

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES BOTANICAL CENTER

909 East River Drive

August 17, 1998 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) 40th Anniversary Recognition of our Sister City Kofu, Japan.
- (b) Mayor's Charity Cruise Committee and Very Special Arts Iowa.
- (c) HUD Best Practices Recognition Award--Neila Seaman, Chair of the Enterprise Community, and Steve Justice and John Seddon of Nations Bank.

PROCLAMATIONS - 4:00 P.M.:

Community Collaboration Day

INVOCATION: Pastor John Chadwick

Grace Lutheran Church

98-2493 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-2494 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2495 3. APPROVING CONSENT AGENDA - items 3 through 69: **Moved by Hensley to adopt balance of Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-2496 4. Communication from Legal Department regarding August 17, 1998 License and Permit Agenda. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Beer Licenses

98-2497 5. Oakmoor, Inc., Ronald O. Burns, President dba Oakmoor Racquetball-Health Center, 4731 Merle Hay Road; Renewal - Expires 8-19-98 (With Sunday Sales) - Application submitted 7-17-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-2498 6. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #553, 101 Southwest Army Post Road; Renewal - Expires 8-28-98 (With Sunday Sales) - Application submitted 7-7-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-2499 7. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #560, 2301 M L King Parkway; Renewal-Expires 9-25-98 (With Sunday Sales)-Application submitted 7-13-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2500 (A) QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #560, 2301 M L King Parkway requesting transfer of Class "E" Beer Permit to 2300 M L King Parkway effective 9-4-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2501 8. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #540, 3000 Merle Hay Road; Renewal - Expires 10-1-98 (With Sunday Sales) - Application submitted 7-24-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-2502 9. Alfred Foggia dba Antler's Lounge and Grille, 414 East 6th Avenue; Renewal - Expires 9-6-98 - Application submitted 8-3-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2503 10. Court Avenue Brewing Company LLC, Christopher J. Knock, General Manager dba Court Avenue Brewing Company, 309 Court Avenue; Renewal - Expires 9-3-98 (With Sunday Sales and Beer Garden) - Application submitted 7-31-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2504 11. Maxmin Enterprises, Corp., You-Ming H, President dba Dragon House East, 2470 East Euclid; Renewal - Expires 8-25-98 (With Sunday Sales) - Application submitted 7-7-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2505 12. Fraternal Order of Eagles, Glenn Parry, President dba Fraternal Order of Eagles, 6567 Bloomfield Road; Renewal - Expires 8-28-98 (With Sunday Sales) - Application submitted 7-24-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2506 13. Judge Roy Beans Eaten & Drinking Emporium LTD, Jeffrey Baker, President dba Judge Roy Beans, 210 Court Avenue: Renewal - Expires 8-22-98-Application submitted 7-22-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2507 14. BDUY Food Services, Richard T. Murillo, President dba Stella's Blue Sky Diner, 400 Locust #235; Renewal - Expires 8-24-98 (With Sunday Sales) - Application submitted 7-24-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2508 15. Suds on 2nd, Inc., Maria Varvel, President dba Suds on 2nd, 2801 2nd Avenue; Renewal - Expires 8-31-98 (With Sunday Sales) - Application submitted 7-10-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Beer Gardens

98-2509 16. Approving exception regarding length of time request from Susan Parry, representing Court Avenue District Association, 308 Court Avenue for a block party on Court Avenue from Fourth Street to Second Avenue on Sunday September 6, 1998 from 2:00 P.M. until 12:00 Midnight for the Blues Festival. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2510 (A) Temporary beer garden extension for Jim Stevens dba Nacho Mamma's, 216 Court Avenue on September 6, 1998 from 3:00 P.M. to 12:00 Midnight for Blues Festival. Subject to submission of acceptable electrical inspection. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2511 17. Approving exception regarding length of time request from 215 Group L.P., Scott Formaro, President dba Gilligan's, 208 Court Avenue to close sidewalk and eight parking spaces in front of 208 Court Avenue on September 6, 1998 from 3:00 P.M. to 12:00 Midnight for Blues Festival. (Deferred from August 3, 1998 Council Meeting). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2512 (A) Temporary beer garden for 215 Group L.P., Scott Formaro, President dba Gilligan's, 208 Court Avenue on September 6, 1998 from 3:00 P.M. to 12:00 Midnight for Blues Festival. (Deferred from August 3, 1998 Council Meeting). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2513 18. Approving exception regarding length of time request from Chris Smithson dba Papa's Planet, 208 3rd Street to close 3rd Street (West Lane Only) and Court Avenue (North Lane Only) from 208 3rd Street to 206 3rd Street on September 6, 1998 from 5:00 P.M. until 12:00 Midnight for a street dance, (Police Department recommends DENIAL). **Moved by Hensley to adopt, as amended and approve closure of Court Avenue area only, vicinity of Third to Fourth Street, and exclude any closure of Third Street. Motion Carried 4-3. Nays: Flagg, McPherson and Vlassis.**

