

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**October 6, 1997 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

- (a) Lupus Awareness Month
- (b) National Javits - Wagner - O'Day Week
- (c) Supported Employment Day in Des Moines
- (d) White Cane Safety Day
- (e) Stop Americas Violence Everywhere (SAVE)

**INVOCATION:** Pastor Fred Kraemer

Mt. Olive Lutheran Church

97-3274 1. ROLL CALL: **Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-3275 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Flagg to adopt; including Extra Items 2 through 6 in consent agenda. Motion Carried 7-0.**

97-3276 3. APPROVING CONSENT AGENDA - items 3 through 86: **Moved by Flagg to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

97-3277 4. Communication from Legal Department regarding October 6, 1997 License and Permit Agenda. **Moved by Flagg to receive and file. Motion Carried 6-1. Nays: McPherson.**

Class "B" Beer Licenses

97-3278 5. Campbell's Inc., Calvin G. Campbell, President dba Campbell's, 3000 East Grand - Tourism Building, Iowa State Fairgrounds; Renewal - Expires 10-23-97 (With Sunday Sales) - Application submitted 9-24-97. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3279 6. Campbell's Inc., Calvin G. Campbell, President dba Campbell's, 3000 East Grand - Pavilion, Iowa State Fairgrounds; Renewal - Expires 10-23-97 (With Sunday Sales) -

Application submitted 9-24-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3280 7. Hull Avenue Tavern, Inc., Suzanne Stander Peglow, President dba Hull Avenue Tavern, 834 Hull Avenue; Renewal - Expires 10-9-97 - Application submitted 9-5-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Beer Licenses

97-3281 8. Best Food Mart Corp., Manjit S. Ghumman, President dba Best Food Mart, 4028 NE 14th Street; Renewal - Expires 10-13-97 (With Sunday Sales) - Application submitted 8-29-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3282 9. Coastal Mart, Inc., Dan J. Hill, President dba C Mart #1048, 4503 Fleur Drive; Renewal - Expires 10-13-97 (With Sunday Sales) - Application submitted 9-10-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3283 10. Coastal Mart, Inc., Dan J. Hill, President dba C Mart #1043, 2110 Guthrie; Renewal - Expires 10-13-97 (With Sunday Sales) - Application submitted 9-10-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3284 11. Coastal Mart, Inc., Dan J. Hill, President dba C Mart #1012, 3301 East Euclid; Renewal - Expires 10-13-97 (With Sunday Sales) - Application submitted 9-26-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3285 12. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #6, 5736 Franklin; Renewal - Expires 11-19-97 (With Sunday Sales) - Application submitted 9-19-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3286 13. Best Food Mart Corp., Manjit S Ghumman, President dba Ingersoll Food Mart, 2701 Ingersoll; Renewal - Expires 10-13-97 (With Sunday Sales) - Application submitted 9-29-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3287 14. Kartars Mini Mart, Inc., Harpal Singh, President dba Kartars Mini Mart, 3761 East University; Renewal - Expires 10-19-97 (With Sunday Sales) - Application submitted 9-15-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3288 15. Kulwinder Singh dba One Stop Food Mart, 1800 Southeast 14th Street; Renewal - Expires 10-7-97 (With Sunday Sales) - Application submitted 8-21-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "E" Beer Licenses

97-3289 16. Krause Holdings, Inc., Kyle Krause, President dba Kum & Go #2742, 4164 Easton; New Application (With Sunday Sales) - Application submitted 9-24-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3290 17. Krause Holdings, Inc., Kyle Krause, President dba Kum & Go #2731, 3104 University; New Application (With Sunday Sales) - Application submitted 9-24-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3291 18. Krause Holdings, Inc., Kyle Krause, President dba Kum & Go #2722, 2211 University; New Application (With Sunday Sales) - Application submitted 9-24-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

97-3292 19. Krause Holdings, Inc., Kyle Krause, President dba Kum & Go #2728, 2829 Easton; New Application (With Sunday Sales) - Application submitted 9-24-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

