

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

October 19, 1998 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Nick Anderson Day
- (b) Lupus Awareness Month
- (c) Hunger and Homelessness Awareness Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

Governors Traffic Safety Bureau

CULTURAL CONNECTION - 4:15-4:30 P.M.:

Showcase of Local Arts

INVOCATION: Rev. Tim Diebel, First Christian Church

98-3191 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-3192 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3193 3. APPROVING CONSENT AGENDA - items 3 through 53: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-3194 4. Communication from Legal Department regarding October 19, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-3195 5. Roberto Chaves dba El Tapatio, 1704 East Grand; New Application (With Sunday Sales) - Application submitted 9-22-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-3196 6. Thomas V. Ellis, Inc., Thomas V. Ellis, President dba Ellis Island, 1833 Hubbell; Renewal - Expires 10-27-98 (With Sunday Sales) - Application submitted 10-2-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3197 7. Valley Park Stadium, Inc., Lawrence A. Reed, President dba Valley Park Stadium, 4337 Park Avenue; Renewal - Expires 10-31-98 (With Sunday Sales & Beer Garden) - Application submitted 9-24-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3198 8. Zimms, LLC, Douglas G. Zimmerman, President dba Zimm's, 3124 Ingersoll; Renewal - Expires 10-18-98 (With Sunday Sales and Beer Garden) - Application submitted 9-16-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

98-3199 9. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

98-3200 10. Approving authorization to proceed on design of various projects in the 1998-99 Capital Improvements Program - \$5,855,000, (E. Indianola and Easter Lake Drive turn lanes; Indianola Avenue connection; Keo Way traffic Flow Modification, 7th Street and Second Avenue). ([Council Communication No. 98-465](#)). **Moved by Coleman to adopt. Council requested the City Manager to provide an update on status of City projects including a possible workshop on the transportation issue. Motion Carried 7-0.**

98-3201 11. Resolution ordering construction of Fire Station No. 10 Driveway and Parking Lot, Receiving of Bids, (10-27-98), and Setting Date of Hearing, (11-2-98), (Construction Estimate - \$60,000). **Moved by Hensley to adopt. City Manager to report on project status and funding at hearing. Motion Carried 7-0.**

98-3202 12. (A) Communication from Cramer and Associates, Inc. requesting permission to sublet certain items on the public improvement project for the John R. Grubb Community YMCA Handball & Basketball Courts. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3203 (B) Request from McAninch Corporation, Dwayne McAninch, President, 6800 Lake Drive, Suite 125, Des Moines, for an extension of time until May 1, 1999 for the Merle Hay Road Sanitary Sewer-North of Meredith Drive. **Moved by Coleman to receive, file and grant the extension of time until May 1, 1999. Motion Carried 7-0.**

13. Approving contract and bond for the following public improvement projects:

98-3204 (A) Cemetery Storm Sewers Rehabilitation, Echo-Tech Contractors, Inc., (R.S. Gillotti, President, WDM). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3205 (B) Waveland Golf Course Storm Repair, The Underground Company, (Duane Burkhardt, Pres., 2407 SW 9th, DM). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3206 (C) 1998 Flood Storm Sewer Repair Contract 1, Van Hauen & Associates, (Mark Van Hauen President, Clive). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3207 14. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 97 locations, (call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3208 15. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by 21 property owners (call City Clerk's Office for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3209 16. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the Blank Park Zoo Cats Exhibit Demolition and Site Utilities, \$3,779.10 is now due and remaining balance of \$14,090.55 is to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3210 17. Approving partial payments on sixteen (16) public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3211 18. Private Construction Contract for Street Improvements for the proposed Outlot X Easter Lake Pointe Plat 2 & 3 subdivision located at Easter Lake Drive and SE 32nd Street, between Eco-Tech Contractors, Inc., (R. S. Gillotti, President-Contractor), and Legacy Group, Ltd., (John Kline, President-Owner) - \$282,900. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-3212 19. Approving Final Subdivision Plat entitled Grandview Terrace in vicinity of East 30th Street south of East Grandview Avenue. ([Council Communication No. 98-472](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3213 (A) Private Construction Contract for Grandview Terrace including improvements to vacated portion of Sheridan Avenue, between Baker Mechanical, Inc., (B.J. Baker, III, President-Contractor) and Henry Haines and Janice Haines, Soon Hee Lee and Intaik Lee, Joseph Nesvedt and Mary Nesvedt, and Bernard J. Baker, III and Karen L. Baker-Owners - \$79,788. **Moved by Vlassis to adopt. Motion Carried 7-0.**