98-2514 (A) Temporary beer garden extension for Chris Smithson dba Papa's Planet, 208 3rd Street on September 6, 1998 from 5:00 P.M. to 12:00 Midnight for Street Dance. Subject to submission of acceptable electrical inspections. **Moved by Hensley to adopt, as amended, to approve area fronting Court Avenue only and exclude any closure of Third Street. Applicant to submit new drawings, as appropriate. Motion Carried 4-3. Nays: Flagg, McPherson and Vlassis.**

98-2515 19. Approving exception regarding length of time request from Chris Smithson dba Papa's Planet, 208 3rd Street to close 3rd Street (West Lane Only) and Court Avenue North Lane

Only) from 208 3rd Street to 206 3rd Street on September 12, 1998 from 5:00 P.M. to 12:00 Midnight for Street Dance. (Police Department recommends DENIAL). **Moved by Hensley to approve, as amended: close Court Avenue area only, Third to Fourth Street area, and exclude any closure of Third Street. Motion Carried 5-2. Nays: Flag and Vlassis.**

98-2516 19. (A) Temporary beer garden extension for Chris Smithson dba Papa's Planet, 208 3rd Street on September 12, 1998 from 5:00 P.M. to 12:00 Midnight for Street Dance. Subject to submission of acceptable electrical inspections. **Moved by Hensley to adopt, as amended, to approve area fronting Court Avenue only and exclude any closure of Third Street. Applicant to submit new drawings, as appropriate. Motion Carried 5-2. Nays: Flag and Vlassis.**

98-2517 20. Approving exception regarding length of time request from Ryan Smithson dba Generations, 309 Court Avenue to close Court Avenue (North Lane Only) from 4th Street to the parking lot entrance east of 309 Court Avenue on September 12, 1998 from 5:00 to 12:00 Midnight for "Christmas is for Kids Party". (Police Department recommends DENIAL). **Moved by Hensley to adopt, as amended, to approve closing Court Avenue area only, vicinity of Third Street to Fourth Street, and exclude any closure of Third Street. Motion Carried 5-2. Nays: Flag and Vlassis.**

98-2518 (A) Temporary beer garden extension for Ryan Smithson dba Generations, 309 Court Avenue on September 12, 1998 from 5:00 P.M. to 12:00 Midnight for "Christmas is for Kids Party". Subject to submission of acceptable electrical inspection. **Moved by Hensley to adopt, as amended, to approve area fronting Court Avenue only and exclude any closure of Third Street. Applicant to submit new drawings, as appropriate. Motion Carried 5-2. Nays: Flag and Vlassis.**

Sunday Sales

98-2519 21. FIY, Inc. Frank Yacavona, President dba Pal Joey's, 6224 Grand Avenue effective 9-6-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

22. Approving Change Orders for the following:

98-2520 (A) Change Order No. 58 with Taylor Ball L.C. for additional work in conjunction with Intermodal Transportation Facility Contract in an amount not to exceed \$58,217. [\(Council Communication No. 98-334\)](#). **Moved by Hensley to defer to 8-24-98. Staff to provide outline of Change Order History for Public Improvement Projects and notice of contract time extension when authorized by Change Order. Motion Carried 7-0.**

98-2521 22. (B) Change Order No. 55 with Taylor Ball L.C. for additional work in conjunction with Intermodal Transportation Facility Contract in an amount not to exceed \$22,823. [\(Council Communication No. 98-335\)](#). **Moved by Hensley to defer to 8-24-98. Staff to provide outline**

of Change Order History for Public Improvement Projects and notice of contract time extension when authorized by Change Order. Motion Carried 7-0.

