

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

***DES MOINES BOTANICAL CENTER***

***909 East River Drive***

August 24, 1998 4:30 P.M.

**INVOCATION:** The Reverend Canon Suzanne Peterson, Cathedral Church of St. Paul

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

3:30 P.M.

98-2629 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis. (Council Member Flagg entered the meeting at 3:40 P.M.)**

98-2630 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Flagg.**

98-2631 (b) Closed Session to discuss matters of pending litigation.

98-2632 (c) Terminate this closed session and reconvene in open session. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2633 (d) Approving recommendation made in closed session, and Corporation Counsel is directed to proceed pursuant to that recommendation. **Moved by Phillips to adopt. Motion Carried 7-0.**

98-2634 (e) Motion to recess and reconvene at 4:30 P.M. **Moved by Phillips to adopt. Motion Carried 7-0.**

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98-2635 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2636 3. APPROVING CONSENT AGENDA - items 3 through 62: **Moved by Coleman to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

98-2640 4. Communication from Legal Department regarding August 24, 1998 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-2641 5. Classic Food & Beverage, Inc., David P. Stone, President dba Waveland Cafe, 4708 University; New Application submitted 8-3-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2642 5-I Hy-Vee Inc., Christopher Aldinger, Manager, dba Hy-Vee at Beaverdale Fall Festival, 3422 Beaver; New Application for 3-day event September 18-20 (With Sunday Sales and Beer Garden) - Application Submitted 8-20-98. Subject to submission of acceptable building, electrical, zoning, fire and vice inspections. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-2643 6. Casey's Marketing Company, Robert J. Hood, President dba Casey's General Store, 4560 Northeast 14th Street; Renewal - Expires 9-30-98 (With Sunday Sales) - Application submitted 7-22-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

**WITHDRAWN**

98-2644 7. Elias Alvarez dba El Campesino, 1725 East University; New Application (With Sunday Sales) - Application submitted 7-9-98.

98-2645 8. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet Plus #510, 4503 Southwest 9th Street; Renewal - Expires 9-8-98 (With Sunday Sales) - Application submitted 7-27-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

98-2646 9. Merle Hay Cafe, LLC, J. William Holland, President dba Garden Cafe, 3800 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 7-31-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2647 10. Mohan Singh dba India Star, 3620 Beaver; Renewal - Expires 9-23-98 (With Sunday Sales) - Application submitted 8-6-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2648 11. #1 Chinese Restaurant, Inc., Kwan Yi Cheung, President dba #1 Chinese Restaurant, 2414 University; Renewal - Expires 9-6-98 (With Sunday Sale) - Application submitted 8-6-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

## Class "C" Liquor Licenses

98-2649 12. Chi-Chi's Inc., Roger K. Chamness, President dba Chi-Chi's Mexican Restaurant, 1201 East Army Post Road; Renewal - Expires 9-14-98 (With Sunday Sales) - Application submitted 8-3-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2650 13. Monique Moore dba Players Sports Club, 607 Southeast 30th Street; New Application (With Sunday Sales) - Application submitted 6-18-98. Recommendation of Vice Control Unit to **DENY. Moved by Phillips to deny the license due to lack of financial responsibility and lack of good reputation, pursuant to Section 5 of the Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 7-0.**

98-2651 14. Hawkeye Highlife, Ltd, Larry Strickler, President dba Waveland Coffee Shop, 4704 University; Renewal - Expires 9-10-98 (With Sunday Sales) - Application submitted 7-9-98. **Moved by Coleman to adopt. Motion Carried 7-0.**

## Authorizing

98-2652 15. City Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2653 16. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Phillips to deny. Motion Carried 7-0.**

## Beer Gardens

17. NUMBER NOT USED.

98-2654 18. Temporary beer garden for Christopher Klocke dba Court Avenue Brewing Company, 309 Court Avenue on September 6, 1998 from 5:00 P.M. to 12:00 Midnight for Blues Fest, subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Vlassis.**

98-2655 19. Temporary beer garden for P.M.J., Inc., dba Carl's Place, 1620 Woodland Avenue on September 11, 1998 from 3:00 P.M. to 10:00 P.M. for special event, (Class Reunion). Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Hensley to deny. Motion Carried 7-0.**

## Refunds

98-2656 20. City Treasurer to issue refunds. **Moved by Coleman to adopt. Motion Carried 7-0.**

