

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**November 16, 1998 4:30 P.M.**

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

Showcase of Local Arts--Bill Melton (Guitar, Fiddle and Mandolin)

**INVOCATION:** Pastor Neil Cross

New Hope United Methodist Church

98-3476 1. ROLL CALL: **Present: Coleman, Flagg, Hensley, McPherson, and Phillips.**  
**Absent: Daniels and Vlassis.**

98-3477 I. Approve amending Council Procedural Rule 18 to allow temporary Presiding officer to serve as successor Mayor Pro Tem in absence of Mayor and Mayor Pro Tem and to sign all items approved at the meeting. **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3478 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 5-2.**

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**\*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.**

98-3479 3. APPROVING CONSENT AGENDA - items 3 through 95: **Moved by Coleman to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

**LICENSES AND PERMITS:**

Approving

98-3480 4. Communication from Legal Department regarding November 16, 1998 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 5-2.**

Class "B" Beer Licenses

98-3481 5. Hwang's Canton, Inc., Hai Hwang, President dba Mr. Egg Roll Fast Food, 3330 Indianola Rd.; Renewal - Expires 11-22-98 (With Sunday Sales) - Application submitted 10-21-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3482 6. N.G.C., L.C., Gary Updegraff, Owner dba N.G.C., L.C., 1109 E. Army Post Road; New Application (Six Month) (With Sunday Sales) - Application submitted 11-2-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

#### Class "E" Beer Licenses

98-3483 7. American Drug Stores, Inc., Kevin Tripp, General Manager dba Osco Drug #533, 4415 Douglas Avenue; Renewal - Expires 1-18-99 (With Sunday Sales) - Application submitted 10-26-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3484 8. American Drug Stores, Inc., Kevin Tripp, General Manager dba Osco Drug #495, 1345 E. University; Renewal - Expires 11-20-98 (With Sunday Sales) - Application submitted 9-14-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3485 9. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #541, 2428 Hubbell Avenue; Renewal - Expires 12-9-98 (With Sunday Sales) - Application submitted 10-2-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

#### Class "B" Wine Licenses

**WITHDRAWN** 98-3486 10. Jeffrey Johannsen dba Terrace Cafe, Iowa New Historical Building, 600 E. Locust Street; New Application (With Sunday Sales) - Application submitted 10-30-98.

#### Class "C" Beer-Wine Licenses

98-3487 11. Parents Without Partners, Wynnell Kisner, President dba Parents Without Partners, 100 E. Euclid, Suite #103; Renewal - Expires 11-27-98 (With Sunday Sales) - Application submitted 10-26-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

#### Class "C" Liquor Licenses

98-3488 12. Air Lanes, Ltd., Ron Pohlada, President dba Air Lanes, 4200 Fleur Drive; Renewal - Expires 12-3-98 (With Sunday Sales) - Application submitted 10-21-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3489 13. Club Two, Inc., Craig A. Haugh, President dba Club 2000, 2000 SE 1 Street; Renewal - Expires 12-5-98 (With Sunday Sales) - Application submitted 10-30-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3490 14. D & T Tap, Inc., Doris Doornenbal, President dba D & T Tap, 1553 1/2 E. Walnut; Renewal - Expires 12-4-98 - Application submitted 11-4-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3491 15. Gino's Restaurant and Lounge, Inc., Gene D. Foggia, President dba Gino's Restaurant and Lounge, 2809 Sixth Avenue; Renewal - Expires 11-28-98 - Application submitted 11-2-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3492 16. The Ground Round, Inc., Thomas J. Russo, President dba The Ground Round, 4345 Merle Hay Road; Renewal - Expires 11-26-98 (With Sunday Sales) - Application submitted 9-17-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3493 17. Elizabeth Rae Sample dba Liz's Bar & Grill, 509 E. 25th Street; Renewal - Expires 11-30-98 (With Sunday Sales) - Application submitted 10-30-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

