

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

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**August 18, 1997 4:30 P.M.**

\*\*\*\*\*CLOSED SESSION\*\*\*\*\*

3:30 P.M.

97-2771 1. ROLL CALL: **Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-2772 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2773 (b) Closed Session to discuss matters of pending litigation.

97-2774 (c) Terminate this closed session and reconvene in open session. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2775 (d) Resolution confirming existing policy regarding claims for damages arising from residential flooding. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2776 (e) Approving payment of \$18,901.85 to Randy and Margo Jones for property damage resulting from a blocked storm sewer on or about July 23 and 24, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2777 (f) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Phillips to adopt. Motion Carried 7-0.**

**INVOCATION:** Mike McPherson, Council Member Ward II

97-2778 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2779 3. APPROVING CONSENT AGENDA - items 3 through 77: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

97-2780 4. Communication from Legal Department regarding August 18, 1997 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

Class "C" Beer Licenses

97-2781 5. Robert L. Knudson dba Knudson's Valley Bait & Grocery, 2248 Valley Drive; Renewal - Expires 8-21-97 (With Sunday Sales) - Application submitted 7-21-97. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

97-2782 6. Kwik Shop, Inc., Steve Mostrem, District Advisor dba Kwik Shop #553, 101 Southwest Army Post Road; Renewal - Expires 8-28-97 (With Sunday Sales) - Application submitted 7-17-97. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

97-2783 7. Phillips 66 Company, James J. Mulva dba Phillips 66 Company #2077, 4402 Douglas; Renewal - Expires 8-31-97 (With Sunday Sales) - Application submitted 7-25-97. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

Class "E" Beer Licenses

97-2784 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip Store #560, 2301 M. L. King Parkway; Renewal - Expires 9-25-97 (With Sunday Sales) Application submitted 7-7-97. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

Class "C" Liquor Licenses

97-2785 9. Fraternal Order of Eagles, Jerry J. Letze, President dba Fraternal Order of Eagles; Renewal - Expires 8-28-97 (With Sunday Sales) - Application submitted 7-21-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2786 10. R.J.W., Inc., Robert L. Wilson, President dba The Edge, 3800 Army Post Road; Renewal - Expires 8-21-97 (With Beer Garden) - Application submitted 6-20-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2787 11. The Embers, Inc., Richard Roush, President dba Jesse's Embers, 3301 Ingersoll; Renewal - Expires 8-23-97 - Application submitted 7-23-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2788 12. Judge Roy Beans Eatin' & Drinkin' Emporium, Ltd., Jeffrey C. Baker, President dba Judge Roy Beans, 210 Court Avenue; Renewal - Expires 8-22-97 - Application submitted 7-21-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2789 13. FJY, Inc., Frank J. Yacavona, President dba Pal Joey's, 6224 Grand Avenue; Renewal - Expires 8-31-97 - Application submitted 7-23-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2790 14. B.D.U.Y. Food Services, Inc., Richard T. Murillo, President dba Stella's/Capital Square Atrium, 400 Locust; New Application (With Sunday Sales) - Application submitted 8-7-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2791 15. Maria Varvel dba Suds on 2nd, 2801 - 2nd Avenue; Renewal - Expires 8-31-97 (With Sunday Sales) - Application submitted 7-10-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2792 16. Hawkeye Highlife, Ltd., Larry Strickler, President dba Waveland Coffee Shop, 4704 University; Renewal - Expires 9-10-97 (With Sunday Sales) - Application submitted 7-15-97. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

#### Authorizing

97-2793 17. City Clerk to issue Cigarette Licenses. **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

#### Beer Gardens

97-2794 18. Approving temporary extension of beer garden for Jim Stevens dba Nacho Mamma's, 216 Court Avenue for event to be held on August 31, 1997 (Court Avenue Blues Festival) - Application submitted 8-4-97. Subject to submission of acceptable electrical inspection. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