## Transfers

98-2657 21. Connie Derry dba Hideaway, 4845 Merle Hay Road request temporary transfer of Class "C" Liquor License to Kirkwood Civic Center Hotel (Grand Ballroom), 400 4th Street for special event on September 6, 1998, subject to submission of acceptable Fire inspection. **Moved by Coleman to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

22. Approving Change Orders for the Intermodal Transportation Facility, Taylor Ball L.C., (continued from 8-17-98):

98-2658 (A) Change Order No. 58, not to exceed \$58,217. ([Council Communication No. 98-334](#) of 8-17-98). **Moved by Hensley to deny. Motion Carried 7-0.**

98-2659 (B) Change Order No. 55, not to exceed \$22,823. ([Council Communication No. 98-335](#) of 8-17-98). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

23. Approving Change Orders for the following:

98-2660 (A) Change Order No. 11 with M. Peterson Construction Co. and the Underground Co. (joint venture) for additional work in conjunction with the Army Post Road and South Union Street Widening and Signalization Contract in an amount not to exceed \$11,074.59. ([Council Communication No. 98-365](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2661 (B) Change Order No. 6 with Johnson Concrete & Petroleum Construction, Inc. for additional work in conjunction with 1997 Sidewalk Replacement Program Contract in an amount not to exceed \$49,353.26. ([Council Communication No. 98-363](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2662 24. Professional Services Agreement with RDG Bussard Dikis, Al Oberlander, President, 303 Locust Street, Des Moines, in conjunction with Design and Construction-Phase Services for the Police Department Administrative Remodeling, Blood-Borne Pathogen Storage, Criminal Investigation Division Remodeling and Jail Repairs, compensation not to exceed \$47,000. ([Council Communication No. 98-367](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2663 25. Professional Services Agreement with Shive-Hattery, Inc., Tom Hayden, President, 115 3rd Street, Cedar Rapids, in conjunction with Design and Construction-Phase Services for the Equipment Maintenance Center Renovations and Car Wash, compensation not to exceed \$49,350. ([Council Communication No. 98-366](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2664 26. Agreement with Des Moines Water Works for installation of water main extension for Fire Station No. 10, located near the northwest corner of Indianola Avenue and E. Payton Avenue, in an amount not to exceed \$19,000. ([Council Communication No. 98-375](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2665 27. IDOT Agreement for temporary use of City Street (Douglas Avenue) as an Incident Detour Route. ([Council Communication No. 98-360](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2666 28. RISE Grant Application for widening and paving of Fleur Drive from Army Post to Relocated Iowa 5 ([Council Communication No. 98-361](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

98-2667 29. IDOT Congestion Mitigation and Air Quality (CMAQ) Improvement Fund Applications for Indianola Avenue Connector Project, and Second Avenue/Sixth Avenue Traffic Signal Interconnection Upgrading Project. ([Council Communication No. 98-359](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

30. Approving Contract and Bond for the following:

98-2668 (A) 1998 Paving Program, Contract No. 1 - Manatt's Inc., (Bradford J. Manatt, Pres., Johnston) - \$1,116,761. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2669 (B) 1998 Sanitary Sewer Cleaning and Televising - Krebs Enterprises, Inc., dba Hydro-Klean, (Andrew W. Merial, Pres., Ankeny) - \$17,927. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2670 (C) 1998 Sanitary Trunk Sewer Cleaning and Televising - Municipal Pipe Tool Co., Inc., (Steve Gearhart, Pres., Hudson, IA.) - \$50,153.33. **Moved by Coleman to adopt. Motion Carried 7-0.**

31. Resolution Ordering Construction of the following:

98-2671 (A) 2625 Easton Boulevard Demolition & Asbestos Removal, Receiving of Bids, (9-8-98), and Setting Date of Hearing, (9-14-98), (Construction Estimate (\$18,000)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2672 (B) 1403-1407 Forest Avenue Demolition & Asbestos Removal, Receiving of Bids, (9-8-98), and Setting Date of Hearing, (9-14-98), (Construction Estimate (\$145,000)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2673 (C) Martin Luther King, Jr., Parkway Demolition, Contract #6 N/S, Receiving of Bids, (9-8-98), and Setting Date of Hearing, (9-14-98), (Construction Estimate - (\$33,450)). **Moved by Coleman to adopt. Motion Carried 7-0.**

## **WITHDRAWN**

98-2674 (D) Sec Taylor Stadium Irrigation, Receiving of Bids, (9-8-98), and Setting Date of Hearing, (9-14-98), (Construction Estimate - (20,000)).