**WITHDRAWN**98-3494 18. LaFonda, Inc., Gerardo R. Berber, President dba LaFonda Mexican Restaurant, 111 SW Army Post Road; New Application (With Sunday Sales) - Application submitted 10-21-98. Subject to submission of acceptable Building, Electrical and Fire inspections. **RECOMMENDATION OF VICE DEPARTMENT FOR DENIAL.**

98-3495 19. Nacho Business Inc., Richard T. Murillo, President dba Nacho Mammias Restaurant, 216 Court Avenue; Renewal - Expires 11-21-98 (With Sunday Sales and Beer Garden) - Application submitted 10-21-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3496 20. RAH, Inc., Richard A. Horton, President dba Park Avenue Pub, 1101 Park Avenue; Renewal - Expires 11-26-98 (With Sunday Sales) - Application submitted 10-28-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3497 21. Rusty's Lounge, Inc., Harold Young, President dba Rusty's, 2565 Wedgewood; Renewal - Expires 11-23-98 (With Sunday Sales) - Application submitted 10-14-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3498 22. Sleepy Hollow Sports Park, Inc., Rick Flatt, President dba Sleepy Hollow Sports Park, 4051 Dean Avenue; Renewal - Expires 12-1-98 (With Sunday Sales and Beer Garden) - Application submitted 10-29-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

**WITHDRAWN**98-3499 23. Jeffrey Johannsen dba Terrace Cafe, New Iowa Historical Building, 600 E. Locust; New Application (With Sunday Sales and Beer Garden) - Application submitted 10-20-98.

98-3500 24. Tumea and Sons, Inc., Joseph Tumea, President dba Tumea and Sons, 1501 SE 1 Street; Renewal - Expires 12-11-98 (With Sunday Sales and Beer Garden) - Application submitted 10-26-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3501 25. Russell S. Brown dba West End Lounge, 2309 Forest Avenue; Renewal - Expires 12-6-98 (With Sunday Sales) - Application submitted 10-26-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

Class "E" Liquor Licenses

98-3502 26. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #533, 4415 Douglas Avenue; Renewal - Expires 1-18-99 (With Sunday Sales) - Application submitted 10-26-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3503 27. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug #495, 1345 E. University; Renewal - Expires 11-30-98 (With Sunday Sales) - Application submitted 9-14-98. **Moved by Coleman to adopt. Motion Carried 5-2.**

Authorizing

98-3504 28. City Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3505 29. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Coleman to adopt. Motion Carried 5-2.**

Change Of Location

30. NUMBER NOT USED.

Refunds

98-3506 31. City Treasurer to issue refunds. **Moved by Coleman to adopt. Motion Carried 5-2.**

## **PUBLIC IMPROVEMENTS**

**WITHDRAWN**98-3507 32. Professional Services Agreement with Adamson + Associates, Inc., Douglas Adamson, President, 1200 Grand Avenue, WDM, for design of new entrances at Glendale Cemetery and the Waveland Golf Course, and for schematic design of fencing along University Avenue from the entrances to Glendale Cemetery and Waveland Golf Course, west to 56th Street, and for schematic design of pedestrian connections along University Avenue from 56th Street to Polk Boulevard, not to exceed \$35,000. [\(Council Communication No. 98-517\).](#)

98-3508 33. Professional Services Agreement with Larson Architecture, LLC, Rick Larson, President, 312 Eighth Street, 200 Merchants Building, Des Moines, for the design of new park restroom facilities at Beaverdale Park and Pioneer Park, and the remodel of the existing wading pool restroom facility at Ashfield Park, for compensation not to exceed \$19,340. [\(Council Communication No. 98-516\).](#) **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3509 34. Professional Services Agreement with Brian Clark and Associates, Brian Clark, Principal, Teachout Building, 500 E Locust Street, Des Moines, for the design of standard Parks signage and compilation of a Signage Standards Book, for compensation not to exceed \$34,000. [\(Council Communication No. 98-518\).](#) **Moved by Coleman to defer; refer to City Manager and Park Board for review. Motion Carried 5-2.**

