

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 20, 1998 4:30 P.M.

*******CLOSED SESSION*******
3:30 P.M.

98-1086 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-1087 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

98-1088 I. 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.**

98-1089 II. Closed Session to discuss matters of pending litigation.

98-1090 III. Terminate this closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-1091 IV. Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

98-1092 V. Motion to recess and reconvene at 4:30 P.M. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

PROCLAMATIONS - 4:00 P.M.:

- (a) Arbor Day
- (b) Des Moines Art Center 50th Anniversary of Service.
- (c) National Youth Service Day

*******REGULAR SESSION*******
4:30 P.M.

INVOCATION: Father Mike McLaughlin

Holy Trinity Catholic Church

***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.**

98-1093 3. APPROVING CONSENT AGENDA - items 3 through 86: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-1094 4. Communication from Legal Department regarding April 20, 1998 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-1095 5. Des Moines Jaycees, Mary Ann Bender, President dba Seniom Sed Friday Fest, 3rd & Locust - Nollen Plaza; Renewal - Expires 5-20-98 (With Sunday Sales and Beer Garden) - Application submitted 4-2-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-1096 6. Randolph Investment Corporation, Joseph M. Coppola, President dba 4th Street Grocery, 210 4th Street; Renewal - Expires 5-28-98 (With Sunday Sales) - Application submitted 3-17-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1097 7. Mora Inc., Manuel Mora, President dba La Tapatia, 1700 Grand Avenue; Renewal - Expires 5-1-98 (With Sunday Sales) - Application submitted 3-17-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-1098 8. American Drug Stores, Inc., Kevin Tripp, General Manager dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-98 (With Sunday Sales) - Application submitted 3-10-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1099 9. American Drug Stores, Inc., Kevin Tripp, General Manager dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-98 (With Sunday Sales) - Application submitted 3-10-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

98-1100 10. Concession Corporation Inc., Tom Altman, President dba Fiesta Restaurant, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 5-31-98 (With Sunday Sales and Beer Garden) - Application submitted 3-30-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1101 11. Taylor WS, Inc., Ric Silvestrini, President dba Silvestrini's Pizza, 3015 Merle Hay Road #1; New Application (With Sunday Sales) - Application submitted 3-10-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-1102 12. All in the Family Lounge, Helen L. Gordon, President dba All in the Family Lounge, 4413 Fleur Drive; Renewal - Expires 5-1-98 (With Sunday Sales) - Application submitted 3-30-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1103 13. Kenneth V. Gilliam dba Eastside, 2600 Dean Avenue; New Application (With Sunday Sales) - Application submitted 3-25-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1104 14. Gene's Place, Inc., Ronald Goodrich, President dba Gene's Place, 2117 East University; Renewal - Expires 5-9-98 (With Sunday Sales) - Application submitted 3-25-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1105 15. Les & Marcia, Inc., Lester L. Brewer, President dba Kelly's Little Nipper, 1701 Grand; Renewal - Expires 4-28-98 (With Sunday Sales and Beer Garden) - Application submitted 2-27-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1106 16. Lui Restaurant, Inc., Sue Lui, President dba The Mandarin, 3520 Beaver; Renewal - Expires 4-30-98 (With Sunday Sales) - Application submitted 3-23-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

98-1107 17. American Drug Stores, Inc., Kevin Tripp, General Manager dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-98 - Application submitted 3-9-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1108 18. American Drug Stores, Inc., Kevin Tripp, General Manager dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-98 - Application submitted 3-9-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

98-1109 19. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1110 20. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