98-2675 32. Approving partial payments on twelve public improvement projects. (Call City Clerk's Office for listing). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2676 33. Communications from Nuckolls Concrete Services, Inc. and Manatt's Inc. requesting permission to sublet certain items on SE 14th Street and E. Army Post Road Intersection improvements and 1998 Paving Program Contract, No. 1. **Moved by Coleman to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

98-2677 34. Offer to Purchase Real Estate and Acceptance and Warranty Deed in conjunction with Airport Expansion from Margaret Overton, 2805 Littell Avenue - \$84,071. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2678 35. Condemnation Commissioners' award of \$350,000 plus Sheriff's fees and jury expenses in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), 5210 Pine Avenue - Shepler/Toms, Everett S. Wolfe. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2679 36. Condemnation Commissioners' award of \$698,000 plus attorney fees and appraisal, Sheriff's fees and jury expenses in conjunction with Army Post/Highway 28 Relocation and Runway 5/23 Extension (Grant 23), 4650 Pine Avenue, to Doris V. Clark. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2680 37. Approving issuance of replacement Quit Claim Deed for 1624 Hickman Road, to Berglund Development Corporation, \$15. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2681 38. Amended Temporary Easement for Construction in conjunction with Storm Water Utility, from Robert L. Ogren, 705 Thornton Avenue - \$662. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2682 39. Approving Noise and Avigation Easement from John J. Rennenger, Jr., 7205 SW 14th Street, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Coleman to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-2683 40. Appointment recommendation from Council Member Tom Vlassis for the appointment of Christine B. Long to the Greater Des Moines Sister City Commission for a five-year term to expire April 28, 2003. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2684 41. Reappointment recommendation of Council Member Tom Vlassis, Ward I, for Betty Volm to the Neighborhood Revitalization Board for a three-year term to expire June 30, 2001. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2685 (A) Communication from Emily Gloe Donovan, submitting her resignation from the Historic District Commission, effective June 17, 1998. **Moved by Coleman to receive, file and accept with deep regret. Motion Carried 7-0.**

## **STREET CLOSINGS**

98-2686 42. Approving closure of the following City Streets. **Moved by Coleman to adopt. Motion Carried 7-0.**

(1) Elaine Imlau, 134 45th Street, requesting permission to close 45th Street from Carpenter to Forest, Saturday, September 19, 1998 from 4:00 P.M. until 8:00 P.M. for a block party.

(2) Hazel Neil, 2207 51st Street, requesting permission to close 51st Street from Hickman to Lincoln, Saturday, September 12, 1998 from 5:00 P.M. until 10:00 P.M. for a block party.

(3) Leslie Heimbach, 4231 Forest Avenue, requesting permission to close 43rd Street from University Avenue to Forest Avenue, Sunday, October 18, 1998 from 11:00 A.M. until 4:00 P.M. for a block party.

(4) Phil Halverson, 2522 39th Street, requesting permission to close Fagen Drive from Beaver Avenue to approximately 250' east of Beaver, Saturday, September 19, 1998 from 12:00 noon until 4:00 P.M. for a block party.

(5) Phil Riley, 650 Harwood Drive, to close Woodland, from 44th to Harwood Drive, September 6, 1998, from 1:00 to 7:00 P.M.

98-2687 43. Approving exception regarding length of time request from Becky S. Knutson, 2430 Maryland Pike, request to close Maryland Pike from 2400 block to 2500 block on Sunday, September 6, 1998 from 12:00 Noon until 12:00 Midnight for neighborhood block party. **Moved by Coleman to adopt. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

98-2688 44. On informal hearing regarding Grays Lake Master Plan and related items, (9-14-98) [\(Council Communication No. 98-378\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

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

98-2689 45. Approving payment of \$14,459.47 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for bond counsel services with respect to Series 1998D general obligation bonds. **Moved by Coleman to adopt. Motion Carried 6-1. Pass:**

98-2690 46. Approving payment of \$602.60 to Daniel Voogt of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Coleman to approve payment. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

98-2691 47. Submitting out-of-state travel requests for William Moulder, Mark Rasmussen, Chris Johansen and Danyell Punelli. ([Council Communication No. 98-373](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2692 48. Submitting Traffic Regulation Changes for the following, ([Council Communication No. 98-362](#)). **Moved by Coleman to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Four-Way Stop, 11th Street and Seneca Avenue.