97-2795 19. Approving temporary extension of beer garden for Court Avenue Brewing Co., LLC, Angelo Gangae, President dba Court Avenue Brewing Company, 309 Court Avenue for event on August 20 to September 1, 1997 (Court Avenue Blues Festival) - Application submitted 7-23-97. Subject to submission of acceptable electrical and fire inspections. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

97-2796 20. Approving temporary extension of beer garden for Larry Smithson dba Papa's Planet, 208 - 3rd Street for event to be held on August 23, 1997 (Street Dance) - Application submitted 7-29-97. Subject to submission of acceptable electrical and fire inspections. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

#### Refunds

97-2797 21. City Treasurer to issue refunds. **Moved by Phillips to receive and file. Motion Carried 6-1. Nay: McPherson.**

#### **PUBLIC IMPROVEMENTS**

97-2798 22. Agreement with Union Pacific Railroad Company for Street Crossing Improvement in conjunction with the SE 34th Street Paving Project. (Council Communication No. 97-428). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2799 23. Approving authorization to proceed on design of SE 14th Street at E. Diehl Avenue intersection improvements - 1997-98 Capital Improvements Program - \$15,000. (Council Communication No. 97-420). **Moved by Phillips to adopt. Motion Carried 7-0.**

24. Resolution Ordering Construction of the following:

97-2800 (A) Blank Park Zoo Cats Exhibit Demolition and Site Utilities, Receiving of Bids, (8-28-97), and Setting Date of Hearing, (9-8-97), (Construction Estimate - \$205,000). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2801 (B) Police Station Step Replacement, Receiving of Bids, (8-28-97), and Setting Date of Hearing, (9-8-97), (Construction Estimate - \$95,000). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2802 (C) 9th Street and Day Street Traffic Signalization (IDOT), Receiving of Bids, (8-28-97), and Setting Date of Hearing, (9-8-97), (Construction Estimate - \$85,000). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2803 25. Supplemental Agreement No. 4, for Professional Services with Snyder & Associates, Inc., for additional work on the Metropolitan Design Standard and Specification Manual for the Des Moines Metropolitan Area, not to exceed \$60,117. (Council Communication No. 97-429). **Moved by Phillips to adopt. Motion Carried 7-0.**

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

97-2604 (A) 1996 City-Wide PCC Pavement Restoration Program, \$8,497 remaining balance is now due and payable at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2805 (B) John R. Grubb Community YMCA, \$124,238.43 remaining balance is now due and payable at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2806 (C) Northwest Airport Trunk Sanitary Sewer, \$101.79 is now due and remaining balance of \$26,767.62 is to be paid at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2807 27. Communications from various contractors requesting permission to sublet certain items on two public improvement projects--the Des Moines & Raccoon River Levees Tree Removal and the Intermodal Transportation Facility. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2808 28. Request from Brocon Services, Chris Brault, Owner, 4520 - 88th Street, Urbandale, for an extension of time until August 20, 1997 for the Police Academy Shower Expansion. **Moved by Phillips to receive, file and grant extension of time until August 20, 1997. Motion Carried 7-0.**

97-2809 29. Approving partial payments on eleven public improvement projects. (Call City Clerk's Office for listing). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2810 30. Approving contract and bond for 1995 Paving Program No. 1, Contract No. 3, Schedule No. 1995-01, Eco-Tech Contractors, Inc. (Steve Gillotti, President, 4000 Westown Parkway, Suite 100, WDM), \$669,575. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2811 31. Approving Private Construction Contract for Sanitary Sewer for Druid Hill Townhomes at 2860 Druid Hill Drive between McAninch Corporation, Dwayne McAninch, President, Contractors and Clarke Company, Ltd., John Clark, Partner, Owners - \$23,890.50. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

97-2812 32. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 1997-55, and providing for payment. **Moved by Phillips to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

