

SUMMARY OF DES MOINES CITY COUNCIL MEETING
DES MOINES CITY COUNCIL MEETING
December 7, 1998 4:30 P.M.

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

98-3629 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis. Council Member Coleman entered the meeting at 3:40. Council Members Flagg and McPherson entered the meeting at 4:30.**

98-3630 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 4-3. Absent: Coleman, Flagg and McPherson.**

98-3631 (b) Closed Session to discuss matters of pending litigation.

98-3632 (c) Terminate this closed session and reconvene in open session. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-3633 (d) Approving Settlement Agreement with Revolution Outdoor Advertising Inc., **Moved by Vlassis to adopt. Motion Carried 4-1-2. Nays: Phillips. Absent: Flagg and McPherson.**

98-3634 (e) Motion to recess and reconvene at 4:30 P.M. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

PROCLAMATIONS - 4:00 P.M.:

- (a) Holiday Food Basket Program Weeks
- (b) Human Rights Month
- (c) National Volunteer Blood Donor Month
- (d) Jim Billings and William Clark - Rescue on September 6, 1998
- (e) Citizens involved in rescue on June 28, 1998

CULTURAL CONNECTION - 4:15-4:30 P.M.:

Des Moines Art Center - Susan Lubowski Talbott, Director

INVOCATION: Father Bob Harris

St. Anthony Catholic Church

98-3635 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED. **Moved by Hensley to adopt. Motion Carried 7-0.**

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***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.**

98-3636 3. APPROVING CONSENT AGENDA - items 3 through 89. **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

98-3637 3A. Presentation of the Des Moines Development Guide by the Business Record and City staff. **Moved by Hensley to receive and file. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-3638 4. Communication from Legal Department regarding December 7, 1998 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-3639 5. Peter Leonetti dba Noodles, Pasta and Sandwich Shop, 2924 Southwest 9th Street; Renewal - Expires 12-9-98 - Application submitted 11-16-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3640 6. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut, 3704 Northeast 14th Street; Renewal - Expires 12-31-98 (With Sunday Sales) - Application submitted 10-13-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3641 7. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut, 1435 Army Post Road; Renewal - Expires 12-31-98 (With Sunday Sales) - Application submitted 10-13-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3642 8. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut, 5715 Douglas; Renewal - Expires 12-31-98 (With Sunday Sales) - Application submitted 10-13-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3643 9. RLL, Inc., Rodger Lecocq, President dba Scruffy's Restaurant, 429 Grand Avenue; Renewal - Expires 12-11-98 (With Sunday Sales) - Application submitted 11-9-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-3644 10. B & B Super Market, Inc., John A. Brooks, President dba B & B Super Market, 2001 Southeast 6th Street; Renewal - Expires 12-21-98 (With Sunday Sales) - Application submitted 10-20-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3645 11. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #207, 4200 Hubbell; Renewal - Expires 12-29-98 (With Sunday Sales) - Application submitted 10-6-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3646 12. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #208, 3200 Southeast 14th Street; Renewal - Expires 12-29-98 (With Sunday Sales) - Application submitted 10-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-3647 13. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2729, 2829 Easton; Renewal - Expires 12-28-98 (With Sunday Sales) - Application submitted 10-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3648 14. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2722, 2211 University; Renewal - Expires 12-24-98 (With Sunday Sales) - Application submitted 10-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3649 15. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2742, 4164 Easton; Renewal - Expires 12-29-98 (With Sunday Sales) - Application submitted 10-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3650 16. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #2731, 3104 University; Renewal - Expires 12-29-98 (With Sunday Sales) - Application submitted 10-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3651 17. Kum & Go, L.C., Kyle J. Krause, President dba Kum & Go #60, 806 Southeast 14th Street; Renewal - Expires 12-14-98 (With Sunday Sales) - Application submitted 10-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3652 18. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #555, 4001 Southwest 9th Street; Renewal - Expires 12-17-98 (With Sunday Sales) - Application submitted 11-6-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3653 19. Robert Braune dba Drake Liquor, 2106 Forest; Renewal - Expires 12-8-98 (With Sunday Sales) - Application submitted 11-6-98. **Moved by Hensley to adopt. Legal to report activities at this establishment. Motion Carried 7-0.**

