four-Way Stop--E. 9th Street and East Washington Avenue.
- (5) Various Corner Clearance No Parking Restrictions by the Highland Park Community Action Association.
- (6) Corner Clearance No Parking Restrictions--57th and Aurora and 29th and Brattleboro.



(7) Parking Restriction Adjustments Due to Recent Sidewalk Replacement--North Side of Locust Street in the vicinity of Fourth Street and Fifth Avenue.

(8) Establish Traffic Regulations for the New Relocated Army Post Road and Extension of S.W. 28th Street.

98-3000 63. Regarding removal of school crossing guards at the noon crossing period, ([Council Communication No. 98-442](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

98-3001 64. Communication from City Manager submitting out-of-state travel request for Laura Pascuzzi. ([Council Communication No. 98-425](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **APPROVING**

98-3002 65. Amendment to the Parklands element of the Des Moines Comprehensive Plan, to include Southwestern Hills Neighborhood Parks Plan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3003 66. Submitting Monthly Financial Report for June, 1998, (copy on file in City Clerk's Office). **Moved by Flagg to receive and file; Finance Director to report on questions raised. Motion Carried 7-0.**

98-3004 67. Authorizing Legal Department to bring appropriate action to abate violation and illegal use of property at 2359 E. Grand. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3005 68. Formal dedication of a portion of the Skywalk System, including Bridge 8E-9E (over Ninth Street, north of Locust) and Skywalk Corridor within Equitable of Iowa Companies Home Office Building. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3006 69. Application from Des Moines Botanical Center for submission to Department of Cultural Affairs of State of Iowa for Cultural Enrichment Grant to fund various activities. ([Council Communication No. 98-435](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3007 70. Contract with Polk County Child Care Resource and Referral/Child Net for the Enterprise Community Child Development Specialist Services Project, amount not to exceed \$35,000 in Social Service Block Grant funds, for the period of October 1, 1998 to June 30, 1998. ([Council Communication No. 98-436](#)). **Moved by Vlassis to adopt. Motion Carried 6-1.**  
**Nays: Vlassis.**

98-3008 71. Application for Federal Assistance for Des Moines Enterprise Community School-To-Work Program - \$385,836. ([Council Communication No. 98-437](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3009 72. Intergovernmental 28E Agreement with Des Moines Public Schools, for shared use

of facilities in 1998/99. ([Council Communication No. 98-430](#)). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

98-3010 73. Memorandum of Understanding with State of Iowa, regarding participation in program to use laptop computers in the field for reporting traffic accidents. ([Council Communication No. 98-422](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3011 74. Renewal of Lease Agreement with Anderson Erickson Dairy Company, for approx. 3.26 acres of land on the north side of the former Woodrow Wilson Junior High School 2430 E. University as a public park, (3-year agreement, annual rental fee of \$1.00 per year). ([Council Communication No. 98-431](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3012 75. Bid for tree stump removal, J.C.'s Services, (1020 Southwold, DM), \$5.00 per inch. ([Council Communication No. 98-424](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Coleman and Hensley.**

76. Bids for the following:

98-3013 (A) Toyne, Inc., (Breda, IA, Roger Schwabe, President) for two (2) Ladder Trucks to be used by the Fire Department (Stations 7 and 9), \$798,230. (Twelve bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3014 (B) Nixon Construction, (4206 SW 25th Street, Joe Nixon, Owner) for construction of two (2) sand volleyball courts to be used by the Park and Recreation Department (Burke Park), \$14,935. (Seven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3015 (C) Neenah Foundry Co.,(Neenah, WI., J. Hildebrant, President) for manhole castings to be used by the Public Works Department (Sewers), \$34,462.50. (Six bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3016 (D) Mid-State Ford/Sterling, (4300 NE 14th, Marv Perry, President) for a four-wheel drive, one-tone truck with service body and dump box to be used by the Public Works Department (Sewers), \$29,962.40. (Seven bids mailed-five received.) **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3017 76. (E) Holmes GMC, (Urbandale, IA, Max Holmes, President) for two (2) mid-sized four-wheel drive pick-up trucks with class III hitches and bed-lines to be used by the Park and Recreation Department (Parks Service Center), \$33,928. (Seven bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3018 (F) Koch Brothers, (326 Grand Avenue, DM, Richard Koch, President), for 117 chairs for the Council Chambers, \$20,460.04. (Six bidders - Nine Bids received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3019 77. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3020 78. Report of Civil Service Commission submitting Entrance Lists for Word Processor Operator, Climate Control Technician, Assistant Operator, Street Maintenance Worker, Electrician, Jail Security Officer, and Intermediate Clerk Typist, and Promotional Lists for Senior Police Officer, Fire Prevention Inspector, and Light Equipment Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-3021 79. Authorizing Finance Director to draw warrants on registers of September 25, 1998 and October 2, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning September 28, 1998, and the biweekly payroll due employees on September 25, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