Beer Gardens

98-1111 21. Approving temporary beer garden application from Blair Stairs dba Drake University - Rathskellar/Olmsted Center/Drake Lounge/Sports & Recreation Center/Mainstay, 29th & Carpenter; Application submitted 3-23-98 for event to be held on April 24 and 25, 1998 (Drake Relays). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1112 (a) Approving temporary beer garden application from Blair Stairs dba Drake University - Rathskellar/ Olmsted Center\Drake Lounge\Sports & Recreation Center/Mainstay, 29th & Carpenter; Application submitted 3-23-98 for event to be held on April 25, 1998 (Class Reunion Tent-Drake Relays). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1113 22. Approving temporary beer garden application from Peggy's Corporation, James Scheetz, President dba Peggy's Cafe & Tavern, 3020 Forest; Application submitted 3-16-98 for event to be held April 21 thru April 26, 1998 (Drake Relays). Moved by Vlassis to adopt and direct notification of approval to property owner, J.G.K., Inc., Jay Wangerin, President, 3024 Forest, Des Moines, IA. **Motion Carried 7-0.**

(a) Approving temporary beer garden application from Peggy's Corporation, James Scheetz, President dba Peggy's Cafe & Tavern, 3020 Forest: Application submitted 3-16-98 for event to be held May 13 thru May 17, 1998 (Parents Weekend). **Moved by Vlassis to adopt and direct notification of approval to property owner, J.G.K., Inc., Jay Wangerin, President, 3024 Forest, Des Moines, IA. Motion Carried 7-0.**

98-1114 23. Approving temporary beer garden application from NJB, Inc., Norma Brodersen, President dba Hickman Pub, 2335 Hickman Road; Application submitted 4-8-98 for special event to be held April 23 thru April 25, 1998 (Subject to submission of acceptable Building Inspection). **Moved by Hensley to adopt. Motion Carried 7-0.**

Gamerrooms

98-1115 24. Grandview College, Thomas Thomsen dba Grandview College, 1200 Grandview Avenue; New Application submitted 3-2-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Refunds

98-1116 25. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

98-1118 26. Approving Intergovernmental 28E Agreement with U.S. Postal Service, for Storm Sewer Facilities at 1501 E. Fleming Avenue. ([Council Communication No. 98-149](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1119 27. Approving contract and Bond with Eco Tech Contractors, Inc., (Steve Gillotti, President) for 1995 Paving Program No. 1, Contract No. 4 - \$499,434--continued from 3-23-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1120 (A) Permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1121 28. Authorizing City Manager to acquire the necessary right-of-way for the construction of SE 14th Street and E Diehl Avenue Intersection Improvement - 1998/1999 Capital Improvements Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1122 29. Authorizing RELEASE of Chapter 573, Code of Iowa Claim for labor and/or materials by J. Pettiecord, Inc. (Principal Contractor) against Flynn Construction (Sub-Contractor) for Airport Terminal Replacement, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

30. Resolution Ordering Construction of the following:

98-1123 (A) 1998 Pavement Milling, receiving of Bids, (5-5-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$87,500). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1124 (B) 1998 ACC Pavement Milling & Resurfacing, Receiving of Bids, (5-5-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$291,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1125 (C) Fire Station No. 1 Apparatus Floor Replacement, Receiving of Bids, (5-5-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$100,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1126 (D) 30th/31st Street Improvements-Kingman Avenue to Forest Avenue, (IDOT), Receiving of Bids, (5-5-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$264,240.54). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-1127 (E) Martin Luther King, Jr., Parkway-SW 5th Street Paving and Storm Sewer, (IDOT), Receiving of Bids, (5-5-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$619,140). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1128 31. Communication from Venter Spooner, Inc. requesting permission to sublet certain items on the public improvement project for the Archie Brooks Community Center Gymnasium Expansion. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1129 32. Request from Point Builders, Inc., Fred Timko, President, 1751 Guthrie Avenue, Suite B, Des Moines, for an extension of time until May 11, 1998 for the EMC Welding Shop Relocation & Overhead Door Replacement. **Moved by Hensley to receive, file and grant the extension of time until may 11, 1998. Motion Carried 7-0.**