98-3654 20. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 12-26-98 (With Sunday Sales) - Application submitted 11-6-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3655 21. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1320 E. Euclid; Renewal - Expires 12-28-98 (With Sunday Sales) - Application submitted 11-6-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3656 22. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food & Drugstore #2, 2540 East Euclid; Renewal - Expires 12-17-98 (With Sunday Sales) - Application submitted 11-13-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3657 23. Danlee Corp., Dan Moeller, President dba Smoke Shop, 1918 Southeast 14th Street; Renewal - Expires 12-17-98 (With Sunday Sales) - Application submitted 10-15-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-3658 24. Group Pizza, Inc., Joe Zingerman, President dba Felix & Oscars, 4050 Merle Hay Road; Renewal - Expires 12-12-98 (With Sunday Sales) - Application submitted 11-18-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3659 25. John H. Moehle dba Now Or Later, 3750 East University; Renewal - Expires 12-25-98 - Application submitted 10-21-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3660 26. Skips, Inc., Alvin B. Bachman, President dba Skips, 4000 Fleur Drive; Renewal - Expires 12-7-98 (With Sunday Sales) - Application submitted 11-19-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

98-3661 27. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3662 28. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

Change Of Location

WITHDRAWN 98-3663 29. Class "C" Beer-Wine License to Parents Without Partners, Wynell Kisner, President dba Parents Without Partners from 100 E. Euclid, Suite #103 to 100 E. Euclid, Suite #153 effective 12-7-98.

Gamerrooms

98-3664 30. New Books, Inc., Roy May, President dba The Blue Nude Books, Inc., 1117 Grand Avenue; Renewal - Expires 12-31-98 - Application submitted 11-18-98. **Moved by Coleman to adopt and City Manager to recommend regulations for this kind of establishment. Motion Carried 7-0.**

98-3665 31. Mid State News, Inc., Roy May, President dba The Gallery, 1114 Walnut; Renewal - Expires 12-31-98 - Application submitted 11-16-98. **Moved by Coleman to adopt and City Manager to recommend regulations for this kind of establishment. Motion Carried 7-0.**

Refunds

98-3666 32. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

Transfer

WITHDRAWN 98-3667 33. Temporary transfer of Class "C" Beer-Wine License for Parents Without Partners, Wynell Kisner, President dba Parents Without Partners from 100 E. Euclid, Suite #153 to 100 E. Euclid, Suite #103 for one day event on December 12, 1998.

PUBLIC IMPROVEMENTS

98-3668 34. Approving Transfer of Jurisdiction Agreement with Iowa Department of Transportation for relocated Army Post Road from Fleur Drive to SW 42nd Street to the City. ([Council Communication No. 98-541](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3669 35. Authorization to proceed with design on various projects included in the 1998-99 Capital Improvements Program. ([Council Communication No. 98-545](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

36. Resolution Ordering Construction of the following:

98-3670 (A) Fleur Drive Traffic Signal System Upgrading, Receiving of Bids, (12-22-98), and Setting Date of Hearing, (1-4-99), (Construction Estimate - \$460,000). **Moved by Hensley to adopt. Council requests a traffic study on S.E. 5th Street at Watrous, McKinley and Indianola Avenue. Motion Carried 7-0.**

98-3671 (B) Equipment Maintenance Center Renovations and Car Wash, Receiving of Bids, (12-