#### Class "B" Wine Licenses

97-3293 20. Boesen The Florist, Inc., Thomas L. Boesen, President dba Boesen The Florist, 623 Grand Avenue; Renewal - Expires 10-17-97 - Application submitted 9-15-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

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

97-3294 21. Ingersoll Cafe, Inc., Marlene Todd, President dba The Corner, 2724 Ingersoll; Renewal - Expires 10-14-97 - Application submitted 9-15-97. **Moved by Flag to adopt. Motion Carried 6-1. Nays: McPherson.**

#### Class "C" Liquor Licenses

97-3295 22. Blazing Saddle, Inc., Robert J. Eikenberry, President dba Blazing Saddle, 416 East 5th Street; Renewal - Expires 10-23-97 (With Sunday Sales) - Application submitted 9-19-97. **Moved by Flag to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3296 23. Drake Area Restaurant Corp., R. Stephen Vilmain, Manager dba Drake Diner, 1111 25th Street; Renewal - Expires 10-18-97 (With Sunday Sales and Beer Garden) - Application submitted 9-18-97. **Moved by Flag to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3297 24. The Ground Round, Inc., Daniel Roger Scoggin, President dba The Ground Round, 4345 Merle Hay Road; Renewal - Expires 11-26-97 (With Sunday Sales) - Application submitted 9-18-97. **Moved by Flag to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3298 25. GT Race Bar, Inc., John J. Limke, President dba GT Race Car Bar, 3013 Ingersoll; Renewal - Expires 10-12-97 (With Sunday Sales) - Application submitted 9-8-97. **Moved by Flag to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3299 26. Loca, Inc., Kenneth D. Roush, President dba Kenny D's, 3925 East 14th Street; New Application (With Sunday Sales) - Application submitted 9-9-97. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3300 27. Veronica McCaughey dba McCoy's Pool & Pub, 3708 Beaver Avenue; Renewal - Expires 10-17-97 (With Sunday Sales) - Application submitted 9-16-97. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3301 28. Peggy A. Steen dba Peg's Place, 2400 Dean Avenue; New Application (With Sunday Sales) - Application submitted 9-11-97. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3302 29. Robin's Nest, Inc., Dan Smith, President dba Robin's Wood Oven Grill, 6401 Southeast 14th Street; Renewal - Expires 10-14-97 (With Sunday Sales) - Application submitted 9-15-97. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3303 30. Trittoria Foods, Inc., Alyce K. Mattis, President dba The Trattoria, 207 4th Street; Renewal - Expires 10-6-97 (With Sunday Sales and Beer Garden) - Application submitted 9-19-97. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3304 31. Douglas G. Zimmerman dba Zimm's, 3124 Ingersoll; Renewal - Expires 10-18-97 (With Sunday Sales and Beer Garden) - Application submitted 9-15-97. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

#### Authorizing

97-3305 32. City Clerk to issue Cigarette Licenses. **Moved by Flagg to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-3306 33. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

#### Gamerrooms

97-3307 34. Scott Formaro dba Energy Nightclub, 215 East 2nd Avenue; New Application submitted 9-19-97. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

#### Refunds

97-3308 35. City Treasurer to issue refunds. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

#### Sunday Sales

97-3309 36. R J W, Inc., Robert Willson, President dba The Edge, 3800 Army Post Road. **Moved by Flagg to adopt. Motion Carried 6-1. Nays: McPherson.**

## **PUBLIC IMPROVEMENTS**

97-3310 37. Approving Professional Services Agreement with Shive-Hattery, Inc., (1601 48th Street, WDM, Michael L. Klammerer, Vice President), for Seventh and Grand Parking Ramp Lighting, \$15,250. (Council Communication No. 97-504). **Moved by Flagg to adopt. Motion Carried 6-1.**