(2) Four-Way Stop, SE 34th Street and Evergreen Avenue.

(3) Short-Term metered parking in vicinity of Hotel Fort Des Moines.

## APPROVING

98-2693 49. Authorizing City Manager to execute hazard mitigation project for filing with Iowa Emergency Management Division (IEMD) for the purpose of obtaining federal/ state financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, for purchase of 18 flood prone properties. ([Council Communication No. 98-374](#)). **Moved by Hensley to adopt and add 1341 Williams Street to list of properties to be purchased. Motion Carried 7-0.**

98-2694 (A) Resolution to provide local matching funds for the Hazard Mitigation Grant Program with the Federal Emergency Management Agency (FEMA) administered through the State of Iowa Emergency Management Division (EMD) - \$575,488.75. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2695 (B) Approving \$20,000 as required first year local match for the Hazard Mitigation Plan being prepared by the Polk County Emergency Management Office. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-2696 (C) Purchase of 5 Project-Related properties for Hazard Mitigation, (Grandview Avenue and Seventh Ward Ditch) Capital Improvement Funds. ([Council Communication No. 98-384](#)) SPONSOR: McPherson. **Moved by Hensley to adopt. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 66-74 next\*\***

98-2697 50. Subordination Agreement with Norwest Business Credit, Inc., regarding additional financing for Diamond Animal Health, Inc. 2538 SE 43rd Street. ([Council Communication No. 98-372](#)). **Moved by Coleman to approve. Motion Carried 7-0.**



98-2698 51. Grant Application to Iowa Department of Natural Resources for Recreation Infrastructure Grant, \$100,000, to proceed with Phase II of the Inter Urban Trail Project. ([Council Communication No. 98-377](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2699 52. Status of funding for Runway 5/23 Grading Phase 2 Project. ([Council Communication No. 98-357](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2700 53. Access Agreements to conduct Environmental Testing on properties in the proposed Des Moines AgriBusiness Park. ([Council Communication No. 98-369](#)). **Moved by Coleman to approve. Motion Carried 7-0.**

98-2701 54. Intergovernmental 28E Agreement with Iowa Department of Defense for the Iowa Air National Guard, for removal of existing Arm/De-Arm Pad and construction of new and larger pad. ([Council Communication No. 98-355](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

55. Bids for the following:

98-2702 (A) Logan Contractor's Supply, Inc., (Urbandale, IA, Jerry Logan, President) for reinforcing rod for pavement restoration to be used by the Public Works Department, (14,260). (Five bids mailed-three received). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2703 (B) Freightliner of Des Moines, Inc., (4771 2nd Avenue, Carl T. Schwab, President) for a 50,000 GVW Tandem Axle Truck Tractor to be used by the Public Works Department, (Street Maintenance), \$52,570). (Eight bids mailed-four received). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2704 (C) Pool Tech, Inc., (Cedar Rapids, IA, Dick Whiteaker, President) for annual price agreement renewable for two (2) additional years for chemical control systems to replace existing systems at aquatic centers to be used by the Park and Recreation Department, \$6,200 per system). (Six bids mailed-three received). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2705 (D) Emergency roof replacement for Grandview Golf Course Clubhouse due to recent storm damage to be used by the Park and Recreation Department, (Academy Roofing, Co., Ankeny, IA). (Municipal Code 2-88(b) - for operating emergencies, (\$19,476). ([Council Communication No. 98-358](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2706 (E) American Home Improvement, (3408 Broadway, Deloris Mienke, President) for roof replacement for park shelter at Pioneer Park to be used by the Park and Recreation Department. \$12,560. (Nine bids mailed-one received). ([Council Communication No. 98-383](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Flagg.**

98-2707 56. Report of Civil Service Commission submitting Entrance Lists for Laborer and Identification Technician. **Moved by Coleman to receive and file. Motion Carried 7-0.**

98-2708 57. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-2709 58. Authorizing Finance Director to draw warrants on register of August 28, 1998 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning August 24, 1998, August 31, 1988, and September 7, 1998. **Moved by Coleman to adopt. Motion Carried 7-0.**

## **ORDINANCES - SECOND CONSIDERATION**

98-2710 59. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Coleman that this ordinance be considered and given second 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.