20. Approving Final Subdivision Plats for the following, ([Council Communication No. 98-474](#)):

98-3214 (A) Easter Lake Estates Plat 5, in vicinity of south of Easter Lake Drive and west of SE 30th Street and north of East Diehl Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3215 (B) Easter Lake Pointe Plat 2, in vicinity of north of Easter Lake Drive and in area of SE 32nd Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3216 (C) Brook Run Village Plat 1, in vicinity of south of East Douglas Avenue and in area of NE 51st Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3217 (D) Airport Commerce Park West Plat 2, in vicinity of south of Park Avenue and in area east of 63rd Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3218 21. Approving License Agreement with Department of Army, acquisition of 25.3 acres of surplus Fort Des Moines property and authorizing Quit Claim Deed for property. ([Council Communication No. 98-478](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3219 22. Revised Offer to Purchase and Warranty Deed in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), from Craig E. Carson and Linda Carson, 5120 Pine Avenue - \$171,875.60. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3220 23. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion (Haverhill), from Dean J. Cirksena and Renee A. Cirksena, 6624 SW 28th Court - \$100,553. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3221 24. Fair Market Value for property at 826 Morton, in conjunction with Grand View Avenue Drainage Area, from Thomas L. Fogarty - 46,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

98-3222 25. Offer to Purchase Real Estate in conjunction with Airport Noise Expansion (Consolidated Fuel Farm), from George W. Wise, Jr and Winifred P. Wise, 2515 Littell Avenue - \$103,000 plus closing costs.

98-3223 26. Condemnation Commissioners' award of \$630,536.70 plus Sheriff's fees and jury expenses in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), 5160/5260 Army Post Road, to Diane E. Bolender and C. David Bolender, and Jean F. Combs and LaMonte Combs. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3224 27. Condemnation Commissioners' award of \$21,800 plus Sheriff's fees and jury expenses in conjunction with US 69 (E. 14th) and Guthrie Avenue Intersection Improvement, to Imperial Properties, Inc. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

98-3225 28. Condemnation Commissioners' award of \$177,560 plus Sheriff's fees and jury expenses in conjunction with US 69 (E. 14th St) and Guthrie Avenue Intersection Improvement, to Gregg C. Moyer and/or Imperial Properties, Inc. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

98-3226 (A) City Council discussion regarding the land condemnation process. **Moved by Hensley to refer to City Manager and Legal to review and make recommendations regarding a potential process for an intermediate step to take place, prior to the condemnation hearing to "level the playing field"; and also, to place the condemnation process on our legislative agenda for discussion. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-3227 29. Appointment recommendation of At Large Council Member Chris Coleman of Robert C. Fisher and Marilyn M. Fisher to the Citizen Odor Board, for three-year terms to expire April 2, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

98-3228 30. Approving closure of the following City Streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) Nan Boland, 4011 Fagen Drive, requesting permission to close Fagen Drive from Beaver to 38th, on Sunday, October 25, 1998 from 1:00 P.M. until 7:00 P.M. for a block party.

(2) Karen Ackley, 4015 11th Place, requesting permission to close 11th Place from Madison to Aurora, on Saturday, October 31, 1998 from 3:00 to 9:00 P.M. for a block party.

CITY PLAN COMMISSION RECOMMENDATIONS

98-3229 31. Regarding request from Kevin A. Shelby, 2503 High Street, for vacation and conveyance of a portion of the east/west alley right-of-way between High Street and Woodland Avenue. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-3230 32. On Concept Plan for the Eastgate Plaza PUD, (11-2-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3231 33. On vacation and conveyance of East/West alley north of University between Ure and E. 22nd Streets, to Tom Wong, \$6,700 plus costs, (10-26-98) **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3232 34. On vacation and conveyance of a portion of E. 22nd Street north of Guthrie Avenue and a portion of Milton Avenue west of E. 22nd Street, to J. Doug Brown, \$0.46 per square foot, (10-26-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-3233 35. Approving payment of \$1,791.25 to George LaMarca of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al., Case No. CL 73934. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