97-3311 38. Authorization to sign Pipe Line License Agreement with The Burlington Northern and Santa Fe Railway Company for Des Moines Metropolitan Wastewater Reclamation Facility Laboratory and Personnel Facilities Expansion - \$2,750. (Council Communication No. 97-500). **Moved by Flagg to adopt. Motion Carried 6-1.**

97-3312 39. Approving request from Virginia Hilsabeck, Trustee of the Grace M. Carter Trust, requesting continuation of Agricultural Deferment on 2300 Evergreen Avenue, for Evergreen Avenue Paving, Schedule No. 1987-10. **Moved by Flagg to receive, file and approve the request for continuation of Agricultural Deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy of this Resolution to Polk County. Motion Carried 7-0.**

97-3313 40. Authorization for City Manager to submit a Notice of Interest for federal funds under hazard Mitigation Grant Program for 6th and Holcomb area and property acquisition of three residences in E. 9th and Morton area - \$431,244. (Council Communication No. 97-495). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3314 41. Approving Change Order No. 22 with Corell Contractor, Inc. for additional work in conjunction with the 63rd Street & University Avenue Widening and Signalization Contract, not to exceed \$33,140. (Council Communication No. 97-496). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3315 42. Approving partial payments on eleven (11) public improvement projects. (Call City Clerk's Office for listing). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3316 43. Communications from various contractors requesting permission to sublet certain items on three (3) public improvement projects. (Intermodal Transportation Facility, Beaverdale Recreational Trail, and Blank Park Zoo Cats Exhibit). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

97-3317 (A) Martin Luther King, Jr., Parkway Demolition Contract #4 N/S, \$2,785.40 is now due, \$7,403.38 to be paid at the end of 30 days. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3318 (B) Community Centers Accessibility Program, \$3,341.15 is now due, \$1,775.85 to be paid at the end of 30 days. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3319 (C) East-Side Interceptor Reconstruction - Phase I, \$21,572.79 is now due, \$51,769.46 to be paid at the end of 30 days. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3320 45. Request from Municipal Pipe Tool Co., Inc., Steve Gearhart, President, 515 - 5th Street, P.O. Box 398, Hudson, IA, for an extension of time until October 17, 1997 for the 1997 Sanitary Sewer Repair Contract No. 2. **Moved by Flagg to receive, file and grant the extension of time until October 17, 1997. Motion Carried 7-0.**

97-3321 46. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by five property owners, and paving or curb replacement program, waivers signed by five properties, (call City Clerk's Office for listing). **Moved by Flagg to adopt. Motion Carried 7-0.**

47. Approving the following private construction contracts:

97-3322 (A) Sanitary Sewer Improvements to serve Outlot W in Three Lakes Estates Plat 1 (proposed Three Lakes Estates Plat 2) and to extend under Lot C in Three Lakes Estates Plat 1 (Lake No. 3) between Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), Contractors and Erickson Development, Inc., (Tim Erickson, President, Ankeny), Owners. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3323 (B) Storm Sewer Improvements to serve Outlot W in Three Lakes Estates Plat 1 (proposed Three Lakes Estates Plat 2) between Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive), Contractors and Erickson Development, Inc. (Tim Erickson, President, Ankeny), Owners. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3324 (C) Street Paving Improvements in Airport Commerce Park West-Plat 1, located at 63rd Street/Hwy #28 and Thornton Avenue between M. Peterson Construction Co., (Merlin Peterson, President), Contractors and Knapp Properties (Gerard D. Neugent, President, West Des Moines), Owners. **Moved by Flagg to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

97-3325 48. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 1997-56, and providing for payment. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3326 49. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for September, 1997. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3327 50. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of September, 1997, Schedule No. 1997-29, for certification to Polk County Treasurer (call City Clerk's Office for amounts). **Moved by Flagg to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