22-98), and Setting Date of Hearing, (1-4-99), (Construction Estimate - \$416,300). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3672 (C) Demolition Contract No. 167, B.H.N.A.C., Receiving of Bids, (12-22-98), and Setting Date of Hearing, (1-4-99), (Construction Estimate - \$157,200). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3673 (D) Sherman Hill Historic Lighting Phase 3, Receiving of Bids, (12-22-98), and Setting Date of Hearing, (1-4-99), (Construction Estimate - \$20,000). **Moved by Hensley to adopt. Staff to assure we have written consent from the Sherman Hill Association to install lights on their poles. Motion Carried 7-0.**

98-3674 (E) 1998 Flood Sanitary Sewer Repair, Receiving of Bids, (12-22-98), and Setting Date of Hearing, (1-4-99), (Construction Estimate - \$115,960). **Moved by Hensley to adopt. Motion Carried 7-0.**

37. Approving Structure and Miscellaneous Removal Contracts with the highest responsive, responsible bidders for improvements at the following locations (Airport Expansion):

98-3675 (A) 2608 Littell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3676 (B) 2805 Littell Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3677 (C) 6850 SW 30 Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3678 38. Approving contract and bond for the SE 14th Street and Southridge Mall South Exit Traffic Signalization, (Iowa Signal & Electric Co, (Ronald R. Johnsen, President, 7840 Urbandale Avenue). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

98-3679 (A) 1998 ACC Pavement Resurfacing, Des Moines Asphalt & Paving Co., \$264,514.83 is now due and remaining balance of \$13,921.83 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3680 (B) Parks Roads Resurfacing, Des Moines Asphalt & Paving Co., \$30,806.36 is now due and remaining balance of \$5,960.14 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3681 (C) 1998 Sanitary Sewer Cleaning and Televising, Krebs Enterprises, Inc., (dba/Hydro-Klean), \$1,128.60 is now due and remaining balance of \$738.68 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3682 (D) Police Station Step Replacement, Western Waterproofing Co., Inc., and remaining balance of \$5,672.80 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3683 40. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by three property owners, and curb replacement/driveway repair program, waivers signed by two property owners, (call the City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3684 41. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 53 locations, (call the City Clerks office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3685 42. Communication from Johnson Concrete & Petroleum Const., Inc., Robert L. Johnson, President, requesting an extension of time until June 30, 1999, for the 1998 Sidewalk Replacement Program. **Moved by Coleman to receive, file and grant the extension of time until June 30, 1999. Motion Carried 7-0.**

98-3686 43. Approving partial payments on 14 public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3687 44. Communication from Eco-Tech Contractors, Inc., requesting permission to sublet certain items on the Cemetery Storm Sewers Rehabilitations. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

98-3688 45. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of November, 1998, for Certification to Polk County Treasurer (call the City Clerks Office for amounts). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3689 46. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1998-49. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3690 47. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility Assessment Schedule No. 1998-30, deleting charges to 5120 Pine Street-a City owned property. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3691 48. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for November, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

49. Fair Market Values, in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), for the following:

98-3692 (A) Community Publishing, Inc., 200 SW 9th Street - \$440,000. **Moved by Hensley to adopt. City Manager and Legal to review and make recommendations regarding assessment procedures as they relate to the authority of the Polk County Assessor. Motion Carried 4-3. Nays: Coleman, Flagg and McPherson.**

98-3693 (B) A Development Company, L.C., 106 SW 16th Street - \$325,000. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Coleman, Flagg and McPherson.**

98-3694 50. Offer to Purchase Real Estate and Warranty Deed in conjunction with Airport Expansion (Haverhill), from Loah Jean Grabill, 3090 Army Post Road - \$100,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3695 51. Offer to Purchase Real Estate and Warranty Deed in conjunction with Grand View Avenue Drainage Area, from Tracy L. Goff, 829 Morton Avenue - \$54,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3696 52. Backslope and Property Adjustment Easement and Release in conjunction with East Indianola Avenue Widening at Evergreen Avenue, from Burger King Corporation, 3601 SE 14th Street - \$1,645. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3697 53. Backslope and Property Adjustment Easement and Release, Warranty Deed and Future Title Work Compensation in conjunction with US 69 (E. 14th Street) and Guthrie Avenue Intersection Improvement, from Lawrence C. Venenga and Susan T. Wadle, 2213 E. 14th Street - \$5,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