98-2522 (C) Change Order No. 1 with Layne Christensen Company for additional work in conjunction with S.W. 30th Street Sanitary Relief Sewer Contract in an amount not to exceed \$88,500. ([Council Communication No. 98-340](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2523 (D) Change Order No. 24 with United Contractors, Inc. for additional work in conjunction with E. Euclid Avenue and Delaware Avenue Intersection Reconstruction Contract in an amount not to exceed \$59,044. ([Council Communication No. 98-341](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2524 (E) Change Order No. 3 with R. G. Elder & Son Company for additional work in conjunction with Woodland Park Contract in an amount not to exceed \$30,607. ([Council Communication No. 98-342](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2525 23. Approving Professional Services Agreement for Construction-Phase Services on Tuttle Street Paving from SW 5th Street to SW 9th Street, in conjunction with ML King Jr. Parkway Project with RUST Environment & Infrastructure, Inc. (Joe Becker, Vice President, Greenville, South Carolina) - \$98,000. ([Council Communication No. 98-345](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

24. NUMBER NOT USED.

98-2526 25. Approving Private Construction Contract for Storm Sewer Improvements on the East Side of E 17th Street, between Mattern Avenue and Washington Avenue to service Deco Tool Supply at 1701 E. 17th Street, between C.I. Carlisle Mechanical, Inc., (Craig I. Carlisle, President), Contractor and Dennis Quinn (4821 Hamilton Drive, Davenport), Owner - \$10,444. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2527 26. Approving Private Construction Contract for Street Improvements to construct a turn lane on Relocated Army Post Road at Register Drive at the Airport Business Park between Nuckolls Concrete Services, Inc., (Scott Temple, President), Contractor and ABC Partners, L.C., (Richard Margulies, President and Owner of General Partners), Owner - \$58,935.72. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2528 27. Approving Private Construction Contract for Street Improvements for the proposed Brook Run Village, Plat 1 subdivision located at NE 38th Street and Douglas Avenue between Eco-Tech Contractors, Inc., (R.S. Gillotti, President), Contractor, and Brook Run, L.C., (Gene Stanbrough, Manager), Owner - \$261,016. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2529 28. Communication from Cramer and Associates, Inc., Delmar Cramer, President, 990 NE 44th Avenue, Contractors, for the John R. Grubb Community YMCA Handball and Basketball Courts, requesting an extension of time until August 22, 1998. **Moved by Hensley to**

receive, file and grant the extension of time until August 22, 1998. Motion Carried 7-0.

29. Approving contract and bond for the following:

98-2530 (A) Walnut Street Sanitary Sewer Televising, Infrastructure Technologies, Inc., (Robert M. Thul, President, Brooklyn Park, MN). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2531 (B) 1505 & 1507 E. Walnut Demolition, D & F Trucking, (Mae Dillard, Owner, Indianola). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2532 30. Communications from D & F Trucking and L.A. Company requesting permission to sublet certain items on 1505 & 1507 East Walnut Demolition and 2015 & 2019 Woodland Avenue Demolition & Asbestos Removal public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2533 31. Approving partial payments on eleven public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

98-2534 32. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1998-43 and providing for payment thereof. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2535 33. Authorizing the Assessment Clerk to correct Sidewalk Repair/Replacement Assessment Schedule No. 1998-45 in the amount of \$205.20 which were charged to 2836 Des Moines Street due to contractors error in measurement. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-2536 34. Revised Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), from Raymond Howard Trent a/k/a R. Howard Trent and Virginia W. Trent a/k/a Virginia Wanda Trent, Ronald Lee Trent and Peggy Trent, John Herman Trent and Joyce Trent, Linda Jean Alber and Jack Alber, and Richard Eugene Trent, 5260 Pine Avenue - \$230,113. **Moved by Hensley to adopt. Motion Carried 7-0.**

35. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion for the following:

98-2537 (A) Andrew J. Bracken and Diane S. Bracken, 6580 SW 30th Street - \$133,058. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2538 (B) Derek S. Murphy and Mellissa J. Murphy, 2601 Littell Avenue - \$81,553. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2539 (C) Michael S. Ramey and Marla R. Ramey, 2608 Littell Avenue - \$121,053. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2540 36. Approving Permanent Easement for Sanitary Sewer Right-of-Way, from Monarch Cement Company to Airport Commerce Park L.C., for purpose of extending sanitary sewer line, Park Avenue and S.W. 56th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2541 37. Temporary Easement for Construction, Permanent Easement for Storm Sewer Right-of-Way, Permanent Easement for Surface Water Flowage, Settlement, Release, Indemnity and Covenant Not to Sue, and Future Title Work Compensation in conjunction with SW 3rd Street Storm Sewer, Thornton Avenue to Rose Street, from Ben Agee and Carol Agee, 3601 SW 3rd Street - \$6,267. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2542 38. Approving Noise and Avigation Easements for ten properties in conjunction with the Airport Noise Compatibility Program, Phase II, (easement purchase program). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2543 39. Approving Noise and Avigation Easements for Douglas P. Snyder and Laura A. Snyder, 1319 Amos Avenue, in conjunction with the Airport Noise Compatibility Program, Phase II, (resale assurance program). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2544 40. Release of Subdivision Bond No. IAC 18906 from Water Works Development, L.C. and Merchants Bonding Company in amount of \$52,470 as security for estimated cost of restoration of property in vicinity of 2800 block of S.W. 63rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2545 41. Release of Encumbrance Bond from Merchants Bonding Company in amount of \$4,218.90 as surety for completion of preliminary special assessment for asphalt stabilization upon platted property for CROWN COLONY PLAT 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2546 42. Approving Final Plat WOODS ON THE RIVER PLAT 3, vicinity of S.E. 22nd and Evergreen. [\(Council Communication No. 98-351\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-2547 43. Appointment recommendation of the Neighborhood Finance Corporation of Michele Howell to the Neighborhood Revitalization Board for a three-year term to expire June 30, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2548 44. Recommendation from Council Member Gene Phillips, Ward IV, for the appointment of Holly H. Ross to the Park and Recreation Board to fill the unexpired term of Kathy Carlson to expire June 30, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

STREET CLOSINGS

98-2549 45. Approving closure of the following City streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

- (1) Susan Swehla, 3706 SE 19th street, requesting permission to close SE 19th Street from Rose to Maish, on Saturday, August 22, 1998 from 5:00 P.M. until 9:00 P.M. for a block party.
- (2) Nancy Heuer, 1004 43rd Street, requesting permission to close 43rd Street from Kingman Blvd. to Triangle at California Drive, on Saturday, August 29, 1998 from 5:00 P.M. until 11:30 P.M. for a block party.
- (3) Jo Scholl, 1090 44th Street, requesting permission to close 44th Street from Kingman to University, on Saturday, August 29, 1998 from 4:00 P.M. until 10:00 P.M. for a block party.
- (4) Carol Batterton, 3020 44th Street, requesting permission to close 44th Street from Urbandale Avenue to Ovid Street, on Saturday, September 5, 1998 from 3:00 P.M. until 9:00 P.M. for a block party.
- (5) Sarah Eason, 5721 Kingman Avenue, requesting permission to close Kingman Avenue from 57th Street to 58th Street, on Sunday, September 13, 1998 from 4:00 P.M. until 8:00 P.M. for a block party.
- (6) Jeff Carithers, 4211 Foster Drive, requesting permission to close North leg of Woodlawn Drive at Foster Drive, (see attached Map) on Sunday, September 20, 1998 from 2:00 P.M. until 6:00 P.M. for a block party.
- (7) Capital Pursuit Road Race, PO Box 25238, requesting permission to close Locust Street from 3rd Street to 4th Street, on Sunday, September 20, 1998 from 8:00 A.M. until 11:00 A.M. for the finish line area for a road race.