98-3510 35. Approving Professional Services Agreement with Terracon, in conjunction with Phase II environmental study for land to be acquired for Western Gateway project. ([Council Communication No. 98-523](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3511 36. Agreement with Iowa Department of Transportation for the University Avenue at 19th Street and M.L. King Parkway Traffic Signal Upgrading Project. ([Council Communication No. 98-515](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3512 37. Agreement with Iowa Department of Transportation for the Grand/Ingersoll/University Avenue Traffic Signal Interconnect Project. ([Council Communication No. 98-519](#)). **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Coleman.**

98-3513 38. Amendment No. 1 to the Relocation and Reimbursement Agreement between the Des Moines International Airport Board, Des Moines City Council and Mid-American Energy to relocate Gas Mains in connection with Runway Grading, Phase 2, maximum not to exceed \$450,000. ([Council Communication No. 98-529](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3514 39. Approving Change Order No. 1 with Des Moines Asphalt & Paving Company, (Robert G. Horner, President, 903 SE 22nd St, DM) for additional work in conjunction with the Parks Roads Resurfacing contract, not to exceed \$25,852.75. ([Council Communication No. 98-522](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

40. Resolution Ordering Construction of the following:

98-3515 (A) SW 7th Street viaduct demolition (part of M.L.King, Jr., Parkway Project, joint project with IDOT, (Setting Date of Hearing, 12-7-98), (Construction Estimate - \$1,250,000). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3516 (B) Blank Park Zoo Cats Exhibit Rock Work Enhancements, Receiving of Bids, (12-8-98), and Setting Date of Hearing, (12-21-98), (Construction Estimate - \$93,000). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3517 (C) E. 14th Street (U.S. 69) and Guthrie Avenue Intersection Improvements, Project No. HES-69-4(61)-2H-77, joint project with IDOT, (Setting Date of Hearing, (12-7-98), (Construction Estimate - \$1,014,356.92). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3518 41. Communications from Eco-Tech Contractors, Inc., requesting permission to sublet certain items on the 1995 Paving Program No. 1, Contract No. 3, and Corell Contractor, Inc., for E. 14th Street & Guthrie Avenue Demolition and Asbestos Removal public improvement projects. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3519 42. Approving partial payments on ten public improvement projects. (Call City Clerk's Office for listing). **Moved by Coleman to adopt. Motion Carried 5-2.**

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

98-3520 (A) SE 9th Street & E. Jackson Avenue Emergency Sanitary Sewer Repair, VanHauen & Associates, Inc., \$5,700 is now due and \$6,485 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3521 (B) 1997 Sanitary Sewer Cleaning & TV Inspection Contract No. 2, Municipal Pipe Tool Co., Inc., \$6,456.23 is now due and \$1,361.15 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3522 (C) SE 5th Street Emergency Sanitary Sewer Repair: 600 Block, Corell Contractor, Inc., \$3,363 is now due and \$1,365 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3523 (D) Equipment Maintenance Center Administration Roof Replacement, Iowa Roofing Company, \$831.25 is now due and \$2,435.25 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3524 44. Authorizing City Engineer to proceed with curb replacement program/request to repair driveway, waivers signed by fourteen property owners, (call the City Clerk's Office for list). **Moved by Coleman to adopt. Motion Carried 5-2.**

45. Authorization for acquisitions of necessary right-of-way and easements in conjunction with the following projects:

98-3525 (A) First Street and Reigert Street Sanitary Sewer Extension. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3526 (B) 1995 Paving Program No. 1, Contract No. 4, (E. 22nd Street from Dean to Maple). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3527 (C) E. Douglas Avenue Bridge over Four Mile Creek. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3528 46. Appointment of Valuation Committee for the Milton Avenue Paving - E. 21st Street to 320' East. **Moved by Coleman to adopt. Motion Carried 5-2.**