98-3234 36. Approving payment of \$103.25 to Thomas Foley of Nyemaster, Goode, Voigts, West, Hansell and O'Brien for representation of Officer Michael McBride in case of Leverette, et al. v. Heller, et al. Case No. 4-97-CV-80749. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3235 37. Approving payment of \$422.19 to Jane McAllister of the Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3236 38. Approving payment of \$1,111.50 to Austin, Gaudineer, and Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3237 39. Approving payment of \$13,448.25 to Katherine Caracciolo for workers' compensation benefits for injury incurred during course of employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3238 40. Approving payment of \$12,789.50 to John W. Krogmeier for settlement of workers' compensation claim, subject to approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3239 41. Approving payment of \$4,341.38 to Douglas C. Triplett for an agreement for settlement by Iowa Workers' Compensation Commissioner for injury suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

98-3240 42. Submitting various traffic regulation changes as follows, ([Council Communication No. 98-476](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Speed Limit Revisions-Southeast Area of Des Moines.
- (2) Stop Signs-East Twelfth Street, East Thirteenth Street, and York Street at Thompson Avenue.
- (3) Removal of Loading Zone-West Side of Twenty-fifth Street North of Forest Avenue.
- (4) Corner Clearance No Parking Restriction-West Side of East 37th Street North of Dubuque Avenue.
- (5) Loading Zone-East Side of Twenty-eighth Street North of Ingersoll Avenue.

APPROVING

98-3241 43. Acceptance of grant in amount of \$1,685 from State Historical Society of Iowa to restore General Nathaniel Baker Monument and Family burial plot at Woodland Cemetery and transfer of title. ([Council Communication No. 98-479](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3242 44. LIHEAP Contract No. 2299-07J with Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from 10-1-98 to 9-30-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3243 45. Amendment Two to HOME, Inc. Affordable Housing & Employment Collaborative Program to increase level of service and extend project from October 1, 1998 to May 31, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3244 46. Authorizing Issuance of Certificate of Completion for Disposition Parcel No. 20B (1771 Guthrie Avenue and 2101 Dixon Street)/Guthrie Avenue Business Park Urban Renewal Area from the City to HTJ, Inc., and release of Good Faith Deposit. **Moved by Vlassis to approve. Motion Carried 7-0.**

47. Bids for the following:

98-3245 (A) Storey Kenworthy Co., (309 Locust, Glen Ohi, President) for Office Landscape furniture to be used by the Engineering Department (Wastewater Reclamation Facility), \$103,060.50. (Twelve bids mailed-four received). **Moved by Vlassis to defer to 10-26-98 to clarify bid totals and selection. Motion Carried 7-0.**

98-3246 (B) Motorola Communications and Electronics, Inc., (Urbandale, Iowa), State of Iowa Contract 1199F, (Municipal Code Section 2-86(c) for 18 UHF portable radios and accessories to be used by the Police Department, \$15,194.70. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3247 (C) Primary and secondary suppliers for an annual contract with two renewal options for HVA and boiler maintenance service to be used by various City departments - Excel Mechanical Co., Inc., (1825 Euclid Avenue, Harry Wertz, President) - \$41.90 per hour plus 10% for materials, and Accurate Mechanical Co., Inc., (4330 NE 14th Street, John Miller, President)- \$44.10 per hour plus 20% for materials. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3248 48. Report of Civil Service Commission submitting Entrance Lists for User Support Technician, Plumbing Specialist, Senior Public Safety Dispatcher, and Promotional List for Street Sweeper Operator. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-3249 49. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3250 50. Authorizing Finance Director to draw warrants on registers of October 16, 1998 and October 23, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning October 19, 1998, and the biweekly payroll due employees on October 9, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-3251 51. On rezoning of property at 505 E. Euclid from "R1-60" (One Family Low Density Residential) to "C-0" (Commercial-Residential). **Moved by Vlassis that this ordinance do now pass, [#13,651](#). Motion Carried 7-0.**

98-3252 52. Amending Chapter 21 of the Municipal Code providing adjustments to stormwater management charge, and providing for increase in charge effective December 1, 1998. **Moved by Vlassis that this ordinance do now pass, [#13,652](#). Motion Carried 6-1. Pass: **Flagg**.**