97-2813 33. Fair Market Value for property at 207 SW 5th Street, from Fitz-Gold, L.L.C., Owners-Mary Therese Fitzgibbons and Nancy McGoldrick, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop)-\$2,745,050. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2814 34. Fair Market Value for property at 1600 6th Avenue-\$37,000, 1604 6th Avenue-\$18,000, 1606 6th Avenue-\$15,000, 1608 6th Avenue-\$16,000, in conjunction with Sixth Urban Renewal Area.(Council Communication No. 97-423). **Moved by Phillips to approve. Motion Carried 7-0.**

97-2815 35. Approving Conveyance of City-Owned Municipal Housing Agency Property Pursuant to Affordable Home Ownership Program, for property at 106 East 35th Street to Rhonda Rae Hasting. (Council Communication No. 97-422). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2816 36. Purchase of 2306 Littell Avenue, in conjunction with Runway 5/23 Extension and Army Post and Hwy 28 Relocation, from Jerry L. and Rebecca S. Baker - \$71,255.80. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2817 37. Approving Noise and Avigation Easements for one property, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2818 38. Easement for Sanitary Sewer Right-of-Way, in conjunction with Druid Hill Townhomes-Amendment 4, from Clarke Company, Limited and Clarke Partnership, 2860-2876 Druid Hill Road - \$1. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2819 39. Amended and Substituted Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 28(63rd Street)/University Avenue Intersection Improvement, from Sarah M. and Ben Collins, 1234 63rd Street - \$2,045. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2820 40. Temporary Easement for Construction, in conjunction with Concrete Curb and Median Island Replacement Program, University Court West of 9th Street, from Barbara J. Williams, 1189 10th Street - \$25. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2821 41. Resolution to correct legal description concerning the conveyance of 821 SE 9th Street, (David Speed). **Moved by Phillips to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

42. Approving recommendations of Mayor Robert D Ray for appointments (A) and reappointments (R) of the following:

97-2822 (A) Chris Hensley, Civic Center of Greater Des Moines Board of Trustees for one-year term to expire June 1, 1998. (R) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2823 (B) Mark Tezak, Civil Service Commission for six-year term to expire April 7, 2003. (A) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2824 (C) Darlene Blake, Greater Des Moines Sister City Commission for five-year term commencing in 1996 to expire April 28, 2001. (A) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2825 (D) Mary Moore, Sr., (one-year term to expire 12-31-98) and Dolph Pulliam, (three-year term to expire 12-31-00) to the Neighborhood Revitalization Board (A). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2826 (E) George A. "Mike" LaMair, Strategic Planning Commission for four-year term to expire December 31, 2001. (A) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2827 (F) Frances Morrison, Citizen Odor Board for three-year term to expire April 4, 2000. (R) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2828 (G) William Page, Historic District Commission for three-year term commencing in 1996 to expire October 18, 1999. (R) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2829 (H) Jay Sowden, Mechanical Board of Examiners for two-year term to expire April 5, 1999. (R) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2830 (I) Stanley Krum, Skywalk Commission for three-year term to expire April 4, 2000. (R) **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2831 43. Approving recommendation of Council Member Chris Hensley, Ward III, for appointment of Suzanne O. Erwin to the Neighborhood Revitalization Board for three-year term to expire December 31, 2000. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2832 44. Approving recommendation of Council Member Tom Vlassis, Ward I, for appointment of Loren Rodger Christensen to fill unexpired term of Mike Hansen to City Plan Commission to expire July 3, 2000. **Moved by Phillips to adopt. Motion Carried 7-0.**