98-3022 80. On Ordinance regarding renewal of Cable Television Franchise. **Moved by Vlassis that this ordinance do now pass, [#13,642](#). Motion Carried 7-0.**

#### **ORDINANCES - SECOND CONSIDERATION**

98-3023 81. Amending Chapter 7 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Handicapped Parking Only in Public Border Area Parking Inset in from of 2121 Grand Avenue.

(2) Corner Clearance on East side of 57th Street south of Aurora Avenue.

(3) Truck Route Designation-Searle Street from Avenue F.M. Hubbell to State Street.

98-3024 82. Amending Chapter 27 of the Municipal regarding traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Four-Way Stop, 11th Street and Seneca Avenue.

(2) Four-Way Stop, SE 34th Street and Evergreen Avenue.

(3) Short-Term metered parking in vicinity of Hotel Fort Des Moines.

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

#### **ORDINANCES - FIRST CONSIDERATION**

98-3025 83. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Extension of Corner Clearance No Parking Restriction-North Side of Garfield Avenue from Avenue F.M. Hubbell to 120 feet East of East 25th.

(2) Corner Clearance No Parking Restriction-South Side of E. Douglas Avenue East and West of East 26th Street.

(3) Establish Traffic Regulations for New Relocated Army Post Road and Extension of S.W. 28th Street.

98-3026 (A) Final consideration of ordinance above, (waiver requested by City Manager), 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, [#13,643](#). Motion Carried 7-0.**

98-3027 84. Amending Chapter 21 of the Municipal Code providing adjustments to stormwater management charge, and providing for increase in charge effective December 1, 1998. ([Council Communication No. 98-446](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

98-3028 (A) Amending Chapter 21 of the Municipal Code regarding adjustments to basic sewer charge, demand charge and customer service charge. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

98-3029 (B) Authorization to procure consultant services to provide cost of service analysis for establishment of sewer rate structure and preparation of automated sewer rate model. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

## COMMUNICATIONS/REPORTS

98-3030 85. From Michael Armstrong, Information Technology Department Director, regarding Year 2000 Activity Status Report and Update. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-3031 86. From Ed Conlow representing West Central Coalition of Neighborhoods regarding transportation study and commercial development moratorium along Ingersoll Avenue. **Moved by Hensley to receive, file and refer request for a transportation study to staff for review; and, further to deny request for a moratorium; staff is to provide the association with requested information and updates, as appropriate. Motion Carried 7-0.**

**\*\*Mayor Daniels left the meeting at 8:45 P.M.\*\***

98-3032 87. Communication and petitions from C. S. (Steve) Jaeger, 2021 York Street, requesting two-way stop signs at intersection of York Street and Thompson Avenue, (Union Park area). **Moved by McPherson to receive, file and refer to City Manager and traffic Safety Committee for review and recommendation. Motion Carried 5-2. Absent: Daniels and Coleman.**

98-3033 88. Petition from the Waterbury Neighborhood, requesting four-way stop at the intersection of Ingersoll Avenue and Country Club Blvd. **Moved by Hensley to receive, file and refer to City Manager and Traffic Safety Committee to work with neighbors to reach a solution at the earliest date. Motion Carried 6-1. Absent: Daniels.**

89. NUMBER NOT USED.

**\*\*Council Member Flagg left the meeting at 8:55\*\***

98-3034 90. From William F. Bechtel, 1316 Morton Avenue, regarding number and types of animals allowed in residential area in the City. **Moved by McPherson to receive and file. Legal Department to communicate with Mr. Bechtel regarding specifics of animal control section of the City Code. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3035 91. From Lynne M. Mosman, 3835 16th St. regarding removal of sidewalk on city portion of property at 3835 16th St. **Moved by McPherson to receive, file and grant the request to speak; refer to City Manager for review and recommendation. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3036 92. From Kathy Weisshaar, Secretary of Greater South Side Neighborhood Association, requesting to speak regarding Resolution of GSSNA regarding Parks and Recreation Department. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3037 93. From Donald P. Rowen, 3407 Crocker, to speak regarding various issues. **Moved by Coleman to receive, file and grant the request to speak. Motion Carried 5-2. Absent: Daniels and Flagg.**