## **SPECIAL ASSESSMENTS**

98-3529 47. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for October, 1998. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3530 48. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of October, 1998, for Certification to Polk County Treasurer (call the City Clerk's Office for various amounts). **Moved by Coleman to adopt. Motion Carried 5-2.**

## **LAND/PROPERTY TRANSACTIONS**

98-3531 49. Fair Market Value for property at 2935 Mahaska Avenue, in conjunction with 7th Ward Ditch Wooden Box Replacement-Phase 1, from Wanda Mae Ortiz and Irene Cozad - \$25,000. **Moved by Hensley to adopt. Motion Carried 5-2.**

98-3532 50. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with 7th Ward Ditch Wooden Box Replacement - Phase 1, from William D. Gilroy and Linda L. Gilroy, 2940 State Avenue - \$60,000. **Moved by Hensley to adopt. Motion Carried 5-2.**

98-3533 51. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion, from Joseph P. Weir and Loree L. Weir, 2612 Littell Avenue - \$89,053. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3534 52. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion from Virgil D. Moore and Marilyn I. Moore, 2605 Littell Avenue - \$204,053. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3535 53. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion (Haverhill), from Philip Lloyd Trent, 2960 Littell Avenue - \$85,000. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3536 54. Condemnation Commissioner's award of \$6,000 plus Sheriff's fees and jury expenses in conjunction with Martin Luther King, Jr. Parkway, to Norman G. Jesse. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3537 55. Agreement between the City of Des Moines, United States Corps of Engineers and the Union Pacific Railroad, for acquisition of easements and relocation of railroad facilities in conjunction with Stage II of the Raccoon River, Des Moines, Iowa Flood Control Project. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3538 56. Approving Noise and Avigation Easements for nine properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3539 57. Permanent Easement for Street Right-of-Way and Future Title Work Compensation in conjunction with US 69 (E. 14th Street) and Guthrie Avenue Intersection Improvement, from Elias Alvarez and Janet Alvarez, 2401 E. 14th Street - \$350. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3540 58. Quit Claim Deed from Polk County for property in Lot 48 of Wakonda Heights, in conjunction with Des Moines International Airport abstract update. **Moved by Coleman to**

**adopt. Motion Carried 5-2.**

98-3541 59. Approving Final Subdivision plat entitled Easter Bay Colony Plat 2 in vicinity south of East Marion and east of SE 23rd Court; subject to receipt of final documents. ([Council Communication No. 98-524](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3542 60. Approving reduction of Subdivision Bond No. IAC22077 from Merchants Bonding Company in amount of \$40,000 as security for required sidewalks be reduced to \$10,000 for completion of remaining sidewalk improvements on EASTER LAKE ESTATES PLAT 1. **Moved by Coleman to adopt. Motion Carried 5-2.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-3543 61. Appointment Recommendation from the Des Moines School Board for Connie Cook to the Strategic Planning Commission and appointment recommendation from the Downtown Partnership for Jeffrey Morgan to the Strategic Planning Commission. **Moved by Coleman to confirm recommendations. Motion Carried 5-2.**

98-3544 62. Appointment recommendation of At Large Council Member Chris Coleman for Peter Tarpay to the Park & Recreation Board for a four-year term (commencing in 1998) to expire June 30, 2002. **Moved by Coleman to adopt. Motion Carried 5-2.**

**WITHDRAWN**98-3545 63. Appointment of Bill Knapp II, as Neighborhood Revitalization Board representative to the Neighborhood Development Corporation Board (Director Position No. 3).