## **STREET CLOSINGS**

45. Approving exception regarding length of time for the following:

97-2833 (A) Larry Smithson, representing Papa's Planet, 208 3rd Street, request to close 3rd Street and Court Avenue (ONE LANE ONLY) on Saturday, August 23, 1997 from 6:00 P.M. until Midnight for a street dance. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2834 (B) Steve Janssens, 3724 SE 24th Court, request to close SE 24th Court from 3730 Rose to 3718 Thornton on Saturday, August 23, 1997 from 5:00 P.M. until 12:00 Midnight for a neighborhood block party. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2835 (C) Florence Ellis, representing Ellis Island Tap, 1833 Hubbell Avenue request to close E. 19th Street from Des Moines Street to Hubbell Avenue on Saturday, August 30, 1997 and Sunday, August 31, 1997 from 9:00 A.M. until Sundown for Muscular Dystrophy Association fund raiser. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2836 45. (D) Jim Stevens, representing Nacho Mamas, 216 Court Avenue request to close Court Avenue from Third Street to the Alley at midblock between Third Street and Second Avenue on August 31, 1997, from 4:00 P.M. until 12:00 Midnight for outdoor Blues Festival. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2837 (E) Elizabeth Smith, representing Owls Head Neighborhood, 2831 Forest Drive, request to block Forest Drive and Ridge Road from 25th Street to 29th Street from 12:00 P.M. until 8:00 P.M. on Saturday, August 30, 1997 for neighborhood block party. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2838 46. Approving closure of the following city streets. **Moved by Phillips to adopt. Motion Carried 7-0.**

(1) Janice Stehl, 4017 Ashby, requesting permission to close Wallace Ave. from 4116 Wallace Avenue to 4030 Wallace Ave. on Saturday, August 23, 1997 from 6:00 until 10:00 P.M. for a neighborhood block party.

(2) Nancy Heuer, 1004 43rd Street, requesting permission to close the east entrance to the circle on 43rd Street to the west entrance of California Drive on Saturday, August 23, 1997 from 5:00 P.M. until 11:00 P.M. for a neighborhood block party.

(3) Carol Batterton, 3020 44th Street, requesting permission to close 44th Street from Urbandale Avenue to Ovid Street on Saturday, August 30, 1997 from 3:00 P.M. until 9:00 P.M. for a neighborhood block party.

(4) Becky S. Knutson, 2430 Maryland Pike, requesting permission to close Maryland Pike from the 2400 block to the 2500 block on Saturday, August 30, 1997 from 3:00 P.M. until 9:00 P.M. for a neighborhood block party.

(5) Dell Radcliffe, 1112 45th Street, requesting permission to close 45th Street from Kingman Boulevard to University Avenue on Saturday, August 30, 1997 from 5:30 P.M. until 10:00 P.M. for a neighborhood block party.

(6) Ann Sokolowski, 1306 40th Street, representing the 40th Street Neighborhood, requesting permission to close 40th Street from 1245 40th Street to Forest Avenue on Saturday, September 6, 1997 from 3:00 until 8:00 P.M. for a neighborhood block party.

(7) Jeri McGinnis, 3121 45th, requesting permission to close 45th from Urbandale Ave. to Ovid on Saturday, September 20, 1997 from 5:00 to 11:00 P.M.--neighborhood party.

#### **CITY PLAN COMMISSION RECOMMENDATIONS**

97-2839 47. Regarding findings and recommendations regarding Sherman Hill Historic Street Lighting Self Supported Municipal Improvement District (SSMID) No. 2. **Moved by Phillips to receive and file. Motion Carried 7-0.**

97-2840 (A) Setting Date of Hearing on petition to establish the Sherman Hill Street Lighting Self-Supported Municipal Improvement District No. 2, (8-25-97). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2841 48. Request from Laverne R. Overton, for vacation and conveyance of excess right-of-way in vicinity of E. Douglas and E. 33rd Street. **Moved by Phillips to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-2842 49. Regarding request from Economic Development Division for vacation and conveyance of the North portion of 1900 block of Guthrie. **Moved by Phillips to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS**