98-2711 60. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: **Moved by Coleman that this ordinance be considered and given second 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.

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

98-2712 (A) Amending Telecommunications Licensing Ordinance by deleting strike through language and adding shaded language as shown in redraft. **Moved by Flagg to amend the ordinance be deleting the strike through language and by adding the shaded language as shown in the ordinance redraft presented by the Legal Department. Motion Carried 6-1. Absent: Daniels.**

98-2713 (B) Second consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Daniels.**

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

98-2714 (A) Amending Right-of-Way Management Ordinance by deleting strike through language and adding shaded language as shown in redraft. **Moved by Flagg to amend the**

**ordinance by deleting the strike through language and by adding the shaded language as shown in the ordinance redraft presented by the Legal Department. Motion Carried 6-1. Absent: Daniels.**

98-2715 (B) Second consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

### **COUNCIL REQUESTS**

98-2716 63. From Council Member Mike McPherson regarding pick up of solid waste bulk items and junk from City parking areas. **Moved by Coleman to receive and file; refer to City Manager and Legal for review and recommendation. Motion Carried 6-1. Absent: Daniels.**

### **COMMUNICATIONS/REPORTS**

98-2717 64. Request from David Schladetzky, 2415 SW Emma, Des Moines, to speak regarding Status Report and Resolution regarding I-235 Improvements from Metro I-235 Citizen's Design Committee. **Moved by Hensley to receive, file and grant the request to speak; forward these draft comments to the Iowa D.O.T. as an attachment to the E.I.S. Report and ask the Council to finalize appointment, at a future date (Sept./Oct.), of those citizens to the Sub-Committees of the Steering Committee. Motion Carried 6-1. Absent: Daniels.**

98-2718 65. Request from Ed Dolan, 1328 7th Street, Des Moines, and Ed Fallon, 1321 8th Street, Des Moines, to speak regarding Bethel Mission's demolition of homes in River Bend. **Moved by McPherson to receive, file and refer to City Manager to address concerns raised. Motion Carried 6-1. Absent: Daniels.**

**\*\*Council considered Items 75 through end of agenda next\*\***

### **INFORMAL HEARINGS (Opened at 6:04 P.M.) (Item 66)**

98-2719 66. On 1999 Residential Street Paving Program. **Moved by Hensley to adopt, as amended. Delete Druid Hill Drive, E. 19th Street and E. 15th Street; and consider E. 15th for Intermediate Paving, including sewer sidewalk and traffic analysis. Motion Carried 7-0.**

**DELETE (A) Druid Hill Drive from Bell Avenue to Casady Drive.**

98-2720 (1) Communication in favor. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-2721 (2) Petition and communication in objection. **Moved by Hensley to receive and file. Motion Carried 7-0.**

**APPROVE (B) Garfield Avenue from E. 32nd to E. 33rd**

98-2722 (1) Petition in favor. **Moved by McPherson to receive and file. Motion Carried 7-0.**

**DELETE** (C) E. 15th Street from E. Hull to E. Ovid

98-2723 (1) Petition and communication in favor. **Moved by McPherson to receive and file. Motion Carried 7-0.**

98-2724 (2) Petition in objection **Moved by McPherson to receive and file. Motion Carried 7-0.**

**DELETE** (D) E. 19th Street from Ave F.M. Hubbell to Walker Street

98-2725 (1) Petition and communication in objection **Moved by McPherson to receive and file. Motion Carried 7-0.**

**APPROVE** (E) SW 26th Street from Stanton Avenue to McKinley

**APPROVE** (F) E. 36th Street from Arthur to E. Sheridan

\* \* END INFORMAL HEARINGS at 6:20 P.M. \* \*

**HEARINGS (Opened at 6:20 P.M.) (Items 67 thru 74)**

98-2726 67. On renewal of Cable Television Franchise Agreement with TCI of Central Iowa, ([Council Communication No. 98-371](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[FRANCHISE AGREEMENT](#)

[FRANCHISE AGREEMENT EXHIBITS](#)