**WITHDRAWN**98-3546 (A) Communication from Neighborhood Revitalization Board Chair regarding appointment.

98-3547 64. Resignation of River Bend Neighborhood Representative Richard Thomas from the Des Moines Enterprise Community Steering Committee. **Moved by Coleman to receive, file and accept resignation with appreciation for service. Motion Carried 5-2.**

98-3548 65. Resignation of Sherman Hill Representative John Beard from the Historic District Commission effective immediately. **Moved by Coleman to receive, file and accept with the resignation with appreciation for service. Motion Carried 5-2.**

98-3549 66. Accepting resignation of Board Member Justine Morton from the Public Housing Board effective immediately. **Moved by Coleman to receive, file and accept the resignation with appreciation for service. Motion Carried 5-2.**

**STREET CLOSINGS**

98-3550 67. Approving exception regarding request from Susan Parry, Court Avenue District Association, to close 4th Street from Walnut to Court, Friday December 4, from 3:00 P.M. to



Midnight, for Miracle on 4th Holiday event, (length of time is greater than Council policy).  
**Moved by Coleman to adopt. Motion Carried 5-2.**

98-3551 68. Approving closure of the following City Streets. **Moved by Coleman to adopt. Motion Carried 5-2.**

(1) Bill Wheeler, representing Highland Park Business Club, requesting permission to close Sixth Avenue from north side of Euclid to Clinton Avenue, Saturday, December 5 from 11:00 A.M. to 6:00 P.M., for a Christmas celebration.

(2) Deb Burger, representing Downtown Partnership, requesting permission to close third Street (Locust to Walnut) and Locust Street (4th to 3rd), Friday December 4, from 6:00 to 8:00 P.M. for a stage show and fireworks.

### **CITY PLAN COMMISSION RECOMMENDATIONS**

98-3552 69. Regarding request from Aviation Department, for vacation of a portion of Army Post Road west of Fleur Drive and east of SW 42nd Street. **Moved by Coleman to adopt. Motion Carried 5-2.**

### **SETTING DATE OF HEARINGS**

98-3553 70. On application from Bob Mills, to rezone property at 3350 Evergreen Avenue, from "R1-90" (Large Lot One Family Residential) to Ltd. "R1-80" (One Family Residential), (12-7-98). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3554 71. On request from St. Augustin's Catholic Church and Plymouth Congregational Church, for vacation and conveyance of 41st Street between Grand and Ingersoll, (City Plan Commission recommends DENIAL), (12-7-98). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3555 72. Approving payment of \$405.26 to Jane McAllister of the Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3556 73. Approving payment of \$4,883.56 to Hopkins & Huebner, P.C. for representation of Ken Huntley in case of Terry Kemp v. City of Des Moines. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3557 74. Approving payment of \$571.00 to F. Montgomery Brown of law firm of Cook & Brown, P.L.C. for representation of Officer Kenneth Brown in case of Leverette, et al. v. Heller, et al. **Moved by Coleman to approve payment. Motion Carried 5-2.**

98-3558 75. Approving payment of \$12,250.00 to Patricia Piziali and her attorney Robert Tucker for compromise special case settlement for workers' compensation subject to approval of

Workers' Compensation Commissioner for claim filed during course of employment. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3559 76. Authorizing Legal Department to retain outside Counsel to assist in the acquisition of property in conjunction with various infrastructure projects, James Nervig, \$100 per hour. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3560 77. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Coleman to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 5-2.**

## **CITY MANAGER COMMUNICATIONS**

98-3561 78. Submitting out-of-state travel requests for Mark Buzynski, Michael Westlake, Pamela McAdams, and Mary Neiderbach. ([Council Communication No. 98-509](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3562 79. Submitting various traffic regulation changes as follows. ([Council Communication No. 98-525](#)). **Moved by Coleman to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**

- (1) Corner Clearance No Parking Restriction -- North Side of Crocker Street East of 41st Street.
- (2) Four-way Stop -- Sixth Avenue and Aurora Avenue.
- (3) Two-Sided Parking Restriction -- S.E. 10th between Rose and Watrous Avenues.