54. Backslope and Property Adjustment Easement and Release in conjunction with SE 14th Street at E. Diehl Avenue Intersection Improvement, from the following:

98-3698 (A) Cataldo & Sons, Ltd., 5912 SE 14th Street - \$360. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3699 (B) George R. Cataldo and Sandra K. Cataldo, 5900 SE 14th Street - \$214. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3700 55. Temporary Easement for Construction, Permanent Easement for Storm Water and Surface Water Flowage, and Future Title Work Compensation in conjunction with Army Post Rd/Highway 28 Relocation, Runway 5/23 Extension, from Lakewood Benefited Recreational Lake District, Highway 28, Norwalk - \$10,650. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3701 56. Approving Noise and Avigation Easements for six properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

57. Approving Official recognition for the following Neighborhood Associations, ([Council Communication No. 98-543](#)):

98-3702 (A) East Village Neighborhood and Merchants Association - boundaries are Des Moines River, I-235, E. 14th Street and Vine Street. ([Council Communication No. 98-544](#)). **Moved by Hensley to defer action to 12-21-98. Staff to work with them to clarify Neighborhood/Merchant issues. Motion Carried 7-0.**

98-3703 (B) Linden Heights Neighborhood Association - boundaries are Foster Drive (both sides), on the west, north and south, and Glenview Drive (both sides), on the east. **Moved by Hensley to adopt. Motion Carried 7-0.**

****Council considered Hearing Items next****

98-3704 58. Appointment recommendation of Mayor Preston Daniels to the Civil Service Commission for Joseph Anthony Quinn to fill the unexpired term of André Merrett to expire April 1, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-3705 59. On application from Ronald F. Gottl II for G.V. & W. Partnership, to rezone property North of 6223 University Avenue from "R1-60" (One Family, Low Density Residential) to a Limited "C-1" (Neighborhood Retail Commercial) City Plan Commission Recommends DENIAL because application is not in conformance with the Des Moines 2000 Land Use Plan, (12-21-98). **Moved by Vlassis to refer back to City Plan Commission to consider possible "Contract C-1" Zoning for a hearing on 1-4-99.**

98-3706 60. On application from Gerald D. Neugent, for Airport Commerce Park, L.C. to amend the Airport Commerce Park West Concept Plan PUD, to allow redesign of Outlot X of Airport Commerce Park Plat 2, providing a through street Caulder Avenue connection from SW 61st south to Thornton Avenue, and permitted uses of Support Commercial, Neighborhood Commercial and Professional Office uses within the northwest portion of the PUD Project, (12-21-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3707 61. On application from Gerald D. Neugent, Airport Commerce Park, L.C. and Richard Hurd, Hurd Real Estate Services, Inc., to rezone property in vicinity of 7300 Fleur Drive, from "R1-80", a portion of Airport Commerce Park "PUD" and "PBP", to a PUD entitled Airport Commerce Park South, to approve the PUD plan for the property and find conformance with the Des Moines 2000 land Use Plan, (12-21-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3708 62. On application from Steven Gillotti, of RAS Properties, L.C., to rezone property generally at 2901 Maury Street from "R-3" (Multiple Family Residential) to a Limited "M-2" (Heavy Industrial), (12-21-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3709 63. On application from James H. Cooper, Cooper Homes, to rezone property in vicinity of SW 31st Street and Stanton Avenue from "R1-80" to a Limited "R1-70", and to find conformance with the Des Moines 2000 Land Use Plan, (12-21-98). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

98-3710 64. On application from Virgil Moore, Tempus Utile, L.C. for voluntary annexation of property in vicinity of 6800 Chaffee Road (1-25-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3711 65. Approving Receipt of Proposal from Victor Coleman, Jr., for property at 1140-9th Street, (former Grassroots-Iowa R-40 Urban Renewal Area), setting sale price and date of public hearing, (12-21-98). ([Council Communication No. 98-534](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