98-1130 33. Approving Change Order No. 3 (Revised) with The Weitz Company, Inc. for additional work in conjunction with the WRA Laboratory and Personnel Facilities. ([Council Communication No. 98-143](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

98-1131 (A) Archie Brooks Community Center Gymnasium Expansion, Venter Spooner, Inc., \$4,082.15 is now due and \$41,618.35 remaining balance is due and payable at end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1132 (B) E. 18th Street Interceptor Relining: South of Maury Street to E. Court Avenue, Lametti & Sons, Inc., \$32,883.47 is now due and \$70,080.21 remaining balance is due and payable at end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1133 35. Street Construction Program Report for July 1, 1998 thru June 30, 2003, submitted to Iowa Department of Transportation (IDOT) for Road Use Tax allotments. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1134 36. Approving partial payments on nine public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1135 37. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, 2323-53rd and 2912 North Union, and driveway petition for 5800 Waterbury Circle. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-1136 38. Accepting Negotiated Offer to Purchase 1614 6th Avenue in the Sixth Avenue Revitalization Plan Urban Renewal Area, from Robert Edmonds - \$80,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1137 39. Approving Conveyance of City-owned Municipal Housing Agency Property, 1426-57th Street, to Stephanie Greene Jewett--Affordable Home Ownership Program. ([Council Communication No. 98-147](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1138 40. Accepting conveyance from Polk County for property at 1417 Forest Avenue in conjunction with infill housing. (Council Communication No. 98-144). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1139 41. Property Rehabilitation Contract with Teri Toye, regarding 1808 7th Street, and to further continue to 5-4-98 at request of Ms. Toye. **Moved by Coleman to continue to 5-4-98. Motion Carried 7-0.**

98-1140 42. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion, 2500 Littell Ave - Andrews/Farley, from Robert Patrick Farley and Connie Farley aka Connie S. Farley, 2500 Littell Avenue - \$92,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1141 43. Warranty Deed, Permanent Easement for Storm Sewer Right-of-Way, Permanent Easement for Traffic Signal and Street Lighting Systems, Backslope and Property Adjustment Easement and Release in conjunction with 30th Street/31st Street Realignment at University Avenue, Kingman Avenue to Forest Avenue, from Drake University, various addresses - \$204. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1142 44. Approving Noise and Avigation Easements for seven properties, in conjunction with the Airport Noise Compatibility Program, Phase II. (Call the City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1143 45. Backslope and Property Adjustment Easement and Release in conjunction with 30th Street/31st Street Realignment at University Avenue, Kingman Avenue to Forest Avenue, from Jason Roose, 1424 30th Street - \$140. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-1144 46. Resignation of Kathy Carlson from the Park and Recreation Board, effective immediately. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 7-0.**

STREET CLOSINGS

98-1145 47. Approving request from JoAnn Brockman, representing Christ the King School, 701 Wall Avenue, requesting permission to close SW Seventh Street from Wall Avenue to Porter Avenue on Wednesday, June 3, 1998 from 10:00 A.M. until 3:00 P.M. for the annual end of school year relays and field day. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1146 48. Approving exception regarding length of time request from Preston Muhammad, representing Torchlight Foundation, 2105 Forest Avenue, request to close 21st Street from 1404 21st Street at the alleyway to Forest Avenue from 11:00 A.M. to 8:00 P.M., Saturday, May 16, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

98-1147 49. Regarding imposition of a moratorium on billboard construction, to preserve the status quo until appropriate regulatory changes can be considered. **Moved by McPherson to**

adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 5-1-1. Nays: Vlassis. Pass: Flagg.