## **APPROVING**

98-3563 80. Comprehensive Strategy Environmental Review Record, Finding No Significant Impact on the Environment and publishing Notice of Intent to Request Release of Funds, (CDBG, HOME and ESG Funds). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3564 81. Amendment One to Collection Services Contract with CSC Credit Services Inc., n/k/a/ Risk Management Alternatives, Inc., -- collection services utilized by the Department of Housing Services. **Moved by Coleman to approve. Motion Carried 5-2.**

98-3565 82. 1998 Local Law Enforcement Block Grant Award--\$283,509, appointment of Advisory Board; Advisory Board Charge and Schedule of Events. ([Council Communication No. 98-512](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3566 83. Contract with United States Cellular, to provide digital/analog wireless telephone service for approx. 80 cellular phones used by the Police Department, (State Contract).([Council Communication No. 98-514](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

84. Contract for professional auditing services with KPMG Peat Marwick, LLP, for review of the following:

98-3567 (A) Police Department property handling procedures. ([Council Communication No. 98-508](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3568 (B) Police Department property handling procedures, (Project North Star).([Council Communication No. 98-507](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3569 85. Community Services Block Grant Fourth Quarter/Final report for period July 1, 1998 to September 30, 1998, CSBG-98-07-CJ. **Moved by Coleman to adopt. Motion Carried 5-2.**

86. Issuance of Certification of Partial Completions for the following:

98-3570 (A) Airport Business Park Project, to ABC Partners, L.P. **Moved by Coleman to approve. Motion Carried 5-2.**

98-3571 (B) Airport Commerce Park South, to Airport Commerce Park L.P. **Moved by Coleman to approve. Motion Carried 5-2.**

98-3572 (C) Airport Commerce Park West Project, to Airport Commerce Park L.C. **Moved by Coleman to approve. Motion Carried 5-2.**

98-3573 87. Issuance of Certificate of Completion for the Pioneer Office Project, Capital Square Office Building, 400 Locust, to Pioneer Hi-Bred International. **Moved by Coleman to approve. Motion Carried 5-2.**

98-3574 88. Communication from Downtown Partnership submitting banner design on behalf of the Des Moines Dragons to be displayed on the five poles in front of Veterans Memorial Auditorium, to be displayed now through January. **Moved by Coleman to receive, file and approve banner design as submitted. Motion Carried 5-2.**

89. Bids for the following:

98-3575 (A) Evare, LLC, (Burlington, MA, Joan Perez, President) for three-year lease for a treasury management software package to be used by the Finance Department, \$11,300. (Eight bids mailed-four received).([Council Communication No. 98-520](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3576 (B) Primary and secondary suppliers for annual contract renewable for one (1) additional twelve (12) month period for furnace tune, clean and repair services to be used the by Community Development Department (Weatherization Program) - Ace Heating and Electric Co., (3802-E.14th, David Mickle, President) - \$17,078.73 and A.C. Murphy Heating-Cooling and Electric, (111 Clark Street, Michael Murphy, President). (Ten bids mailed-two received). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3577 89. (C) Bid awarded to Winterset Auto, L.C., (Winterset, IA, Jack Sayre, President) for a 3/4 ton pickup truck to be used by the Police Department, \$23,679. Bid from Mid-Sates Ford/Sterling did not meet specifications, therefore non-compliant. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3578 (D) Communications Innovators, (Pleasant Hill, IA, Stanley Glawe, President) for installation of conduit for network communications upgrade , (State of Iowa Contract 97-025D, (Municipal Code Section 2-86(c) to be used by the Information Technology Department, \$12,630.48. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3579 (E) Nixon Construction, (4206 SW 25th, Joe Nixon, President) for construction of two (2) sand volleyball courts at Burke Park to be used by the Park and Recreation Department for additional grading and sod to maintain minimal slope on courts at an additional cost of \$4,086.95 increasing original bid from \$14,935 to \$19,021.95. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3580 (F) Triad Productions, Inc., (1910 Ingersoll Avenue, Richard Trump, President) for audio, video, voting and contract system for City Council Chambers to issue a change order adding an additional \$12,470 for upgrades for additional equipment for the podium camera. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3581 (G) Med-Eng Systems, Inc., (Ottawa, Ontario, R.J. L'Abbe, President) for a bomb protection suit with helmet, hand protection and built-in communications systems to be used by the Police Department (Patrol Division), \$18,750. (Nine bids mailed-one received).([Council Communication No. 98-513](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3582 90. Receipt of insurance for various City projects and functions for recording by the City Clerk. **Moved by Coleman to adopt. Motion Carried 5-2.**