98-2550 46. Approving exception regarding length of time request from Maribel Slinde, representing Generations Incorporated, 944 18th Street, request to close Olive Street from 18th Street to 19th Street and 18th Street from Olive Street to School Street, on Saturday, September 19, 1998 from 11:30 A.M. until 6:00 P.M. for a neighborhood block party. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-2551 47. On Lease Agreement with City View Partners II, for property at 1251 University Avenue, September 1, 1998 thru August 31, 1999, (8-24-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2552 48. On conveyance of alley right-of-way in vicinity of 3705 SW Third Street, to Janet M. Argotsinger, \$25 plus costs, (8-24-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2553 49. On vacation and conveyance of the S.E. Third Street right-of-way between E. Marion and E. Leach, to William Wiand Jr. and Crystal Wiand--\$50, Timothy D. Puck--\$50, Edward L. and Joyce M. Peterson--\$75, (8-24-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-2554 50. Approving outside legal services from Guy Cook of Grefe & Sidney to replace Daniel Voogt of Whitfield & Eddy in amount of \$95 per hour plus reasonable out-of-pocket expenses in representation of Officer Stueckrath in case of Gales v. Huffman, et al., Case No. 4-97-CV-10605. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2555 51. Approving lump sum payment of an additional \$4,502.01 to Douglas C. Triplett for worker's compensation claim resulting from September 6, 1995 injury in course of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2556 52. Approving payment of \$453.25 to George LaMarca of law firm of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dickel, et al., Case No. CL 73934. **Moved by Hensley to approve payment. Motion Carried 7-0.**

98-2557 53. Approving payment of \$106.46 to Austin, Gaudineer & Comito, L.L.P. for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines, et al. No. 4-95-cv-70724. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2558 54. Approving payment of \$25,097 to Clifton L. White and Patrick Carpenter, his attorney for settlement of Clifton L. White v. Glenn Campbell and City of Des Moines due to motor vehicle collision on December 14, 1995. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2559 55. Approving payment of \$462.72 to Jane McAllister of Ahlers, Cooney, Dorweiler, Hayne, Smith & Allbee Law Firm in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2560 56. Approving payment of \$136.00 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al., 4-96-CV-80860. **Moved by Hensley to approve payment. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

98-2561 57. Submitting traffic regulation changes as follows, ([Council Communication No. 98-336](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Request for Handicapped Parking Only in Public Border Area Parking Inset in Front of 2121 Grand Avenue.

(2) Request for Corner Clearance Parking Restriction-East Side of Fifty-seventh Street South of Aurora Avenue.

(3) Request for Truck Route Designation-Searle Street from Avenue F.M. Hubbell to State Street.

98-2562 58. Submitting out-of-state travel requests for Bruce Bergman, Terrence Timmins, and Susan Low. ([Council Communication No. 98-346](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

98-2563 59. Certificate of Completion for Disposition Parcel No. 4, Capitol East Urban Renewal Area and Release of Good Faith Deposit - Bloomsburry Associates, L.P., 1440 E. Grand Avenue. ([Council Communication No. 98-348](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

98-2564 60. Redemption of outstanding Hospital Facility Refunding Revenue Bonds, Series 1995 (Iowa Health System Project), and approving execution of escrow agreement and other documents. **Moved by Hensley that the Resolution be adopted and approved the 17th day of August, 1998. Motion Carried 7-0.**

WITHDRAWN

98-2565 61. Letter of Support for proposed Beacon of Life Residential Center for Women Renovation Project, 1717 Woodland.

62. NUMBER NOT USED.

98-2566 63. Bid awarded to Pratt A-V & Video Corporation, (333 SW 9th Street, Louise Nordstrom, President) for a closed circuit color television system to be used by the Police Department, \$14,026.50. Bid from Bear Com, Dallas, Texas did not include complete system, therefore non-compliant. (Ten bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2567 64. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2568 65. Report of Civil Service Commission submitting Entrance List for Senior Airport Operations Officer, and Promotional List for Sewer Cleaning Equipment Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-2569 66. Authorizing Finance Director to draw warrants on registers of August 14, 1998 and August 21, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning August 17, 1998, and the biweekly payroll due employees on August 14, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-2570 67. Establishing the grade of E. 25th Street from Dean to Capitol. **Moved by Hensley that this ordinance do now pass, #13,631. Motion Carried 7-0.**

98-2571 68. Establishing the grade of E. Virginia Avenue from SE 22nd to 265.28 feet east of SE 22nd; E. Clinton Avenue from E. 31st to E. 33rd; E. 27th Court from Cleveland to Easton; E. 32nd Street from E. University to Cleveland, and Guthrie Avenue from E. 29th to E. 31st. **Moved by Hensley that this ordinance do now pass, #13,632. Motion Carried 7-0.**

98-2572 69. On vacation of a portion of the E. 33rd Street right-of-way between E. Douglas and E. Clinton. **Moved by Hensley that this ordinance do now pass, #13,633. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

70. Amending Chapter 26 of the Municipal Code regarding licensing of communications systems within public right-of-way (Telecommunications Licensing Ordinance).