98-1148 (A) Resolution imposition a temporary moratorium on construction of new off-premises advertising signs, through 6-15-98. ([Council Communication No. 98-155](#)). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Vlassis. Pass: Flagg. Council Member Vlassis opposes a moratorium for those with permits which have been issued.**

98-1149 50. Regarding request from Stuart T. Bassman, J.B. Doors Prtp, 300 SW 6th, for vacation and conveyance of 16.5' north/south alley right-of-way lying south of Elm Street and north Tuttle Street. **Moved by Hensley to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

98-1150 51. Regarding request from Donald K. Miles, 301 E. Marion, for vacation and conveyance of SE 3rd Street right-of-way south of E. Marion Avenue and north of E. Leach Avenue. **Moved by Hensley to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-1151 52. On application from Paul Knight, for vacation of Clay Street right-of-way and adjoining north/south alley in vicinity of SW First Street, (4-27-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1152 53. On application from Gerald Neugent on behalf of Knapp Properties, to vacate right-of-way easement for a portion of SW 56th Street south of Park Avenue, (4-27-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1153 54. (A) On Issuance of not to exceed \$6,725,000 of Public Parking Revenue Bonds, (5-4-98). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-1154 (B) On Issuance of not to exceed \$25,175,000 in Public Parking System Revenue Refunding Bonds, (5-4-98). ([Council Communication No. 98-152](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

55. On the proposed issue of General Obligation Bonds for the following, (5-4-98), ([Council Communication No. 98-153](#)):

98-1155 (A) \$12,500,000, (Essential Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1156 (B) \$1,000,000, (Essential Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1157 (C) \$875,000 (Essential Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1158 (D) \$990,000 (General Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1159 (E) \$960,000 (General Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1160 (F) \$950,000 (General Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1161 (G) \$900,000 (General Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1162 (H) \$1,000,000 (General Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1163 (I) \$390,000 (General Corporate Purposes) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-1164 56. Approving Settlement Agreement with Hillside Neighborhood, L.P., for partial payment of loan and release of mortgage, City View (Town Square) Apartments Project, Ninth and Crocker Streets. ([Council Communication No. 98-140](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

98-1165 57. Approving payment of \$45,000 to Billy G. Myers for workers' compensation claims for injuries suffered during his course of employment is subject to approval of a special case settlement by the Industrial Commissioner. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1166 58. Approving payment of \$22,332 to Jeffrey W. Osborn for workers' compensation claim for injuries suffered during the course of his employment on December 12, 1996. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1167 59. Approving payment of \$7,500 to Theresa Rosa Lee Brown and Attorney Maggi Moss for bodily injury resulting from automobile accident on May 21, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1168 60. Approving payment of \$5,792 to Pablo Juarez for property damage resulting from an improperly installed storm sewer line on or about August 1979 for a full and complete release in favor of the City. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1169 61. Approving payment of \$3,503.50 to F. Montgomery Brown of Cook, Gotsdiner, McEnroe & McCarthy for representation of Officer Kenneth Brown in case of Leverette et al. v. Heller, et al. **Moved by Hensley to approve payment. Motion Carried 7-0.**

98-1170 62. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

98-1171 63. Submitting various traffic regulation changes as follows, ([Council Communication No. 98-148](#)). **Moved by McPherson to defer to 4-27-98, for additional information regarding location of Loading Zone referenced in Item (2):**

- (1) Four-Way Stop-Southwest Fourteenth Street and Geil Avenue.
- (2) Removal of Commercial Loading Zone-East Side of Sixth Avenue North of Douglas Avenue.
- (3) One-Sided Parking Restriction-South Side of Twana Dr. from a Point East of 38th St. to Beaver Avenue.