**\*\*Council Considered Item 107 through end of agenda next\*\***

#### **INFORMAL HEARINGS (Opened at 5:47 P.M.) (Item 94)**

98-3038 94. On vacation of east/west and north/south alley rights-of-way in vicinity of E. 6th and Grand Avenue; recommendation of City Manager for conveyance to Mr. James Boyt, subject to restriction limiting its use to landscaping and pedestrian access, prohibiting its use for parking or buildings and reserving a maintenance easement for benefit of other adjoining owners or occupants. [\(Council Communication No. 98-413 of 9-14-98\)](#). **Moved by Phillips to adopt, Motion Carried 6-1. Pass: Flagg.**

**\* \* END INFORMAL HEARINGS at 5:56 P.M. \* \***

## **HEARINGS (Opened at 5:56 P.M.) (Items 95 thru 106)**

98-3039 95. Approving amendment to the Des Moines 2000 Land Use Plan changing designation of property in vicinity of 2230 Hubbell Avenue from Commercial to Industrial. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

98-3040 (A) On application from Robert L. Mahaffey, Anderson Erickson Dairy, to rezone property at 2230 Hubbell from "R1-60" (One Family Low Density Residential) and "M-1" Light Industrial), to PUD (Planned Unit Development), and to amend Des Moines 2000 Land Use Plan by revising classification from Commercial to Industrial, to allow for a 24,000 square foot automated refrigerated warehouse building. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

98-3041 (B) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

98-3042 (C) Final consideration of ordinance above, (waiver 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, [#13,644](#). Motion Carried 6-1. Nays: Flagg.**

98-3043 96. On vacation and conveyance of north/south alley right-of-way between SE 4th and SE 5th, south of E. Court Avenue, to Charold Realty Co., \$1,673 plus costs. **Moved by Flagg to continue the hearing to 10-5-98. Staff to provide information regarding principles involved. Motion Carried 7-0.**

**WITHDRAWN** 98-3044 (A) First consideration of ordinance above.

98-3045 97. On application from Ronald Karnowski, to rezone property at 505 E. Euclid from "R1-60" (One Family Low Density Residential) to "C-0" (Commercial-Residential). **Moved by McPherson to adopt. Motion Carried 4-3. Nays: Coleman, Phillips and Vlassis.**

98-3046 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Nays: Coleman, Phillips and Vlassis.**

**WITHDRAWN** 98-3047 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

98-3048 98. On conveyance of alley right-of-way in vicinity of 1215 Hutton Street, to Donell Colosimo, \$25 plus costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

98-3049 99. On conveyance of alley right-of-way in vicinity of 1319 Ure Street to Gladys J. Mauk, \$25 plus costs. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

98-3050 100. On application from Gene Stanbrough, Brook Run L.C., for amendment to the Brook Run Village PUD Concept Plan, to provide for a 2800 sq. ft. daycare center with monument signage at southwest corner of proposed new Brook Ridge Court and E. Douglas. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-3051 101. On conveyance of City-owned property east of S.W. 42nd Street and north of County Line Road, to IDOT for Relocated Iowa Highway 5. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Phillips.**

98-3052 102. On 1998 Storm Water Intake Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates Inc., (Mark Van Hauen, President, Clive), \$46,500. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Phillips.**

98-3053 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Phillips.**

98-3054 103. On Asbestos Removal - 7th and Mulberry Parking Garage: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Hazardous Materials Abatement Corp., (Lee Tufvander, Pres., Ankeny), \$4,543. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-3055 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-3056 (B) Ordering Demolition, Receiving of Bids, (10-20-98), and Setting Date of Hearing, (10-26-98), (Construction Estimate - \$740,000), ([Council Communication No. 98-444](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-3057 (C) Authorization to Acquire Real Property in vicinity of Eighth and Mulberry. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-3058 104. On Parks Buildings Roof Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Iowa Roofing Company, (David K. Guy, President, 2904 6th Avenue, DM), \$16,825. ([Council Communication No. 98-427](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-3059 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-3060 105. On 1998 ACC Pavement Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Robert G. Horner, President, 903 SE 22nd Street, DM),

\$237,240. ([Council Communication No. 98-445](#)). Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.