98-2573 (A) Amending Telecommunications Licensing Ordinance by deleting strike through language and adding shaded language as shown in redraft. **Moved by Hensley to defer to 8-24-98. Motion Carried 7-0.**

98-2574 (B) Second consideration of ordinance above. **Moved by Hensley to defer to 8-24-98. Motion Carried 7-0.**

71. Amending Chapter 23 of the Municipal Code regarding regulation and management of private use of public rights-of-way, (Right-of-Way Management Ordinance).

98-2575 (A) Amending Right-of-Way Management Ordinance by deleting strike through language and adding shaded language as shown in redraft. **Moved by Hensley to defer to 8-24-98. Motion Carried 7-0.**

98-2576 (B) Second consideration of ordinance above. **Moved by Hensley to defer to 8-24-98. Motion Carried 7-0.**

****Council considered Hearing Items 79, 92 & 80 through 89 next****

98-2577 72. Final consideration of ordinance Amending Chapter 8 of the Municipal Code regarding update of the Plumbing Code. **Moved by McPherson that this ordinance do now pass, [#13,634](#). Motion Carried 6-1. Nays: Coleman.**

98-2578 (A) First consideration of ordinance amending Chapter 8 of the Municipal Code regarding backwater valves. [\(Council Communication No. 98-354\)](#). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Coleman.**

98-2579 (B) Final consideration of ordinance above, (waiver requested by Community Development Director), 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, [#13,635](#). Motion Carried 6-1. Nays: Coleman.**

98-2580 73. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance Parking Restriction-East side of 41st Street north of Ingersoll Avenue and the north side of Ingersoll Avenue east and west of 41st Street.

(2) Corner Clearance Parking Restriction-East side of 40th Place south of Sheridan Avenue.

98-2581 74. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Parking restriction revisions on the West side of 1st Street South of New York Avenue.

(2) Corner clearance on the North side of E. Olinda Avenue west of Indianola Avenue.

(3) Corner Clearance on the North side of Thompson Avenue East and West of E. 23rd Street.

COUNCIL REQUESTS

98-2582 75. Oral request from Council Member Christine Hensley to discuss the sale of "adult rated" videos in neighborhood video stores. **Moved by Hensley to discuss, receive and file. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

98-2583 76. Petition from area residents in favor of proposed resurfacing of alley between 2nd Avenue and 3rd Street, from Douglas Avenue to Seneca Avenue. **Moved by McPherson to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

98-2584 77. Request from Mrs. Una Ray, 1315 E. 16th Street, to speak regarding various issues. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Vlassis.**

98-2585 78. Request from Ronald Lee, 3409 SE 8th Street, to speak regarding flood damage and sewer backup. **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: Vlassis.**

****Council considered Item 90 through end of agenda next****

HEARINGS (Opened at 5:35 P.M.) (Items 79 thru 89)

79. Items regarding TCI Franchise Agreement:

98-2586 (A) On approving extension of time for current Cable TV franchise with TCI, to October 20, 1998. ([Council Communication No. 98-347](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

98-2587 (B) Receipt of proposed new franchise agreement with TCI and Setting Date of Hearing on approval, (8-24-98). **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg. Absent: Daniels.**

(C) Recommendation of City Council Cable TV Sub-Committee. **Verbal report given by Chair Council Member Tom Vlassis.**

****Council considered item 92 and Extra Item 3 at this point on the agenda****

98-2588 80. On voluntary annexation of property in vicinity of 4300 Hubbell Avenue, Baker Real Estate, et al, (to include lot 7, Capitol Heights Replat). **Moved by McPherson to adopt. Motion Carried 7-0.**