98-3712 66. On vacation and conveyance of alley rights-of-way in the block bounded by S.E. 8th, SE 9th and Vale Streets, and by Railroad Avenue, to Richard, R. Channon, Sr.-- \$50, William L. and Frances F. Aldini--\$25, Billy J. and Carolyn A. Wright--\$25, and Robert D. and Beverly J. Smith--\$50, (prior approval contained an error in publication), (12-21-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3713 67. On Third Amendment to Airport East Leasehold Lease Agreement with Signature Flight Support Corporation, to allow for removal of existing facility and temporary above-ground storage until a consolidated aircraft fuel storage facility is completed, (12-21-98). ([Council Communication No. 98-538](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

98-3714 68. On amendment to Section 2A-16 of the Zoning Ordinance, to permit gas stations with a maximum of 8 fueling stations to be located along Army Post Road, from Fleur Drive to East city limits, (12-21-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3715 69. On application from Les Knust, Casey's General Stores, Inc., to rezone property at 6320 Indianola Avenue from "R1-80" (One Family Residential), to Limited "C-2" (Gen. Retail and Highway Oriented Commercial) (12-21-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-3716 70. Approving payment of \$19.00 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.**

98-3717 71. Approving payment of \$465.50 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City of Des Moines in lawsuit of Keystone Electrical Manufacturing Co. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3718 72. Approving payment of \$826.50 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City of Des Moines in lawsuit of Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts, Co., Inc. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3719 73. Approving payment of \$438.28 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.**

98-3720 74. Approving payment of \$377.68 to Thomas H. Burke 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 Hensley to approve payment. Motion Carried 7-0.**

98-3721 75. Approving payment of \$432.72 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.**

CITY MANAGER COMMUNICATIONS

98-3722 76. Submitting various traffic regulation changes as follows: ([Council Communication No. 98-546](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance No Parking Restriction -- West Side of East Thirty-seventh street North of Dubuque Avenue.

(2) Loading Zone -- Adjacent to LS & W Productions (1024 Walnut Street).

(3) Allow Parking on East Side of Sixth Avenue from Walnut Street to Locust Street after 6:00 pm and until 7:00 am.

98-3723 76A. Submitting out-of-state travel request for Michele Bischof. ([Council Communication No. 98-550](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

98-3724 77. Receipt of Des Moines International Airport FY 1998/98 Annual Report. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3725 78. Submitting Monthly Financial Reports for September and October, 1998. (Copies on file in City Clerk's Office) **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-3726 79. Communication from City Clerk submitting report on City Council meeting/meal expenses for November, 1998. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-3727 80. Amendment One to DOE-98-07J weatherization contract with the State, which increases the contract budget by \$1,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3728 81. Close-out documents for LIHEAP Contract No. 2298-07J. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3729 82. Certificate of Completion and Release of Good Faith Deposit for Disposition Parcel No. N-8 (107 Astor Street) Capitol East Urban Renewal Area, to Habitat for Humanity, Inc. ([Council Communication No. 98-535](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

98-3730 83. Renewal of Agreement with Robert Vanscoy, for operation of the clubhouse concessions and pro shop at Waveland and Grandview Golf Courses, to January 15, 2000. ([Council Communication No. 98-533](#)). **Moved by Coleman to adopt. Staff to report on specifics of golf course management contracts and resident versus non-resident fees. Motion Carried 7-0.**

84. Bids for the following:

98-3731 (A) CompUSA, (Clive, IA, James Halpin, President) for computer training services to be used by the Human Resources Department for city employees, \$335 per class. (Twelve bids mailed-six received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3732 (B) Winterset Auto, L.C., (Winterset, IA, Jack Sayre, President) for two (2) 1/2 ton pickup trucks with snow blades to be used by the Park and Recreation Department, \$37,854. (Ten bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