98-3061 (A) Approving contract and bond. Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flagg.

98-3062 106. On Hearing Officer's decision regarding vicious animal impound appeal of Jean Williams, 1314 E 12th Street. Moved by Flagg to defer action and refer back to Hearing Officer to receive additional testimony. Motion Carried 7-0.

\* \* END HEARINGS at 7:08 P.M. \* \*

### **CITY MANAGER RECOMMENDATIONS**

98-3063 107. Communication from City Manager regarding demolition of the old Holiday Inn building located at Gray's Lake. ([Council Communication No. 98-447](#)). Moved by Hensley to approve recommendation as outlined in Council Communication No. 98-447. Motion Carried 5-2. Absent: Daniels and Flagg.

98-3064 (A) Communication from Weitz Company regarding demolition of the former Holiday Inn site at 2101 Fleur Drive. Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Daniels and Flagg.

98-3065 (B) License Agreement with Capital Resources Group, Ltd. to accommodate demolition adjacent to Grays Lake Park. Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.

98-3066 (C) Communication from Alice Rodine, regarding Grays Lake Project. Moved by McPherson to receive and file. Motion Carried 5-2. Absent: Daniels and Flagg.

98-3067 108. Regarding changes to the taxicab ordinance as follows: dress code/appearance and conduct standards; redefinition of application requirements and procedures; and change reference from Traffic and Transportation Department, to Traffic and Transportation Division. ([Council Communication No. 98-441](#)) Moved by Hensley to refer to staff to meet with Cab Companies and drivers to review and make recommendations regarding entire City Code governing taxicabs. Motion Carried 5-2. Absent: Daniels and Flagg.

### **APPROVING**

98-3068 109. Selection of Public Financial Management, Inc., (F. John White, Chief Executive Officer, Philadelphia PA), as City's financial advisor for debt management and issuance, (eighteen requests for proposal--four received).([Council Communication No. 98-429](#)) Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.



98-3069 110. Resolution of Support from Des Moines City Council to encourage other organizations, businesses, agencies and individuals to join Youth Working for Positive Change in efforts to hold a Central Iowa Town Meeting featuring General Barry McCaffrey to increase education and awareness regarding dangers of methamphetamine use. **Moved by McPherson to approve. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3070 111. Use of approx. \$160,000 dedicated park funds, to complete the Sherman Hill Neighborhood Street Lighting Project. ([Council Communication No. 98-432](#)). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3071 (A) City Plan Commission recommendation. **Moved by Hensley to receive and file. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3072 112. Intergovernmental 28E Agreement with City of Clive, for participation in the Metropolitan Des Moines Sister Cities Commission. ([Council Communication No. 98-420](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3073 113. Appraisals and Environmental Testing and related activities as necessary to acquire various Acquisition Parcels, for redevelopment in the Guthrie Avenue Business Park. ([Council Communication No. 98-419](#)). **Moved by McPherson to approve. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3074 114. Documents regarding Des Moines Loan, \$150,000, to Annett Holdings, Inc., d/b/a TMC Transportation, 6115 SW Leland. ([Council Communication No. 98-423](#)). **Moved by Hensley to approve. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3075 115. Execution of Administrative Order on Consent and Agreement with U.S. Environmental Protection Agency with respect to former Diller Battery site, (vicinity of Riverview Park). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3076 116. Recommendation of City Council Legislative Sub-Committee regarding 1999 Legislative Priorities. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

## **A G E N D A**

### **BOARD OF HEALTH**

**September 28, 1998**

98-3077 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and Flagg.**

### **AUTHORIZING**

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

98-3078 (A) 31 E. Creston, vacant, Titleholder: Darrell H. Lovell. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3079 (B) 1034 M.L. King, Jr., Pkwy., vacant, Titleholder: Administrator of Veterans Affairs; Contract Buyer: Nell Marie Brown; Legal Interest Holders: H.A. Maddux a/k/a Herbert A. Maddux a/k/a Harve A. Maddux, Plaza State Bank n/k/a Nations Bank. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-3080 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 9:55 P.M.**