97-2843 50. On vacation and sale of property in the vicinity of E. 30th and E. Sheridan, to Bernard John Baker III and Karen L. Baker, \$400 plus costs, (8-25-97). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2844 51. On application from Eugene Cherney to rezone property at 801 SW 63rd Street, from an "R1-60" (One Family Low Density) to a "C-1" (Neighborhood Retail Commercial), to



amend the Des Moines 2000 Land Development Concept by revising classification from Low Density Residential to Commercial, and to find application in conformance with the Des Moines 2000 Land Use Plan, (9-8-97). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2845 (A) Recommendation from City Plan Commission, regarding request for vacation and conveyance of alley right-of-way south of Winona Avenue and East of SW 63rd. **Moved by Phillips to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-2846 52. On lease agreement with City View Partners II, \$900/month for one year, for space at 1251 University Avenue, Suite E, to be used for the Model City Neighborhood Site Office, (8-25-97). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2847 53. On authorization of lease agreement with Principal Financial Group--River Hills Business Park, 700 E. Fourth Street, through September 30, 2000, for the City Employee's Health Clinic, (8-25-97). (Council Communication No. 97-432). **Moved by Phillips to adopt. Motion Carried 7-0.**

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

97-2848 54. Serving an Offer of Judgment for \$24,000 plus interest and court costs to Eli Ferreyra for a lawsuit CL 000-67590 against the City of Des Moines as a result of a vehicle collision. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2849 55. Approving payment of \$7,750 to Barbara and Douglas Baber, and her Attorney Curt Krull for property damage and bodily injury resulting from an auto accident on August 18, 1995 with a City employee. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2850 56. Approving payment of \$3,500 to Jerry Carter Anderson and his Attorney Kenneth J. Weiland, Jr. for settlement of law suit (CL 69682) against City of Des Moines involving an automobile accident. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2851 57. Approving payment of \$100.60 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for representation of the City in case of Jerry Thompson v. City. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2852 58. Approving payment of \$10,639.91 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services regarding the 1997 General Obligation Bond Issue to support construction of CIP Projects. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

97-2853 59. Approving payment of \$20,898.80 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal counsel regarding sewer revenue refunding bonds. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

97-2854 60. Approving payment of \$596.66 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services to the City in conjunction with the Kiwanis

Nature Island at Riverview Park. **Moved by Phillips to adopt. Motion Carried 6-1. Pass: Flagg.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS (continued)**

97-2855 61. Approving payment of \$4,990 to Miles V. Derrick and Janet L. Derrick and Connolly, O'Malley, Lillis, Hansen & Olson, L.L.P., their attorneys for a settlement of a condemnation in connection with the East Euclid and Delaware Avenue relocation and intersection improvement. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2856 62. Acceptance of payments totaling \$22,744.88 as full and final satisfaction for damages to City-owned property. (Call City Clerk's Office for listing). **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

97-2857 63. Submitting various traffic regulation changes for Request for Reversal of Parking Restriction--Loomis Avenue from Southwest Ninth Street to Southwest Twelfth Street, Petition for Traffic Controls--Walker Street from East Fifteenth Street to East Eighteenth Street, Request for Traffic Control--North Valley Drive at Fifty-sixth Street, and Request to Remove Two-Hour Parking Restriction--Twenty-fourth Street South of University Avenue. (Council Communication No. 97-421). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

**WITHDRAWN** (A) Report from City Manager regarding traffic in vicinity of East High School and intersection of E. Walker.

97-2858 64. Submitting out-of-state travel requests for Charles Hulgan, Sue Luthens, John L. Scarpino, Douglas P. Philip, William Wilkins, LaVerne Williams, Jean Bodenstedt, and Mike Matthes. (Council Communication No. 97-417). **Moved by Phillips to adopt. Motion Carried 7-0.**

#### **APPROVING**

97-2859 65. Architectural Advisory Committee review and recommendation of the Great Cats Exhibit at the Blank Park Zoo, (see item 24A for construction start-up). **Moved by Phillips to receive and file. Motion Carried 7-0.**

97-2860 (A) Intergovernmental 28E Agreement with Blank Park Zoo Foundation, Inc., to provide a new facility to exhibit lions, tigers and leopards at the Zoo. (Council Communication No. 97-419). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2861 66. Certificate of Completion for Disposition Parcel No. 17C (1333 Ohio Street), Central Place Industrial Park, to Storey-Kenworthy Company and release of good faith deposit. **Moved by Phillips to approve. Motion Carried 7-0.**

97-2862 67. Request for determination of eligibility for tax abatement for certain improvements at 1501 Second Avenue (Keck, Inc.)--Central Place Urban Renewal Area. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2863 68. Revisions to the Housing Rehabilitation Handbook, Community

**WITHDRAWN** Development Department Housing Conservation Division, which will allow, for certain large non-profit projects, 100% of the City HOME funding for a project to be in the form of a forgivable loan.