98-1172 64. Submitting out-of-state travel requests for Eric Anderson, Franklin Irvin, Kevin Riper and Bill Wyer. ([Council Communication No. 98-134](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

98-1173 65. Communication from Polk County Office of Elections, notifying of polling places to be used for Primary for the General Election on Tuesday, June 2, 1998: Four Mile Community Center, Logan Community Center, Southeast Community Center, Royal View Manor, Archie Brooks Community Center and Southview Manor. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1174 66. Semi-Annual Equal Opportunity Report, July 1 to December 31, 1997. ([Council Communication No. 98-137](#)). **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-1175 67. Submitting Monthly Financial Report for February, 1998. (Copy on file in City Clerk's Office). **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-1176 68. Report from Polk County Assessor submitting 1997 Annual Report. **Moved by Flagg to receive and file. Motion Carried 7-0.**

98-1177 (A) Communication from Council Member At-Large George Flagg, regarding inside housing inspections and tax exempt property. **Moved by Flagg to receive and file. Motion Carried 7-0.**

98-1178 69. Contract with Children and Families of Iowa for Weed and Seed Tutoring and Enrichment Activities Project for the period from January 1 to December 31, 1998, utilizing \$10,000 of Weed and Seed funding. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1179 70. Amendment One to Enterprise Community Child Development Specialist Service Project with Polk County Child Care Resource and Referral ChildNet, to extend the contract to August 31, 1998 and amend the budget categories using the original \$40,000 grant. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1180 71. Budget Amendment for Community Services Block Grant (CSBG) Contract with Iowa Department of Human Rights/ Division of Community Action Agencies increasing the budget from \$336,334 to \$399,988. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1181 72. Renewing Contract and Budget Authority for Section 8 Consolidated Annual Contributions Contract for project No. IA020CO0029. ([Council Communication No. 98-136](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1182 73. Contract with Governor's Traffic Safety Bureau to purchase preliminary breath testing devices to be used by the Police Department. ([Council Communication No. 98-146](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1183 74. Application for Des Moines Police Department to continue participation in Drug and Violent Crime Task Force with the Federal Drug Enforcement Administration (DEA). ([Council Communication No. 98-145](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1184 75. One-year extension of current three-year auditing services agreement with KPMG Peat Marwick LLP to include annual audit for the year ending June 30, 1999. ([Council Communication No. 98-133](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

76. The following items regarding Guthrie Avenue Business Park Urban Renewal Area, Disposition Parcel No. 30A 1901 DeWolf Street, ([Council Communication No. 98-143](#)):

98-1185 (A) Approving Evidence of Financing and Signage Plan provided by The Fred Nesbit Distributing Co., LLC., and Fitz-Gold LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1186 (B) Resolution to approve, execute and deliver Special Warranty Deed and provide payment of Real Estate Broker Commission. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1187 77. Annual License and Areaway permits for Signature Communications, Inc. to maintain its twenty-four (24) benches in public right-of-way at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

78. Bids for the following:

98-1188 (A) Tri-State Pump and Control, Inc., (120 NW 54th Avenue, Scott Obernolte, President) for a submersible pump to be used by the Engineering Department (Wastewater

Reclamation Facility), \$13,259. (Seventeen bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1189 (B) Mid-States Ford Truck Sales, Inc., (4300 NE 14th Street, Marv Perry, President) for a pickup truck with fiberglass body and hitch to be used by the Park and Recreation Department, \$21,640.80. (Ten bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1190 (C) Pomeroy Computer Resources, (1408 Locust Street, Dave Pomeroy, President) for Olicom computer network equipment to be used by the Engineering Department (Wastewater Reclamation Facility), \$26,203. (Six bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1191 (D) Mid-States Ford Truck Sales, Inc., (4300 NE 14th Street, Marv Perry, President) for a full size pickup with mounted rotating light to be used by the Finance Equipment Replacement (Engineering Lab), \$17,953.10. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1192 (E) Eddy-Walker Equipment Company, (4044 East 14th Street, Donald Eddy, President) for two (2) street sweepers to be used by the Public Works Department (Street Maintenance), \$125,920. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1193 (F) Two suppliers for lawn equipment to be used by the Park and Recreation Department (Golf Courses). Big Bear Equipment Co., (Omaha, NE, Dave Wilson, President) for one (1) chipper/shredder, one (1) thatcher/seed, and one (1) 3-point mount seeder-cost of \$12,786, and Great American Outdoor (Urbandale, IA, Dan VanHoweling, President) for three (3) string trimmers-cost of \$1,589.85. Total Cost \$14,375.85. (Eight bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1194 (G) Two suppliers for vehicles to be used by the Engineering Department (Wastewater Reclamation Facility). Mid-States Ford Truck Sales, Inc., (4300 NE 14th, Marv Perry, President) for one (1) four-wheel drive one-ton truck with service body and snow plow, and one (1) two-wheel drive four-door crewcab truck with service body and hoist and one (1) four-wheel drive four-door crewcab truck with service body, hoist and snow plow-Cost of \$89,895.21, and Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for one (1) mini-van for \$8,461.69. Total Cost - \$98,356.90. (Thirteen bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1195 (H) Primary and secondary suppliers for asphalt cement concrete annual contract to be used by the Public Works Department (Street Maintenance)- Des Moines Asphalt and Paving Co., (903 SE 22nd Street, Robert Horner, President) and Grimes Asphalt and Paving Corporation, (Grimes, IA, J.M. Yonker, President). (Two bids mailed-two received) (Call City Clerk's Office for material breakdown and prices). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