98-2589 81. On sale and conveyance of north/south alley between 41st and 42nd Street extending north from Crocker Street, to Ranchland Company, \$25 plus costs, (continued from 7-27-98). ([Council Communication No. 98-353](#)). **Moved by Flagg to defer one week to 8-24-98 for a report from staff on alley use. Motion Carried 7-0.**

98-2590 82. On request from George D. Fischer, to rezone property at 2800 E. Watrous Avenue, from "R1-80" (One Family Residential) to a Limited "R1-70" (One-Family, Low Density Residential), to allow for platting of new subdivision. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2591 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-2592 (B) **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, [#13,636](#). Motion Carried 7-0.**

98-2593 83. Denying proposed sale and conveyance of alley right-of-way at 3844 Sixth Avenue-Daniel R. Burkle, as not conforming with the adopted policy on such sales. ([Council Communication No. 98-352](#)). **Moved by McPherson to adopt. Staff to negotiate fair market value. Motion Carried 7-0.**

98-2594 84. On 1998 Paving Program, Contract No. 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Manatt's, Inc., (Bradford Manatt, President, Johnston), \$1,116,761. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2595 85. On Glendale Cemetery Parking Lot: Resolution to REJECT all bids and close the Hearing. ([Council Communication No. 98-339](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2596 86. On Parks Roads Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Robert G. Horner, President, 903 SE 22nd Street, DM), \$93,350. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2597 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2598 87. On 2015 & 2019 Woodland Avenue Demolition & Asbestos Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as L. A. Company, (Linda L. Wicker, Owner, 1266 Adams Street, DM), \$31,945. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2599 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2600 88. On 1998 Sanitary Sewer Cleaning and Televising: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Krebs Enterprises, Inc., dba Hydro-Klean, (Andrew W. Merial, President, Ankeny), \$17,927. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-2601 89. On 1998 Sanitary Trunk Sewer Cleaning and Televising: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Municipal Pipe Tool Co, Inc., (Steve Gearhart, President, Hudson, IA), \$50,153.33. **Moved by Flagg to adopt. Motion Carried 7-0.**

* * END HEARINGS at 9:48 P.M. * *

****Council considered Item 72 through 78 next****

CITY MANAGER RECOMMENDATIONS

98-2602 90. Regarding process and schedule for disposition of vacated alleys in vicinity of E. Sixth and Grand Avenue. ([Council Communication No. 98-328](#)). **Moved by Flagg to adopt. Recommendation in Council Communication No. 98-328. Motion Carried 6-1. Absent: Vlassis.**

APPROVING

98-2603 91. Appointment of members to Des Moines Enterprise Zone Commission to administer State of Iowa certified Des Moines AgriBusiness Park and Des Moines Enterprise Community Enterprise Zones, continued from 7-27-98. ([Council Communication No. 98-337](#)). **Moved by Phillips to adopt. Motion Carried 7-0.**

****CONSIDER ITEM 92 AT 5:30 WITH HEARINGS****

92. Hearing on items regarding Proposals for redevelopment of property south of Court Avenue, between 3rd and 5th Streets, Capitol-Center Development Area and Riverpoint Capitol-Center Development Area Urban Renewal projects, (Court Avenue Entertainment Center Project):

98-2604 (A) Recommendation from Architectural Advisory Committee. **Moved by Vlassis to receive and file. Motion Carried 5-2. Nays: Flagg and McPherson.**

98-2605 (B) Recommendation from Urban Renewal Board. **Moved by Vlassis to receive and file. Motion Carried 5-2. Nays: Flagg and McPherson.**

98-2606 (C) Recommendation from City Manager's Office. ([Council Communication No. 98-343](#)). **Moved by Vlassis to receive and file. Motion Carried 5-2. Nays: Flagg and McPherson.**

ALTERNATE RESOLUTIONS:

98-2607 (D) Accepting Proposal from PLC Commercial, Inc., Newport Beach, CA, **or; Moved by Vlassis to receive and file. Motion Carried 5-2. Nays: Flagg and McPherson.**

98-2608 (E) Accepting Proposal from Centertainment, Inc., Kansas City, MO. **Moved by Vlassis to approve. Motion Carried 5-2. Nays: Flagg and McPherson.**

WITHDRAWN (F) Selection of Appraisers for Appraisal Services.