84. Bids for the following:

98-3733 (C) Mercy Hospital Medical Center, (400 University, Tom Reiting, CEO) for health risk assessments to be used by the City of Des Moines Wellness Committee, \$37.50 per employee. (Ten bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3734 (D) J. Pettiecord, (5043 NE 22nd Street, Jeff Pettiecord, President) for loading and hauling services of residual ash from burning tree debris from 1998 storms to be used by the Public Works Department, \$7.48 per ton delivered to Metro Waste Authority. (Eleven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-3735 (E) Windstar Lines, Inc., (Carroll, IA., Jeff Greteman, President) for bus tours for travel program to be used by the Park and Recreation Department, \$25,820. (Seven bids mailed-two received). **Moved by Hensley to adopt. Council requests a report on the performance of the Parks travel programs. Motion Carried 6-1. Absent: Vlassis.**

98-3736 (F) Traffic and Parking Control, Inc., (Elm Grove, WI., Rick Bergholz, President) for

sign posts to be used by the Traffic and Transportation Department (Sign Shop), \$16,555. (Seven bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3737 (G) General Traffic Controls, Inc., (Spencer, IA., Paul Glover, President), \$11,836., Traffic Parts, Inc., Tom Neimeyer, President), \$400., Traffic and Transportation Products, LTD., (Port Bryon, IL., James Conner, President), \$26,464 for traffic signal equipment to be used by the Engineering Department, (Traffic and Transportation), Grand Total - \$38,700. (Five bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3738 (H) CEM Corporation, (Matthews, NC., Dan Alvarez, Representative) for microwave moisture analyzers that are compatible with the existing equipment to be used by the Engineering Department (Wastewater Reclamation Facility. (Municipal Code Section 2-86(a)(7), non-competitive procurement, \$16,105. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3739 (I) Bob Vollbrecht & Association, Inc., (New Brighton, MN., Bob Vollbrecht, President) for electronic coin parking meters that are compatible with existing equipment to be used by the Engineering Department (Traffic and Transportation). (Municipal Code Section 2-86(a)(7), non-competitive procurement, \$39,609. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3740 (J) Vessco, Inc., (Eden Prairie, MN, Dale Vesledahl, President) for liquid chlorine and sulfur dioxide evaporator vessels that are compatible with existing vessels to be used by the Engineering Department (Wastewater Reclamation Facility). (Municipal Code Section 2-86(a)(7), non-competitive procurement, \$52,800. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3741 (K) Motorola C & E, Inc., (Urbandale, IA., John Smyth, Representative), State of Iowa Contract 1199F, (Municipal Code Section 2-86(c) for portable radio equipment to be used by the Police Department, \$15,565.40. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3742 (L) Mid-States Ford/Sterling, (4300 NE 14th, Marv Perry, Glenda Millard, owners) for two (2) 3/4 ton trucks, and two (2) pickup trucks-\$77,922.50, and McKenna Truck Center, (5325 NE 14th, William McKenna, President) for two (2) utility vehicles-\$46,468 to be used by the Park and Recreation Department (Botanical Center), Grand Total \$124,390.50. (Ten bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3743 85. Receipt of insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

86. Report of Civil Service Commission for the following:

98-3744 (A) Entrance List - Auditor, Administrative Analyst, Telephone Administrator, and Promotional List for Fire Medic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-3745 (B) Entrance List - Performance Management Analyst, Communications Specialist, and Promotional for Public Works Section Chief. **Moved by Hensley to receive and file. Motion**

Carried 7-0.