98-1196 (I) Bituminous Materials and Supply, (900 SE Raccoon Street, Omer Ohl, Vice

President) for emulsified asphalt materials to be used by the Public Works Department (Street Maintenance), \$300,000. (Two bids mailed-one received). (Call City Clerk's Office for material breakdown and prices). ([Council Communication No. 98-139](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

98-1197 (J) Triad Productions, Inc., (1910 Ingersoll Avenue, Richard Trump, President) for audio, video, voting and control system to be used by the City Council - City Council Chambers renovation project, \$115,439. (Six bids mailed-one received). ([Council Communication No. 98-154](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: McPherson. Pass: Flagg.**

98-1198 79. Report of Civil Service Commission submitting Entrance Lists for Public Works Assistant and Intermediate Clerk Typist, and Promotional Lists for Cement Finisher, Plant Operator, and Senior Plant Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-1199 80. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1200 81. Authorizing Finance Director to draw warrants on registers of April 17, 1998 and April 24, 1998; and the bills of the Des Moines Municipal Housing Agency for the week beginning April 20, 1998, and the biweekly payroll due employees on April 10, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-1201 82. On vacation of City right-of-way in vicinity of Carpenter and 62nd Street, to abutting property owners. **Moved by Hensley that this ordinance do now pass, [13,598](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

98-1202 83. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) Correction to Municipal Code, Section 27-2048: Clark Street-Michigan Street to 9th Street.
- (2) Request for Angle Parking-Keo Way between 7th Street and 6th Avenue.
- (3) Request for Additional Signing-Downtown Des Moines School.
- (4) Request for Stop Signs-S.E. 28th and Market.

98-1203 84. On rezoning of property at 5601 SE 14th St, from "C-2" (General Retail and Highway Oriented Commercial), and "R1-80" (One Family Residential) to a "PUD", (Planned

Unit Development), Home Depot Store. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-1204 85. Amending Chapter 23 of the Municipal Code regarding regulation and management of private use of public rights-of-way. **Moved by Hensley that this ordinance be deferred for further consideration until the regular City Council meeting on May 17, 1998. Motion Carried 7-0.**

98-1205 86. Amending Chapter 26 of the Municipal Code regarding licensing of communication systems within public right-of-way, and to further defer consideration until 5-18-98. **Moved by Hensley that this ordinance be deferred for further consideration until the regular City Council meeting on May 18, 1998. Motion Carried 7-0.**

* * * * * END CONSENT AGENDA * * * * *
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****Council considered Item 99 next****

ORDINANCES - FIRST CONSIDERATION

98-1206 87. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes, (continued from 4-6-98). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

- (1) Lengthen Handicapped Parking area-East Side of E. 13th Street South of Grandview Avenue.
- (2) One-Sided Parking Restriction-East Side of S.W. 60th Street South of Leland Avenue to the Dead End.
- (3) Corner Clearance-South Side of Leyden Avenue East of E. 38th Street.
- (4) No Parking Any Time-North Side of Locust St. West of Fourth Street to Fifth Street.
- (5) Corner Clearance-East Side of 57th Street North of Madison Avenue.