98-3583 91. Report of Civil Service Commission submitting Entrance List for Park and Aviation Maintenance Technician. **Moved by Coleman to receive and file. Motion Carried 5-2.**

98-3584 92. Authorizing Finance Director to draw warrants on registers of November 13, 1998 and November 20, 1998, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning November 16, 1998, November 23, 1998, and November 30, 1998, and the biweekly payroll due employees on November 6, 1998. **Moved by Coleman to adopt. Motion Carried 5-2.**

## **ORDINANCES - FINAL CONSIDERATION**

98-3585 93. Amending Chapter 2 of the Municipal Code regarding Accounting Division and collection and disbursement of money by the City Treasurer-code update. **Moved by Coleman that this ordinance do now pass, [#13,659](#). Motion Carried 5-2.**

98-3586 94. Amending Chapter 15 of the Municipal Code regarding golf course fees for 1999 season. **Moved by Coleman that this ordinance do now pass, [#13,660](#). Motion Carried 5-2.**

**ORDINANCES - SECOND CONSIDERATION**

98-3587 95. Amending Chapter 2 of the Municipal Code regarding Deferred Compensation Plan - Code Update. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

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

**ORDINANCES - FIRST CONSIDERATION**

98-3588 96. Amending Chapter 17 of the Municipal code regarding specified crime property. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**COUNCIL REQUESTS**

98-3589 97. Communication from Mayor Preston Daniels regarding proposed appointment process for filling Gene Phillips' Council seat. **Moved by Hensley to receive, file and approve, including appointment of the Council as a whole to review applications submitted. Legal to provide Council with a timeline for filling vacancy. Motion Carried 5-2.**

98-3590 98. From Council Member At Large George Flagg regarding Des Moines Production Plating Company obtaining City permits. **Moved by McPherson to receive and file. Motion Carried 5-2.**

**\*\*Council considered Item 103 thru Extra Item 1 next\*\***

**HEARINGS (Opened at 5:28 P.M.) (Items 99 thru 102)**

98-3591 99. On vacation and conveyance of alley rights-of-way in the block bounded by S.E. 8th, SE 9th and Vale Streets, and by Railroad Avenue, to Richard, R. Channon, Sr.-- \$50, William L. and Frances F. Aldini--\$25, Billy J. and Carolyn A. Wright--\$25, and Robert D. and Beverly J. Smith--\$50. **Moved by Phillips to adopt. Motion Carried 5-2.**

98-3592 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

98-3593 100. On SE 14th Street and Southridge Mall South Exit Traffic Signalization: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Iowa Signal & Electric Co., (Ronald R. Johnsen, President, 7840 University, DM), \$92,411.69. **Moved by Phillips to adopt. Motion Carried 5-2.**

98-3594 101. On E. 14th Street and Guthrie Demolition and Asbestos Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, 1805 Euclid, DM), \$50,290. (Project report attached to roll call). **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3595 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3596 (B) City Council discussion regarding rental certificates for properties in vicinity of E. 14th and Guthrie, and Citywide. **Moved by McPherson to receive and file communication from Alice Rodine, and refer this matter to the City Manager for review and report back to Council. Motion Carried 5-2.**