98-3746 87. Authorizing Finance Director to draw warrants on registers of November 27, 1998, December 4, 1998, and December 11, 1998 for bills of the Des Moines Municipal Housing Agency for the weeks beginning December 7, 1998 and December 14, 1998, and the biweekly payroll due employees on November 20, 1998 and December 4, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-3747 88. Amending Chapter 2 of the Municipal Code regarding Deferred Compensation Plan - Code Update. **Moved by Hensley that this ordinance do now pass, [#13,661](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

98-3748 89. Amending Chapter 17 of the Municipal code regarding specified crime property. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

98-3749 90. Amending Chapter 14 of the Municipal Code regarding procedures for rental unit inspections--fees to be legally assessed against the property. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: Flagg. Council Member Coleman declares a conflict of interest, and abstains from voting.**

98-3750 91. Amending Chapter 23 of the Municipal Code reducing the length of time allowed for snow and ice removal from sidewalks, from 48 hours to 24 hours. ([Council Communication No. 98-530](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Daniels. Pass: Flagg.**

98-3751 92. Adding new sections to Chapter 16 of the Municipal Code, regarding annual permit fee and hauling vehicle fees for commercial snow haulers utilizing City's snow dump. ([Council Communication No. 98-549](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage, as amended, to delete Section 16-173. Motion Carried 7-0.**

98-3752 (A) Final consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes. **Moved by Vlassis 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, [#13,662](#). Motion Carried 7-0.**

98-3753 93. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes as follows. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance No Parking Restriction -- North Side of Crocker Street East of 41st Street.

(2) Four-way Stop -- Sixth Avenue and Aurora Avenue.

(3) Two-Sided Parking Restriction -- S.E. 10th between Rose and Watrous Avenues.

COUNCIL REQUESTS

98-3754 94. Oral request of Mayor Daniels, to discuss the City's Building Codes and how they compare to the suburbs. **Moved by Coleman to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

98-3755 95. Request to speak from Greater Des Moines Sports Authority. **Moved by Hensley to receive, file and grant the request to speak, refer to City Manager for a recommendation, including a report on past event locations. Motion Carried 7-0.**

98-3756 96. From A. Joyce Smith, Des Moines Sister City Commission, requesting to speak regarding naming the city of Verona, Italy, as Sister City to Des Moines. **Moved by McPherson to receive, file and grant the request to speak and to approve naming the City of Verona, Italy as a Sister City to Des Moines. Motion Carried 7-0.**

97. NUMBER NOT USED.

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

98-3757 98. Staff presentation on development in Guthrie Avenue Business Park. **Moved by Hensley to defer to January 4, 1999 at 4:30 P.M. Motion Carried 6-1. Absent: Flagg.**

98-3758 99. From Mickle Electric & Heating, Inc., requesting to purchase City-owned property adjacent to 1538 Vermont St., Central Place Industrial Park Urban Renewal Area. **Moved by Vlassis to receive, file and refer to the City Manager for action as appropriate to prepare the necessary documents to offer the property for redevelopment. Motion Carried 6-1. Absent: Flagg.**

98-3759 100. From Finance Director and City Engineer, submitting financial statements for the Wastewater Reclamation Authority (WRA) fiscal year 1997-98. [Council Communication No.](#)

[98-548](#)). Moved by Hensley to defer to 1-4-99. Staff to provide financial statements at that time. Motion Carried 6-1. Absent: Flagg.

WITHDRAWN 98-3760 101. From Human Resources Director, regarding new position description for Deputy City Engineer (Environmental Services).([Council Communication No. 98-542](#))

HEARINGS (Opened at 5:36 P.M.) (Items 102 thru 105)

98-3761 102. On recommendation of City Plan Commission to DENY request from St. Augustin's Catholic Church and Plymouth Congregational Church, to vacate and convey 41st Street between Grand and Ingersoll. **Moved by Hensley to continue the Hearing on proposed vacation to 12-21-98 at 5:30 P.M. Motion Carried 7-0.**

98-3762 (A) ALTERNATE RESOLUTION: Approving request for vacation and setting date of hearing on conveyance, (12-21-98). **Moved by Hensley to continue the hearing on the vacation until December 21, 1998, at 5:30 P.M.; to set a public hearing on December 21, 1998, at 5:30 P.M. on the proposal to sell such property to the two churches; and to direct that notice of such hearing be given. Motion Carried 7-0.**

WITHDRAWN 98-3763 (B) First consideration of vacation ordinance for Item A.