97-2864 69. Amendment One to 1997 Neighborhood Housing Services Community Development Block Grant (CDBG) contract to add \$10,577 to Community Betterment Grant Component for Linden Street Buffering Project and \$49,499 of program income earned by Neighborhood Housing Services (NHS) from 1996 program year-total additional allocation of \$60,076. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2865 70. Fiscal Year 1997 Federal Equitable Sharing Agreement and Annual Certification Report, acknowledging City's Compliance with federal forfeiture guidelines, for seized Police Department funds. (Council Communication No. 97-418). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2866 71. Residential Rental Agreement for Ewing Park Residence with Mary Wilson for \$450 per month. (Council Communication No. 97-426). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2867 72. Resolution approving Nondisclosure Agreement.

#### **WITHDRAWN**

97-2868 73. Approving Army Corps of Engineer (COE) Section 404 Permit for Airport Wetlands Mitigation in conjunction with Runway 5 Extension and Road Relocation Project. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

74. Bids for the following:

97-2869 (A) Mid-Land Equipment Co., (Ankeny, IA., Gery Haag, President) for a rubber tired industrial loader to be used by the Engineering Department (Wastewater Reclamation Facility), \$60,380. (Twelve bids mailed-six received). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2870 (B) Aggregate Equipment Co., (5137 NW 2nd Street, Steve Micheletti, President) for hydraulic shoring shields to be used by the Engineering Department (Wastewater Reclamation Facility), \$21,381. (Nine bids mailed-three received). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2871 74. (C) Big Bear Equipment Co., (Omaha, Dave Wilson, President) for a pull mower to be used by the Parks Dept. \$10,000 (Nine bids mailed-four received). **Moved by Phillips to**

**adopt. Motion Carried 7-0.**

97-2872 (D) Primary and secondary suppliers -- annual agreement for rock salt to be used by Public Works (Street Maintenance), Independent Salt Company, (Kanapolis, KS, M.D. Keener, President) (\$20.98 per ton to \$27.70 per ton delivery), Morton International Inc., (Chicago, IL.) (\$45.00 per ton to \$48.00 per ton delivery). (Six bids mailed-three received). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2873 (E) Herman Miller office furniture to be used by the Archie Brooks Community Center from Pigott Inc., (3815 Ingersoll, Richard Pigott, President) from the competitively bid State of Iowa Contract No. 1200 H. for total amount of \$17,125.68. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2874 (F) Herman Miller office furniture to be used by the Logan Community Center renovation from Pigott Inc., (3815 Ingersoll, Richard Pigott, President) from the competitively bid State of Iowa Contract No. 1200 H. for total amount of \$10,843.30. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2875 (G) Automated Fingerprint Identification System (AFIS) to be compatible with State of Iowa AFIS manufactured by Printrak International, Inc. (Anaheim, CA) to be used by the Police Department. (Municipal Code Section 2-86 Sole Source Vendor - competitively bid by State of Iowa). (\$124,000). (Council Communication No. 97-431). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2876 75. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2877 76. Authorizing Finance Director to draw warrants on registers of August 22, 1997 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning August 18, 1997. **Moved by Phillips to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