98-1207 88. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

- (1) Define Handicapped Loading areas on Third Street and Grand Avenue Adjacent to Civic Center Court Apartments.

(2) Corner Clearance-West Side of Southeast Seventh Street North and South of Scandia Avenue.

COMMUNICATIONS/REPORTS

WITHDRAWN 98-1208 89. From Lawrence Allen White, 2422 Drake Park Avenue, to speak regarding Civil Rights.

98-1209 (A) Communication from Council Member At-Large George Flagg, regarding Human Rights Ordinance. **Moved by Flagg to receive, file and defer to April 27 agenda. Council requests minutes from April 16 Human Rights Commission meeting and related correspondence from Legal Department to Council Members. Motion Carried 7-0.**

****Council considered Item 96 though end of agenda next****

HEARINGS (Opened at 5:47 P.M.) (Items 90 thru 95)

98-1210 90. On City-initiated rezoning of the Eastgate Shopping Center, E. 14th Street and Euclid Avenue, from "C-4", "M-1" and "M-2" to a "PUD". **Moved by McPherson to adopt. Motion Carried 7-0.**

98-1211 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-1212 (B) Preliminary terms of Agreement with Eastgate Plaza, LLC, for redevelopment of the Eastgate Shopping Center, (Northeast corner of E. 14th and Euclid). ([Council Communication No. 98-151](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

98-1213 (C) Final consideration of ordinance above. **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, [#13,599](#). Motion Carried 7-0.**

98-1214 91. On application from Steven O. Herndon, Des Moines Seed and Nursery, to rezone property north of 6015 Grand Avenue from "R1-80" (One Family Residential) to a Ltd. "C-1" (Neighborhood Retail Commercial), and to find conformance with the Des Moines 2000 Land Use Plan, and continue until June 15, 1998 at request of applicant. **Moved by Hensley to continue the hearing until June 15, 1998. Motion Carried 7-0.**

98-1215 92. On application from Eugene Hiskey, to rezone property at 1314 E. 14th, from "R-3" (Multiple Family Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), and to find conformance with Des Moines 2000 Land Use Plan. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

98-1216 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Daniels.**

98-1217 93. On application from Ed Fallon and Peggy Jester to designate Esther Hall (Hawthorn Hill) at 921 Pleasant as a City Landmark. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: McPherson and Vlassis.**

98-1218 94. On application from Donald Hosek, to rezone property at 3401 SW 46th Street, from "R1-80" (One Family Residential) to "C-2" (General Retail and Highway Oriented Commercial), and to find conformance with Des Moines 2000 Land Use Plan, (City Plan Commission recommends DENIAL). **Moved by Flagg to adopt denial. Motion Carried 7-0.**

98-1219 95. On application from Sally Gottstein and Sharon Rae Beecher, to rezone property at 4225 NE 38th Street and 4202 NE 42nd Street from the "A-1" (Agricultural District classification it would receive upon its annexation into the City), to an "R-3" (Multiple Family Residential) and to find conformance with Des Moines 2000 Land Use Plan, (City Plan Commission recommends DENIAL). **Moved by McPherson to adopt denial. Motion Carried 7-0.**

* * END HEARINGS at 6:40 P.M. * *

****Council considered Consent Items 63 through 86 next****

CITY MANAGER RECOMMENDATIONS

98-1220 96. Authorizing preliminary work to establish the 1999 Paving Program, included in the 1997-98 Capital Improvements Program. ([Council Communication No. 98-132](#)). **Moved by McPherson to receive, file and authorize the City Manager to proceed with the project outlined in Council Communication No. 98-132. Motion Carried 7-0.**