97-3328 51. Court Officer Deed and Backslope Easements in conjunction with 1995 Paving Program No. 1 - E. 34th/ SE. 34th Street from Gloria M. Grother Estate, 125 SE. 34th Street - \$425 and Fred Robinette, 157 SE. 34th Street - \$25. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3329 52. Disclaimers of Interest regarding utility and drainage easements, for property north of Guthrie Avenue at the west end of the Viaduct--proposed site of new warehouse facility for O'Reilly Automotive Inc. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3330 53. Approving execution of amended quit claim deeds, at request of landowners, for vacation of a portion of SW 38th Street right-of-way north of Thornton Avenue, to John V. and Mary F. Cardamon and Randall A. and Barbara J. Bach - \$150. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3331 54. Approving Noise and Avigation Easements for two properties, in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by Flagg to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

97-3332 55. Removal of Havens to Amos Neighborhood Association from Recognized Neighborhoods List. (Council Communication No. 97-494). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3333 56. Approving recommendation of Council Member Chris Hensley, Ward III for appointment of John Maurke Beard to the Historic District Commission for three-year term to expire October 18, 2000. **Moved by Flagg to adopt. Motion Carried 7-0.**

#### **STREET CLOSINGS**

97-3334 57. Approving closure of the following city streets. **Moved by Flagg to adopt. Motion Carried 7-0.**

(1) Scarlett Lunning, requesting permission to close Locust Street from 4th Street to 3rd Street, Sunday, October 19, 1997 from 1:30 P.M. to 4:00 P.M. for a family celebration with food and activities.

(2) Lee Basquin, 801 East Kenyon, requesting permission to close Kenyon Avenue from SE 14th Street to SE 9th Street, Monday, October 20, 1997 from 3:30 P.M. to 5:00 P.M. for Lend-A-Hand student participation in cleaning trash up along Kenyon Avenue.

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

97-3335 58. On amendments to the Zoning Ordinance regulations regarding Neighborhood Pedestrian Commercial District-- to remove bulk regulations from the Zoning Ordinance and

place them as "Design Guidelines" in the Site Plan Ordinance; and change the maximum height to 45 feet, from existing 48 feet, (10-20-97). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-3336 59. On conveyance of vacated E. 33rd Street right-of-way south of E. Thompson Avenue, to St. Joseph Catholic Church, \$175 plus costs, (10-20-97). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3337 60. On Notice of Intent to convey property at 1301 Forest Avenue, to Polk County, (10-20-97). **Moved by Flagg to adopt. Motion Carried 7-0.**

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

97-3338 61. Approving Settlement Agreement with Levy, Malone & Company, 100 Court Avenue, regarding reimbursement of unpaid balance of Urban Development Action Grant (UDAG) loan. (Council Communication No. 97-508). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3339 62. Approving payment of \$6,000 to Dean C. Churchill and his attorney, Joe Walsh for worker's compensation special case settlement, subject to the approval of the Industrial Commissioner. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3340 63. Approving payment of \$14,832 to Michael J. Eblen for workers's compensation settlement, subject to the approval of the Agreement for Settlement by the Industrial Commissioner. **Moved by Flagg to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

97-3341 64. Submitting various traffic regulation changes as follows, (Council Communication No. 97-502). **Moved by Flagg to receive, file and refer to City Manager for preparation of proper legislation. City Manager and Legal to review reinstallation of parking meters around the Federal Office building; meters are to be bagged for two weeks, awaiting review and recommendation. Motion Carried 7-0.**

(1) Request for Removal of Parking Restriction-North Side of Forest Avenue between Ohio Street and Illinois Street.

(2) Request for Loading Zone and Two-Hour Parking Restriction-High Street between Fifteenth Street and Sixteenth Street.

(3) Request for Parking Meter Removal-North Side of Center Street between Seventh Street and Eighth Street.