97-2878 77. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes: Removal of controls on Lyon Street from E. 12th to E. 14th; Removal of loading zone on the south side of Woodland west of 10th; Extension of loading zone at 104 SW 4th St. and removal of meter; Corner clearance on both sides of Pioneer Rd at SE 6th and at the intersection of E. Locust St. and E. 5th; additional handicapped meter on Mulberry at 6th Ave; stop sign on Colfax/E. 33rd St. intersection at E. Douglas; stop sign on E. Tiffin at North Union, and on Winegardner Rd at Timber Lane. **Moved by Phillips that this ordinance do now pass, [#13,516](#). Motion Carried 7-0.**

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

## **ORDINANCES - FIRST CONSIDERATION**

97-2879 78. Amending Chapter 2 of the Municipal Code regarding powers and duties of the Airport Board, to set admission charges and temporary parking charges for special events, (communication from Airport Board Chair). **Moved by Hensley that this ordinance be considered and given first vote for passage. Council requests notification when special events are scheduled for the Airport property. Motion Carried 7-0.**

97-2880 (A) Final consideration of ordinance above, (waiver requested by Airport Board), 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, [#13,517](#). Motion Carried 7-0.**

97-2881 79. Amending Chapter 17 of the Municipal Code regarding nuisances and junk motor vehicles, and establishing an administrative hearing process. (Council Communication No. 97-430). **Moved by McPherson that this ordinance be considered and given first vote for passage. Staff to investigate possibility of signage to be required on rental properties to identify owner's name, address and telephone number. Motion Carried 7-0.**

97-2882 (A) Final consideration of ordinance above, (waiver requested by Community Development Department), 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, [#13,518](#). Motion Carried 7-0.**

**\*\*Council considered Item 91 next, then Hearing Items 83-88\*\***

97-2883 80. Amending Chapter 2 of the Municipal Code regarding legal description of the City Boundary in the vicinity of Meredith Drive and Merle Hay Road to reflect annexation of Huess property, 5555 to 5611 Meredith Drive. **Moved by Flag that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-2884 81. Amending Chapter 27 of the Municipal Code, to eliminate the \$25 monthly reduced rate for roof parking at the Third and Court Parking Garage-all monthly parking fees to be equal. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-2885 (A) Final consideration of ordinance above, (waiver requested by Council Member Hensley), 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, [#13,519](#). Motion Carried 7-0.**

97-2886 82. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes to establish a loading zone on New York Avenue in front of 219 New York Avenue, and for an

additional three 10-hour meters on the south side of Woodland Avenue at 10th Street. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**\*\*Council considered Item 93 through balance of Agenda\*\***

**HEARINGS (Opened at 5:49 P.M.) (Items 83 thru 88)**

97-2887 83. On sale of excess City property at 1013 S.E. Ninth Street and adjoining alley, to Clarke Co. Ltd. (Council Communication No. 97-427). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2888 84. On vacation and conveyance of the North/South alley right-of-way south of Walnut Street between 8th and 9th Street, to Norwest Financial, Inc., \$19,600, and to Central College \$19,600. **Moved by Hensley to continue the Hearing to 9-8-97 at 5:30 P.M. Motion Carried 6-1. Absent: McPherson.**

**WITHDRAWN (A)** First consideration of ordinance above.

**WITHDRAWN (B)** Final consideration of ordinance above, (waiver requested by Norwest Financial), requires 6 votes.

97-2889 85. On application from Elias Alvarez, to rezone property at 1701 E. University from a "C-1" (Commercial Residential) to a "C-1A" (Neighborhood Commercial Reuse District), City Plan Commission recommends denial. **Moved by Phillips to refer back to City Plan Commission and staff to allow them to work with Mr. Alvarez to determine a suitable and allowable use of this property. Motion Carried 6-1. Nays: McPherson.**

97-2890 86. On vacation and conveyance of the SW 38th Street right-of-way north of SW Thornton, to Randall A. and Barbara J. Bach, and John V. and Mary F. Cardamone, \$150, plus costs. **Moved by Hensley to adopt. Property will not be conveyed until Southern Oaks Development starts up. Motion Carried 6-1. Absent: McPherson.**