98-3253 53. Amending Chapter 21 of the Municipal Code regarding adjustments to basic sewer charge, demand charge and customer service charge. **Moved by Vlassis that this ordinance do now pass, [#13,653](#). Motion Carried 6-1. Nays: **Flagg**.**

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

COUNCIL REQUESTS

98-3254 54. Request of Council Member Christine Hensley to discuss noise from auto races held at the State Fair Grounds on weekends. **Moved by Hensley to discuss, and refer to staff to recommend a new policy and/or possible ordinance change. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

98-3255 55. From Iowa Council of the United Blind, submitting suggestions for community improvement. **Moved by Coleman to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

****Council considered Hearing Items 63 through 70 next****

98-3256 56. From John Anderson, 4491 SE 40th Street, requesting to speak regarding the burn site at Hubbell Park. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

98-3257 57. From Terri Cole requesting to speak regarding various Housing Code issues. **No vote taken Ms. Cole spoke.**

98-3258 58. From Dewey Burrows, 3753 Indianapolis Avenue, regarding City Code regulations for dog runs. **Moved by McPherson to receive and file. Motion Carried 7-0.**

98-3259 59. From Human Resources regarding new classification of Parks and Aviation Maintenance Technician. ([Council Communication No. 98-468](#)). **Moved by Coleman to receive and file. Motion Carried 7-0.**

WITHDRAWN98-3260 60. From Iowa State University Landscape Architecture class regarding installation of temporary signage and displays in the Capitol View South Neighborhood, Southeast Sixth and Raccoon, October 24-26, 1998, to depict future planning.

98-3261 61. From Human Resources regarding new bargaining agreement with International Association of Machinists and Aerospace Workers, Local Lodge 254 and the Des Moines Public Library. ([Council Communication No. 98-469](#)). **Moved by Vlassis to defer to 10-26-98. Motion Carried 7-0.**

98-3262 62. From City Clerk submitting proposed 1999 City Council Schedule of meeting dates for Council consideration. **Moved by Vlassis to receive, file and approve. Motion Carried 7-0.**

****Council considered Item 71 through end of agenda next****

HEARINGS (Opened at 5:32 P.M.) (Items 63 thru 70)

98-3263 63. On application from Chris Pose, attorney for Youth Emergency Services & Shelter, Inc., to rezone property at 918 SE 11th Street, from Ltd. "C-1" (Neighborhood Retail Commercial) to a Revised Ltd. "C-1". **Moved by Phillips to adopt. Motion Carried 7-0.**

98-3264 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-3265 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Phillips to 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, [#13,654](#). Motion Carried 7-0.**

98-3266 64. On sale and conveyance of alley right-of-way at 1544 Stewart Street, to Michael D. Thomas, \$50 plus costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3267 65. 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. **Moved by Vlassis to adopt, as amended, to exclude properties abutting Grand Avenue: specifically, 4301 Grand, 500-44th, 4525 Grand, 4609 Grand, 4619 Grand, and the vacant parcel south of 4619 Grand. These identified properties are referred back to City Plan Commission for Limited "R-3" zoning, to assure they meet the following three criteria: 1. Maintain medium density; 2. No conversion without Council approval; and 3. Uniform site**

plan review. NOTE: A previous motion to approve the rezoning as first presented failed on a vote of 5 yes, 2 no. Motion Carried 7-0. Motion Carried 6-1. Nays: Daniels.

98-3268 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage, as amended to exclude specific properties abutting Grand. Motion Carried 7-0.**

98-3269 (B) Council discussion regarding property north of 4341 and 4345 Grand, for proposed development as a garage, be referred to City Plan Commission to develop as a Ltd. "R-3". **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Vlassis.**

98-3270 (C) Final consideration of ordinance above. **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, as amended, do now pass, [#13,655](#).**

98-3271 66. Communication from City Plan Commission, finding Third Amendment to Restated City-Wide Urban Revitalization Plan in conformance with the Comprehensive Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3272 (A) On Third Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area, to allow expansion of Airport Commerce Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3273 67. On WRA Raw Sewage Pump Station Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as John T. Jones Construction Company, (John B. Jones, President, Fargo, ND), \$8,192,000. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-3274 68. On appeal of denial of application for taxi cab permit from Narvell Lockett, 2105 Forest Avenue. **Moved by Vlassis to deny license. Motion Carried 7-0.**