98-2727 (A) First Consideration of Franchise Ordinance. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-2728 (B) Request from Gordon Ireland, 1446-19th Street, to speak regarding franchise renewal. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

98-2729 68. First Amendment to City's Petition for Involuntary Annexation, to remove a small portion of County Line Road right-of-way in the South Annexation Area; remove 90-foot wide strip between County Line Road and Adams Street at west edge of South Annexation Area, to make legal description conform to maps; and delete Relocated Highway 5 right-of-way along top of the southwest corner of the South Annexation Area "B". **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Flagg. Pass: Vlassis.**

98-2730 69. On Lease Agreement with City View Partners II, for property at 1251 University Avenue, September 1, 1998 thru August 31, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

**\*\*Mayor Daniels left the meeting at 6:50 P.M.\*\***

98-2731 70. 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.**Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2732 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

98-2733 71. On conveyance of alley right-of-way in vicinity of 3705 SW Third Street, to Janet M. Argotsinger, \$25 plus costs. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2734 72. 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 8-17-98). **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2735 73. On SE 14th Street and E. Army Post Road Intersection Improvement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Nuckolls Concrete Services, Inc, (Scott Temple, President, Johnston), \$251,868. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2736 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2737 74. On E. Indianola Avenue Widening at Evergreen Avenue: Resolution to REJECT all bids and close the hearing, (two bids received--over estimate). **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Daniels.**

\* \* END HEARINGS at 6:55 P.M. \* \*

**\*\*Council considered Consent balance and Items 63 through 65,**

**then 75 through end of agenda next\*\***

## **APPROVING**

98-2738 75. Lease Agreement with Orchard Place - Child Guidance Center, for use of space at the Logan Community Center by the PACE Tracking and Monitoring Program, \$526.50 per

month. ([Council Communication No. 98-356](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2739 76. Expansion of the Neighborhood Finance Corporation (NFC) Purchase-Rehab & Home Improvement Loan Programs, in conjunction with the Intergovernmental 28E Agreement with Polk County. ([Council Communication No. 98-368](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2740 (A) Communication from Chair of the Neighborhood Revitalization Board. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Daniels.**

98-2741 77. Memorandum of Understanding with City of Cherkasy, Ukraine, establishing a US-Ukraine Community Partnership. ([Council Communication No. 98-382](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-2742 78. Resolution of support to establish the Fort Des Moines Black Officers Memorial. ([Council Communication No. 98-370](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

**\*\*Council Member Flagg left the meeting at 8:00 P.M.\*\***

98-2743 79. Electric Service Agreement with MidAmerican Energy Company, to provide electric service to City facilities at a reduced rate. ([Council Communication No. 98-376](#)) **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-2744 (A) Communication from City Manager submitting report on additional revenue received by the City. **Moved by McPherson to receive, file and request a final report and recommendation at the September 14 meeting. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-2745 80. Amending court action to institute action to prevent unlawful use of land, 1346 and 1348 Buchanan, currently being used in violation of zoning ordinance. ([Council Communication No. 98-364](#)). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Flagg.**

98-2746 81. Renewal of Retiree Health Insurance Premiums, for 1998-99. ([Council Communication No. 98-381](#)). **Moved by Coleman to approve, and to re-establish a Task Force or Sub-Committee to work with Force One. Motion Carried 4-1-2. Nays: McPherson, Absent: Daniels and Flagg.**

**\*\*Council Member McPherson left the meeting at 8:35 P.M.\*\***

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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.**

98-2747 1. Oral request from Council Member Tom Vlassis to allow Kathy Buckley, 4211 Amick, to speak regarding zoning and permits as they relate to her garage. SPONSOR: Vlassis. **Moved by Coleman to receive, file and grant the request to speak; refer to City Manager and Staff to meet with the Buckleys to attempt a reasonable solution. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

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

### **BOARD OF HEALTH**

**August 24, 1998**

98-2748 MOTION TO CONVENE. **Moved by Phillips that the City Council adjourn and convene as a Board of Health. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

### **AUTHORIZING**

98-2749 1. Court authority to abate the public nuisance at 3031 Dean; Titleholder: Larry A. Stenslie; Legal Interest Holder: John Holtz, as Guardian and Next Best Friend of Hunter Holtz. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

98-2750 MOTION TO ADJOURN. **Moved by Hensley to adjourn at 8:55 P.M.**