97-2891 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

97-2892 (B) Final consideration of ordinance above, (waiver requested by applicants), 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, [#13,520](#). Motion Carried 6-1. Absent: McPherson.**

97-2893 87. On Sidewalk Ramps on Primary Highway Routes, (IDOT Project): Resolution to close the Hearing--no bids received; and, to resubmit the project in February 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2894 88. On disposition of excess Municipal Housing Agency properties, (vacant lots), to R.M. Madden Construction, Inc., \$21,000. **Moved by McPherson to continue to 8-25-97 at 5:30 P.M. Motion Carried 7-0.**

\* \* END HEARINGS at 6:06 P.M. \* \*

**\*\*Council considered Items 80-82 and 93 thru end of agenda next\*\***

## **APPROVING**

97-2895 89. Resolution for Submission of a Community Economic Betterment Account (CEBA) Application to the State of Iowa in the amount of \$35,000 and Preliminary Approval for Des Moines Action Loan Fund Loan in the amount of \$45,000 to NationJob, Inc.--601 SW Ninth. (Council Communication No. 97-424). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Vlassis.**

90. NUMBER NOT USED.

## **COUNCIL REQUESTS**

97-2896 91. Request from At-Large Council Member George Flagg to discuss concerns relative to the condition of land owned by the City, including public parks. **Moved by Hensley to receive and file. Staff, neighbors and Park Board to meet for a report back next week (8-25-97), Council requests report on "original plan" from 1993. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS**

97-2897 92. Request from Brice Oakley, Lend-A-Hand Chairperson, to present an oral report regarding Mayor's Beautification Lend-A-Hand Task Force. **Oral report given by Mayor Robert D Ray inasmuch as Mr. Oakley had to leave the meeting prior to consideration of this item.**

97-2898 93. Request from Eleanor Newell, 5610 Urbandale Avenue, to speak on behalf of Concerned Residents of Urbandale Avenue regarding construction of Urbandale Avenue Bike Trail. **Moved by Vlassis to receive and file and grant the request to speak. An additional neighborhood meeting is to be scheduled and all affected residents to be so notified. Motion Carried 7-0.**

97-2899 94. Request from Cindy Palmer, 1255 E. 21st Street, to speak regarding sewer and storm water back-up to her residence on July 23-24, 1997. **Moved by McPherson to receive, file and grant the request to speak. Motion Carried 7-0.**

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## **EXTRA ITEMS**

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

97-2900 1. Approval and acceptance of Temporary Easement for Construction, General Paving Work 96/97, Joyce A. Kerr (Waterman) and Bonnie L. Buchanan-Rice, 2826 Indianola Avenue, \$25. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-0. Council Member Daniels declares a conflict of interest, and abstains from voting.**

97-2901 2. Approving request to the Greater Des Moines Convention and Visitors Bureau to consider allocation from the 2/7ths of Hotel/Motel tax collections which we contribute, be included in the marketing budget, for a period of three fiscal years commencing in fiscal year 97-98, for support of the Iowa Barnstormers. SPONSOR: Hensley. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

### **BOARD OF HEALTH**

**August 18, 1997**

97-2902 MOTION TO CONVENE **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

### **COMMUNICATION**

97-2903 1. Communication regarding demolition cost reserve for 2808 Kingman. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

### **AUTHORIZING**

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

97-2904 (A) 2525 Payne Rd., vacant, Titleholder: James Matthew Colwill, Legal Interest Holder: Hawkeye Bank of Des Moines, n/k/a Mercantile Bank of Polk County n/k/a Mercantile Bank of Western Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2905 (B) 1242 E. 36th St., vacant, Titleholder: Loren L. Grother, Jr., Denise Grother; Legal Interest Holder: The Pacesetter Corporation, Norwest Financial Iowa, Inc., Juanita T. Myers, Gerald E. Myers, Sion Azari. **Moved by Vlassis to adopt. Motion Carried 7-0.**



97-2906 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:04 P.M.**