98-3597 102. On Hearing Officer's probable cause finding regarding impounded vehicle appeal of Karen Andersen-Schank, 640 56th Street, Des Moines. **Moved by Hensley to reverse decision. Motion Carried 5-2.**

\* \* END HEARINGS at 5:54 P.M. \* \*

**\*\*Council considered Extra Item 3 through end of agenda next\*\***

## **APPROVING**

98-3598 103. Receipt of communication from City Supply Corp., regarding development of Disposition Parcels 20 and 19B in Central Place Industrial Park. **Moved by McPherson to receive, file and refer to the City Manager for action as appropriate to prepare the necessary documents to offer the property for redevelopment. Motion Carried 5-2.**

98-3599 (A) Form of License Agreement with City Supply Corp., to conduct surface and subsurface tests on Disposition Parcel 20 and 19B (North of Indiana Avenue and West of Vermont Street), Central Place Industrial Park Urban Renewal Area. **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3600 104. Renewal of Agreement with Southern Golf, Inc., for operation of the clubhouse concessions, pro shop and management of A.H. Blank Golf Course, through November 30, 1999. ([Council Communication No. 98-510](#)). **Moved by Phillips to adopt; refer to City Manager and Park Board to establish procedures, as soon as possible, for renewing contract. Motion Carried 5-2.**

98-3601 105. Professional Services Agreement with Audiovisual, Inc., d/b/a AVI Systems, Joseph Stoebner, CEO, 2851 104th Street, Suite D, Urbandale, for design services for the City of Des Moines Cable Channel (Channel 7) for \$25,000. ([Council Communication No. 98-511](#)). **Moved by Hensley to adopt. Motion Carried 5-2.**

98-3602 106. Request for Proposals (RFP) for Parking System Study. ([Council Communication No. 98-526](#)). **Moved by Hensley to receive and file. Motion Carried 4-1-2. Nays: Coleman.**

98-3603 107. Application for \$2,000,000 Federal Surface Transportation Program funds for the North-South Section of Martin Luther King Jr. Parkway Project. ([Council Communication No. 98-528](#)). **Moved by Hensley to adopt. Motion Carried 5-2.**

108. Renewal of HMO Health Insurance Contracts for SPM Employees:

98-3604 (A) Principal Health Care of Iowa, Inc. (Primary Care and Open Access). **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3605 (B) Unity Choice Health Plan. ([Council Communication No. 98-527](#)). **Moved by McPherson to adopt. Motion Carried 5-2.**

#### **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.**

98-3606 1. Approving Private Construction Contract for Storm Sewer Improvements for new development at Airport Commerce Park West Plat 3, SW 63rd and Thornton. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 5-2.**

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

2. NUMBER NOT USED.

98-3607 3. Request from Council Member Flagg to allow Millie Winters to speak regarding problem on E. 23rd Street between Capitol and Walnut. SPONSOR: Flagg. **Moved by Phillips to receive, file and grant the request to speak; refer to City Manager and Community Development Department to review situation and status of permits, for report back to Council on December 7, 1998. Motion Carried 5-2.**

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

#### **BOARD OF HEALTH**

**November 16, 1998**

98-3608 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2.**

## COMMUNICATION

98-3609 1. Communication regarding demolition cost reserved escrowed for 4209 Beaver Crest Drive. **Moved by McPherson to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 5-2.**

## AUTHORIZING

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

98-3610 (A) 2445 Des Moines, vacant, titleholder: David French, Sr.: Legal Interest Holder: First Union National Bank, Custodian Breen Capitol. **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3611 (B) 2009-27th, vacant, Titleholders: Brian D. Campbell, Suzanne M. Campbell; Contract Buyers: Christopher J. Cantwell, Charlene R. Cantwell; Legal Interest Holders: Midland Savings Bank FSB n/k/a Amerus Bank, Iowa Acquisitions., L.L.C. **Moved by McPherson to adopt. Motion Carried 5-2.**

98-3612 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 6:09 P.M.**