98-3275 69. On Hearing Officer's decision regarding impounded vehicle appeal of Austin Johnson, 3700 Patricia Dr, Urbandale. **Moved by McPherson to reverse the decision of Hearing Officer. Motion Carried 4-2. Nays: Daniels and Coleman. Council Member Vlassis declares a conflict of interest, and abstains from voting.**

98-3276 70. On Hearing Officer's decision regarding vicious animal impound appeal of Jean Williams, 1314 E. 12th Street - deferred from 9-28-98 meeting. **Moved by Coleman to uphold declaration of the Hearing Officer. Motion Carried 6-1. Nays: Phillips.**

* * END HEARINGS at 8:38 P.M. * *

CITY MANAGER RECOMMENDATIONS

98-3277 71. Regarding extraterritorial subdivision control. [\(Council Communication No. 98-477\)](#). **Moved by Vlassis to receive and file. Motion Carried 7-0.**

APPROVING

98-3278 72. Receipt of The Court Avenue Neighborhood Urban Design Plan for referral to City Manager and appropriate City Departments for review and recommendation. [\(Council Communication No. 98-467\)](#). **Moved by Hensley to defer to 10-26-98. Motion Carried 7-0.**

73. The following items regarding reorganization of the Information Technology Department:

98-3279 (A) Communication from City Manager regarding reorganization and new position classifications. [\(Council Communication No. 98-462 of 10-5-98\)](#). **Moved by Coleman to receive and file. Motion Carried 5-1-1. Nays: McPherson. Pass: Flagg.**

WITHDRAWN 98-3280 (B) City Manager's recommendation regarding Information Technology's Severance Program (Council Communication No. 98-463 of 10-5-98).

98-3281 (C) Contract with Robertson Lowstuter in an amount not to exceed \$50,000 for outplacement services. [\(Council Communication No. 98-470\)](#). **Moved by Coleman to approve. Motion Carried 5-1-1. Nays: McPherson. Pass: Flagg.**

98-3282 (D) Implementation of Severance Program as it relates to reorganization of Information Technology Department, not to exceed \$825,000. [\(Council Communication No. 98-471\)](#). **Moved by Coleman to approve. Motion Carried 5-1-1. Nays: McPherson. Pass: Flagg.**

****Council Member Flagg left the meeting at 9:55****

98-3283 74. Insurance Agent/Broker Services Request For Proposals (RFP) for consultation on insurance issues and authorization to proceed with competitive procurement process. [\(Council Communication No. 98-475\)](#). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Phillips and Flagg.**

****Council Member McPherson left the meeting at 9:56****

98-3284 75. Contract for Review Appraisal Services for valuation of properties located south of Court Avenue, between Third and Fifth Streets, in Riverpoint Capitol Center and Capitol Center Development Area urban Renewal Projects (Court Avenue Entertainment Center Project) with Iowa Appraisal and Research Corporation - \$10,300. **Moved by Coleman to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

WITHDRAWN 98-3285 76. Recommendation from the City Manager regarding Professional Services Agreement with AVI Systems for design and construction phase services for City of Des Moines Cable Channel 7 (\$21,200) [\(Council Communication No. 98-466\)](#).

A G E N D A

BOARD OF HEALTH

October 19, 1998

98-3286 MOTION TO CONVENE. **Moved by Hensley that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2. Absent: Flagg and McPherson.**

AUTHORIZING

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

98-3287 (A) 1204 Clinton Ave. (vacant), Titleholders: Archie R. McCoy, Deceased, Hettie J. McCoy, Deceased; Heir of Archie R. and Hettie J. McCoy: Kenneth McCoy, Sr. Deceased; Heir of Kenneth McCoy, Sr.; Hazel M. McCoy; Legal Interest Holders: John Fisher, Irene Fisher. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-3288 (B) 1105 M.L. King, Jr. Pkwy., (vacant), Titleholder: Victory Outreach, Incorporated; Legal Interest Holders: James A. Farabi, Delores C. Farabi. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-3289 (C) 1623 22nd (vacant); Titleholder: Polk County, Iowa. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-3290 2. Release of demolition cost reserve held under claim number 14D833561 regarding property 1123 - 24th, owned by Judd D. Davidson. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-3291 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:57 P.M.**