97-3342 65. Submitting out-of-state travel requests for Eric A. Anderson, Dan Ritter, and Keri McLean. (Council Communication No. 97-493). **Moved by Flagg to adopt. Motion Carried 7-0.**



## **APPROVING**

97-3343 66. Three Year Lease Agreement with ABC Electric, Inc. for retail space in Fifth and Walnut Parking Garage - \$7,116. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3344 67. Polk County use of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Regular City Election to be held on Tuesday, November 4, 1997. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3345 68. Communication from City Clerk, submitting report on City Council meeting/meal expenses for September, 1997. **Moved by Flagg to receive and file. Motion Carried 7-0.**

97-3346 69. Request from Des Moines Area Metropolitan Planning Organization's (MPO) for an associate non-voting membership on behalf of the City of Polk City, Iowa. **Moved by Flagg to defer for two weeks for a report from City Manager, including amount assessed each member City for upcoming year; number of voting members per City; and, will Polk City pay an assessment as an associate non-voting member. Motion Carried 6-1. Nays: Hensley.**

97-3347 70. Subordination agreement with Norwest Business Credit, Inc., relating to additional financing for Diamond Animal Health, Inc., 2538 SE 43rd St. (Council Communication No. 97-491). **Moved by Flagg to approve. Motion Carried 7-0.**

71. Amendment One to the following Neighborhood Housing Services Agreements:

97-3348 (A) 1995 HOME New Infill Construction Contract to reduce number of new single family handicapped accessible infill home to be constructed from three (3) to two (2) and extend the project to June 30, 1998. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3349 (B) 1996 HOME Program Agreement with Neighborhood Housing Services of Des Moines, Inc. to allocate additional funds - \$2,400. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3350 72. Extension of Polk County and United Way Contracts for financial assistance to staff Enterprise Community Strategic Plan, --\$137,000 total. (Council Communication No. 97-498). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3351 73. Reallocation of 1997 Community Development Block Grant (CDBG) funds from Martin Luther King Jr. and Forest Avenue Redevelopment Project to 1995 6th Avenue and College Redevelopment Project - \$88,146. **Moved by Vlassis to receive and file. No action taken. Motion Carried 7-0.**

97-3352 74. Resolution temporarily withdrawing proposed termination of Southeast Prime Service Area and Vandalia Acres Urban Renewal Projects and adopt Urban Renewal Plan for SE AgriBusiness Urban Renewal Project, and cancelling public hearing scheduled for 10-27-97. **Moved by Flagg to adopt. Motion Carried 7-0.**

75. Commitment of Home Rental Rehabilitation Funds for the following:

97-3353 (A) \$125,000 to rehabilitation of residential units for YWCA of Greater Des Moines. (Council Communication No. 97-490). **Moved by Vlassis to approve. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-3354 (B) \$120,000 to Des Moines Coalition for the Homeless for expansion of transitional housing program. (Council Communication No. 97-489). **Moved by McPherson to defer action and refer to City Manager for a report on such items as the agency's management track record; specific location of units -- or, no more than two (2) sites per Ward; maintenance schedules; rules governing behavior and eviction; and, ordinance governing landlords/tenants. Motion Carried 6-1. Nays: Flagg.**

97-3355 76. Revisions to Housing Rehabilitation Handbook for policy amendment concerning ratio of loan to forgivable HOME assistance granted to project. (Council Communication No. 97-488). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3356 77. Amendment to 1997 Neighborhood Housing Services of Des Moines, Inc., Home Program Agreement which decreases allocations by \$525 per agency. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3357 77-I Application to Department of Cultural Affairs of State of Iowa for Cultural Enrichment Grant for Des Moines Botanical Center. (Council Communication No. 97-505). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3358 78. Renewal of Professional Contract Agreement with Robert Vanscoy for operation of clubhouse concessions and pro shop at Waveland and Grandview Golf Courses for one year period to January 15, 1999. (Council Communication No. 97-492). **Moved by Flagg to adopt. Motion Carried 7-0.**

79. Support for ISTEA Enhancement Grants for the following Projects, (Council Communication No. 97-509):

97-3359 (A) Euclid Avenue Streetscape Improvements. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3360 (B) Fairground Edge Demonstration Project. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3361 80. City Manager's Monthly Financial Report for July, 1997, (on file in City Clerk's Office). **Moved by Flagg to receive and file. Motion Carried 7-0.**