98-3764 (C) Communication from Chair of City Plan Commission regarding December 2 meeting. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-3765 103. On application from Bob Mills, to rezone property at 3350 Evergreen Avenue, and to continue hearing to December 21, 1998, at 5:30 P.M., at request of applicant. **Moved by Phillips to continue the hearing on the rezoning of 3350 Evergreen Avenue until December 21, 1998, at 5:30 P.M. Motion Carried 7-0.**

98-3766 104. On E. 14th Street (U.S. 69) and Guthrie Avenue Intersection Improvements (IDOT Project): Resolution approving plans, specifications, form of contract documents and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-3767 105. On SW 7th Street Viaduct Demolition (part of the M.L. King Jr., Parkway Project): Resolution approving plans, specifications, form of contract documents and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Flagg.**

* * END HEARINGS at 6:33 P.M. * *

CITY MANAGER RECOMMENDATIONS

98-3768 106. From City Manager, submitting rate and traffic regulation changes for the Center Street Park and Ride Facility. ([Council Communication No. 98-547](#)). **Moved by Flagg to**

receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1. Absent: Phillips.

98-3769 107. Regarding proposed consolidation of Neighborhood Inspection and Housing Enforcement Divisions of the Community Development Department. ([Council Communication No. 98-532](#)). Moved by Coleman to receive and file with final action to be taken on budget amendments as part of the annual budget process. Motion Carried 6-1. Pass: Flagg.

APPROVING

98-3770 108. Acceptance of ownership of the Great Cats Exhibit, presented by the Blank Park Zoo Foundation, pursuant to terms of 28E Agreement. ([Council Communication No. 98-536](#)) Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.

98-3771 109. Amending three-year auditing agreement with KPMG Peat Marwick, to include additional accounting and audit resources, \$18,000. ([Council Communication No. 98-540](#)). Moved by Coleman to adopt. Motion Carried 6-1. Absent: Flagg.

98-3772 110. Contract with Nestingen, Inc., for Database Administrative Services for PeopleSoft and other Client/Server Information Systems-\$244,500, and payment of recruitment fee of \$15,000 to Management Recruiters of Des Moines, (Michael W. Vermillion, President, WDM). ([Council Communication No. 98-537](#)). Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.

98-3773 111. Supplemental Agreement Nos. 2 and 2A, between the City, Des Moines Independent School District and the Iowa Telecommunication and Technology Commission, operating the Iowa Communications Network, (ICN), establishing and providing for planning, design, construction, operation and maintenance of a shared communications system and construction of first segment to be known as the "East Side Hub". ([Council Communication No. 98-539](#)). Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Flagg. Council Member McPherson declares a conflict of interest, and abstains from voting.

98-3774 112. Authorizing Lynne M. Mosman, 3835-16th, to remove her sidewalk and landscape the parking area. ([Council Communication No. 98-531](#)). Moved by McPherson to adopt. 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.

98-3775 1. Communication from Security Locksmiths, 4410 SE 14th Regarding condition of property adjacent to this business. SPONSOR: Mayor Daniels. **Moved by Phillips to receive, file and refer to the City Manager and Legal for review and recommendation by 12-21-98. Motion Carried 6-1. Absent: Flagg.**

98-3776 2. Approving selection of Douglas Gross, for defense of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley; and selection of Becky Knutson for defense of Debra Richardson and Michael McBride, in the case of Larry Smithson, et al. v. City of Des Moines. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH December 7, 1998

98-3777 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

98-3778 1. Court authority to abate the public nuisance at the following locations: 2915 6th, vacant, Titleholder: Primo Acquisitions I, L.L.C., Legal Interest Holders: R-Provost Properties, Pacific National Bank for Jolanta Bankowska IRA. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-3779 2. Release of Demolition cost Reserve escrowed for renovation of the structure at 1702 Army Post Road, owned by Marcella E. Harkin. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-3780 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:18 P.M.**