****Council Member Flagg left the meeting at 8:20 P.M.****

98-1221 97. Regarding allocation of unspent Community Development Block Grant (CDBG) Funds and allocation of additional 1998 HOME and ESG funds. ([Council Communication No. 98-116 of 4-16-98](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: McPherson. Absent: Flagg.**

APPROVING

98-1222 98. Capitol Park Neighborhood Traffic Safety Plan--temporary installation of a traffic circle at East Twelfth and Buchanan--(trail basis), and permanent installation of "knuckles" at the intersection of East Twelfth and Walker and East Twelfth and Fremont ([Council Communication No. 98-141](#)). **Moved by McPherson to adopt and direct installation of "No Parking Here to**

Corner" on East side of East Ninth, South of Filmore. Motion Carried 5-2. Absent: Flagg and Phillips.

98-1223 99. Communication from Public Works director recommending the streets to be included in the proposed 1998 Asphalt Stabilization Program. **Moved by Hensley to approve, receive and file and accept recommendation of the City Manager.**

98-1224 (A) Preliminary Resolution for the Construction of the 1998 Asphalt Stabilization Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1225 (B) Oral request of Council Member Christine Hensley to discuss petitions submitted by Frisbie Park regarding paving of North Valley Drive. **Moved by Hensley to receive, file and grant request; refer to City Manager and City Engineer to prepare proposal and estimates for paving. Motion Carried 7-0.**

98-1226 100. Recommended 1998 Intermediate Paving Program. ([Council Communication No. 98-138](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Flagg and Phillips.**

98-1227 101. Form of Bond Purchase Agreement with Merrill Lynch & Co. for issuance of not to exceed \$45,000,000 in Aviation System Revenue Bonds. ([Council Communication No. 98-150](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1228 (A) Aviation System Revenue Bonds in amount not to exceed \$45,000,000 - Bond sale on 4-16-98. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1229 102. Recommendation from Airport Board, regarding staff travel paid by Airport funds and modification of Administrative Policy 8.1 ([Council Communication No. 98-135](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1230 103. City of Des Moines Legislative Update for the 77th Iowa General Assembly. **Moved by Vlassis to receive and file attached report. Motion Carried 6-1. Absent: Flagg.**

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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.

98-1231 1. Recommendation of Council Member George Flagg for appointment of Randy E. Brown to the Power Engineers Examining Board, three-year term to expire April 2, 2001. SPONSOR: Flagg. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent:**

98-1232 2. Recommendation from City Manager regarding appointment of Ronald T. Wakeham as Fire Chief. SPONSOR: Phillips. **Moved by Phillips to adopt the recommendation of the City Manager and appoint Ronald T. Wakeham as Fire Chief for the City of Des Moines. Motion Carried 6-1. Absent: Flagg.**

98-1233 3. Recommendation from Council Member Chris Coleman, for reappointment of Brian Clark to the Architectural Advisory Board, three-year term to expire February 15, 2001. SPONSOR: Coleman. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1234 4. Approving Class C Liquor License for JTMC, Inc., Tammie M. Chamberlain, President, dba Pop A Top, 2201 Easton, New Application submitted 4-15-98. SPONSOR: Flagg. **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH April 20, 1998

98-1235 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Flagg.**

AUTHORIZING

98-1236 1. Court authority to abate the public nuisance at the following location: 2210 Woodland (vacant) Titleholders: John and Rose Belle Phelan, DECEASED; Heirs of Titleholders: Unknown Heirs of John and Rose B. Phelan, Hazel C. Brady, DECEASED; Heir of Hazel Brady: Mary Cooper, Gerald Cooper; Legal Interest Holder: Albert Wald, Jolanta Bankowska. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1237 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 8:40 P.M. Motion Carried 6-1. Absent: Flagg.**