81. Bids for the following:

97-3362 (A) Wyckoff Industries, (1201 SE Diehl, Donald L. Wyckoff, President) for forced air furnaces, air conditioners, humidifiers and thermostats to be used by the Fire Department,

\$40,576. (Eleven bids mailed-two received). **Moved by Flagg to adopt. Motion Carried 7-0.**

81. Bids for the following:

97-3363 (B) Mid-States Ford Truck Sales, Inc., (4300 NE 14th Street, Marv Perry, President) for a 3/4 ton pickup truck to be used by the Park and Recreation Department, \$23,440.95. (Eight bids mailed-six received). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3364 (C) Bond and Associates, (2820 School Street, David Bond, President) for replacement parts for Robbins and Myers pumps to be used by the Engineering Department (Wastewater Reclamation Facility), \$10,978. (Ten bids mailed-four received). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3365 (D) Quad City Safety, (Davenport, Iowa, Mike Smeaton, President) for self contained breathing apparatus to be used by the Engineering Department (Wastewater Reclamation Facility), \$10,913.04. (Six bids mailed-four received). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3366 (E) Hawkeye Medical Supply, (7212 University Avenue, Ted Pacha, President) for medical equipment to be used by the Human Resources Department (City's Occupational Health Care Clinic), \$37,809.75. (Fourteen bids mailed-one received). (Council Communication No. 97-503). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

97-3367 (F) Des Moines Asphalt and Paving Co., (903 SE 22nd Street,

**WITHDRAWN** Robert G. Horner, President) for seal coat paving to be used by the Park and Recreation Department (Pioneer, Greenwood, and MacRae Parks), \$75,650. (Eight bids mailed-one received). (Council Communication No. 97-506)

97-3368 82. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3369 83. Authorizing Finance Director to draw warrants on registers of October 10, 1997 and October 17, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning October 6, 1997 and October 13, 1997, and the biweekly payroll due employees on October 10, 1997. **Moved by Flagg to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

97-3370 84. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Flagg that this ordinance do now pass, [#13,529](#). Motion Carried 7-0.**

(1) Request for Extension of Existing Corner Clearance--North Side of Thornton West of South Union

(2) Request for Extension of Existing Parking Restriction--South Side of Bell West of South Union

(3) Request for Reduction in Corner Clearance--West Side of Eighth Street South of Franklin Avenue to Hickman Road

(4) Request for Corner Clearance--East Side of 41st South of Germania Drive

(5) Request for Removal of Commercial Loading Zone and Installation of Two Ten-Hour Meters--West Side of E. Third North of E. Walnut Street

### **ORDINANCES - SECOND CONSIDERATION**

97-3371 85. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Flagg that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Request for Corner Clearance--South Side of Allison Avenue East of Forty-fourth Street

(2) Request for Handicapped Parking--South of City Hall

(3) Request for Extension of Parking Restriction--East Side of Cambridge from E. Sheridan Ave to North of Hull Avenue

(4) Request for Loading Zone--East Side of Southeast Third Street North of Market Street

97-3372 86. On rezoning of property at 7301 Fleur Drive from "R1-80" (One-Family Residential) and "R-5" (Mobile Home Residential) to a Limited "C-2" (General Retail and Highway-Oriented Commercial). **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-3373 (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Flagg 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, [#13,530](#). Motion Carried 7-0.**

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

**\*\*Council considered Hearing Items 94 through 99 next\*\***

### **ORDINANCES - FIRST CONSIDERATION**

97-3374 87. Establishing the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District-SSMID No 2. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-3375 (A) Final consideration of ordinance above, (waiver requested by Sherman Hill Association), 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, [#13,531](#). Motion Carried 7-0.**

97-3376 88. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Vlassis that this ordinance be considered and given first vote for passage; and requesting Traffic Safety Division to review intersections at 63rd and Franklin and 63rd and Merle Hay, to determine need for traffic lights or signs. Motion Carried 6-1. Absent: Daniels.**

(1) Request for Corner Clearance--South Side of Center Street West of Thirty-third Street.