98-2609 (G) Communications/petitions received regarding proposals for Court Avenue Entertainment Center. **Moved by Vlassis to receive and file. Motion Carried 5-2. Nays: Flagg and McPherson.**

98-2610 93. Intergovernmental 28E Agreement in conjunction with proposal to create a Neighborhood Development Corporation. ([Council Communication No. 98-329](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2611 94. Loan Agreement and related documents for Community Economic Betterment Account (CEBA), Loan \$115,000 and City Loan payable from Riverpoint Capitol-Center Urban Renewal Tax Increment Revenue, to Keystone Electrical Manufacturing, 122 SW 16th Street. ([Council Communication No. 98-330](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels**

98-2612 95. Loan Agreement and related documents, payable from Riverpoint Capitol-Center Urban Renewal Tax Increment Revenue, \$225,000, to Zimmerman, Laurent & Richardson, Inc., 303 Keosauqua Way. ([Council Communication No. 98-331](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels.**

98-2613 96. 1998 Public Housing Management Assessment Program (PHMAP) Certification, for submission to HUD. ([Council Communication No. 98-332](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

98-2614 97. Acceptance of 1998-99 grant from Executive Office for Weed & Seed, \$175,000, and authorizing City Manager to sign agreements with agencies implementing Weed and Seed projects. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2615 98. Contract with Iowa Department of Economic Development, for administration of the Young Women's Christian Association of Greater Des Moines Project, \$125,000 in HOME funding. ([Council Communication No. 98-327](#)). **Moved by Phillips to adopt. Motion Carried 5-1. Absent: Daniels. Council Member Hensley declares a conflict of interest and abstains from voting.**

98-2616 99. Accepting Grant from State of Iowa, to fund the Commercial Air Service Marketing Program, not to exceed \$74,040. ([Council Communication No. 98-344](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

98-2617 100. Execution and acceptance of Federal AIP Grant from the FAA, for partial funding of Runway 5 Extension and road relocation projects--\$8,372,160, (90%). ([Council Communication No. 98-350](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-2618 101. Fire Department Administrative Staff reorganization and reduction of Take Home Vehicles. ([Council Communication No. 98-333](#)). **Moved by Phillips to receive and file. Motion Carried 7-0.**

98-2619 102. Notice of Establishing New Job Classification of Management Analyst, SPM Range 25. ([Council Communication No. 98-349](#)). **Moved by Hensley to receive and file. Motion Carried 3-1-1-2. Pass: Coleman. Nays: Flagg. Absent: Daniels and McPherson.**

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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.

98-2620 1. Reappointment recommendation of Mayor Preston A. Daniels for Henry Tucker to the Board of Library Trustees for a six-year term to expire July 1, 2004. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-2621 2. Correction of Legal Description in Special Warranty Deeds and Purchase Agreement for properties in Capitolview South Neighborhood. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-2622 3. Discussion regarding proposal for skywalk across Court Avenue in downtown. SPONSOR: Hensley. **Moved by Hensley to discuss and refer to staff to recommend a process to facilitate access to Court Avenue area to the south. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

August 17, 1998

98-2623 MOTION TO CONVENE. **Moved by Flagg that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2. Absent: Daniels and McPherson.**

COMMUNICATION

98-2624 1. Regarding demolition cost reserved escrowed for 3146-8th Street. **Moved by Flagg to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 5-2. Absent: Daniels and McPherson.**

AUTHORIZING

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

98-2625 (A) 1732-23rd, Titleholder (former contract buyer): Patricia Johnston; Heirs of Dennis R. Johnston, Lisa Rusch, Robert Rusch, Jr., Angela Dawn Johnston, Dennis R. Johnston Jr. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-2626 (B) 109 E. 33rd, Titleholder: Transamerican Home Loan Corporation; Contract Buyer: Thurman R. Mills, Jr., and Legal Interest Holder, John Davis. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-2627 (C) 1800 E. 33rd, Titleholders: Paul G. and Colleen L. Irving, Trustees of Paul G. and Colleen L. Irving Trust; Contract Buyer: Gary A. Irving. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-2628 MOTION TO ADJOURN. **Moved by Flagg to adjourn at 10:29 P.M. Motion Carried 5-2. Absent: Daniels and McPherson.**