(2) Request for Speed Reduction--Easter Lake Drive Between Indianola Avenue and Southeast Thirty-sixth Street.

(3) Request for Parking Restriction and Traffic Control--Fifty-ninth Street and Boston Avenue.

(4) Request for Four-Way Stop Control--Southeast Twenty-second Street and Park Avenue.

(5) Request for Removal of Parking Restriction--North Side of East Wall Avenue East of Jordan Drive.

## **COUNCIL REQUESTS**

97-3377 89. Communication from Council Member Mike McPherson regarding a proposed change in Des Moines Fire Chief requirements, which stipulates you must be a Captain, with 5 years experience in active fire suppression. **Moved by McPherson to reduce the requirements to state you must be a Captain with four (4) years experience in active fire suppression. Motion Failed 2-5. Yeas: Flagg and McPherson. Nays: Ray, Phillips, Daniels, Hensley and Vlassis.**

97-3378 (A) Communication from Council Member George Flagg regarding potential local candidates for position of Fire Chief. **No Motion Made.**

97-3379 90. From Council Member At-Large George E. Flagg, to speak regarding subsidies from the State of Iowa to offset tax exempt properties. **Moved by Flagg to grant the request to speak and refer to City Council Legislative Sub-Committee to pursue. Motion Carried 7-0.**

97-3380 (A) From Council Member At-Large George E. Flagg to speak regarding seniors inability to use Robert L. Scott Jr. Four Mile Community Center Before 8:00 A.M. **Moved by Flagg to grant the request to speak, and assure building is open by 6:30 A.M. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS**

97-3381 91. From Houghton Properties regarding its interest in constructing a building in Guthrie Avenue Business Park. **Moved by McPherson to receive, file and refer to the City Manager for action, as appropriate. Motion Carried 7-0.**

97-3382 92. Request from Margaret Swanson, 1624 Penn Avenue, to speak regarding traffic at the intersection of Washington and Penn. **Moved by McPherson to receive, file and grant the request to speak; direct City Manager to consider emergency police action to place three-way stops on a trial basis, while an expeditious review is performed by the Traffic Safety Committee. Motion Carried 7-0.**

97-3383 93. Request from Lawrence Allen White, 1000 24th St., Apt. 13, to speak regarding various issues. **No Motion Made. Mr. White spoke to the Council.**

#### **HEARINGS (Opened at 5:40 P.M.) (Items 94 thru 99)**

97-3384 94. On application from Matthew Dittmer, to rezone property at 624-35th Street from "R1-60" (One-Family, Low Density Residential), to a "C-0" (Commercial-Residential District), and to find application in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-3385 (A) First consideration of ordinance rezoning property

**WITHDRAWN** subject to limitations recommended by the Plan and Zoning commission; or,

97-3386 (B) ALTERNATE--First consideration of ordinance rezoning property subject to alternate set of limitations posed by the applicant, with reference to the existing structure. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

Item 94 continued on Page 17

97-3387 94. (C) Final consideration of ordinance above. **Moved by Hensley 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, [#13,532](#). Motion Carried 7-0.**

**\*\*Council considered Item 101 next\*\***

97-3388 95. On ten-year Annexation Moratorium Agreement with City of Norwalk. Moved by Hensley to adopt. **Motion Carried 6-1. Pass: Flagg.**

97-3389 (A) Agreement with City of Norwalk regarding the establishment of line of demarcation, to amend mutual boundary to reflect relocation of Iowa Highways 5 and 28. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

97-3390 96. On amendment to the Zoning Ordinance regarding increasing the minimum percentage of street facade opening on single-family homes from 5% to 15%. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-3391 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-3392 97. On sale of city property in the vicinity of SE 22nd and Virginia, to the Des Moines Independent Community School District, \$242,000, pursuant to Chapter 28E Agreement. **Moved by Phillips to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

97-3393 98. On Sanitary Sewer Repair at 3113 Southern Hills Drive: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, Pres., Clive), \$28,000. (Council Communication No. 97-497), **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-3394 (A) Approving contract and bond. Moved by Hensley to adopt. **Motion Carried 6-1. Absent: Vlassis.**

97-3395 99. On Appeal of Anthony Melia regarding declaration of his dog as a vicious animal. **Moved by Flagg to receive, file and uphold the decision of the Hearing Officer and issue a written order to Mr. Melia directing that the animal be licensed and confined, removed from the City, or in the alternative, that it be humanely destroyed. Motion Carried 7-0.**

\* \* END HEARINGS at 6:00 P.M. \* \*

**\*\*Council considered Item 102, then Items 87 through 93 next\*\***

## **APPROVING**

97-3396 100. Contract with The PAR Group, for Executive Search Firm services for Fire Chief position recruitment, \$24,000 plus costs. (Council Communication No. 97-501). **Moved by Phillips to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

97-3397 101. Report from City Manager on Status of Solid Waste Management Program and request to distribute Metro Waste Authority's "Curb It" Recycling Program survey to residents. (Council Communication No. 97-499). **Moved by Hensley to approve. Motion Carried 7-0.**

97-3398 (A) Request from Tom Hadden, Director, Metro Waste Authority, to speak regarding Solid Waste Management Report. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 7-0.**

97-3399 102. Communication from the City Manager regarding use of parking system revenues

for security and cleaning services in the municipal parking system - Operation Downtown Street Safety Patrol. (Council Communication No. 97-507). **Moved by Hensley to adopt. 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.**

97-3400 1. Request of Council Member Preston Daniels to discuss prequalifying bid language for Public Works Projects. SPONSOR: Daniels. **Moved by Daniels to receive, file and refer to City Manager and Legal for review and recommendation. Motion Carried 7-0.**

97-3401 2. Approving Class "C" Beer and Wine License for Bistro 43, 4345 Hickman Road. SPONSOR: Vlassis. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3402 3. Approving Class "C" Liquor License for Tonic, Inc., dba Friends, 101 4th Street. SPONSOR: Hensley. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3403 4. Approving temporary 5-day Class "C" Liquor License for Embassy Club, 316 SW 5th Street--event to be held 10-17-97. SPONSOR: Hensley. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3404 5. Approving resolution ordering construction of City Hall Lower Level Waterproofing - ordering bids (10-14-97) and setting date of hearing (10-20-97), (Construction Estimate - \$10,000). SPONSOR: Phillips. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-3405 6. Approving Class "B" Beer license for Singh Food Market, dba Singh Citgo, 4600 Fleur Drive. SPONSOR: Hensley. **Moved by Flagg to adopt. Motion Carried 7-0.**

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

### **BOARD OF HEALTH**

**October 6, 1997**

97-3406 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and Convene as a Board of Health. Motion Carried 7-0.**

## **AUTHORIZING**



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

97-3407 (A) 1103 Filmore (vacant), Titleholder: Paul F. Harstad, Norma Harstad; Contract Buyer: Arden L. Stokstad, Robyn A. Stokstad; Legal Interest Holder: City of Des Moines, Community Development Department. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3408 (B) 902 Walker (vacant), Titleholder: James C. Mouzakis Trust; Legal Interest Holder: Fred Lewis Pack, Jr. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3409 (C) 1150 18th (vacant), Titleholder: Claudette Mosby f/k/a Claudette Bates. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3410 2. Authorization by Waiver and Consent of owners and directing the Engineering department to cause demolition of 1450 Fremont (vacant), Titleholder: Eugene Q. Price; Legal Interest Holder: Jim M. Walsh. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3411 3. Release of demolition cost reserve held under claim number 14K81818 regarding property known as 2204 32nd owned by Patricia Emma Defrance. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-3412 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:32 P.M.**