

SUMMARY OF DES MOINES CITY COUNCIL MEETING
December 8, 1997 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

(a) Holiday Food Basket Program Weeks

(b) Human Rights Month

INVOCATION: Pastor Terrance Hennesy

Highland Park Presbyterian Church

97-3790 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, Phillips and Vlassis. Absent: McPherson.**

97-3791 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3792 3. APPROVING CONSENT AGENDA - items 3 through 91. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 5-1.**

LICENSES AND PERMITS:

Approving

97-3793 4. Communication from Legal Department regarding December 8, 1997 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

Class "B" Beer Licenses

97-3794 5. Peter Leonetti, Jr., dba Noodles Pasta and Sandwich Shop, 2924 Southwest 9th Street; Renewal - Expires 12-9-97 - Application submitted 11-10-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3795 6. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402020, 5715 Douglas; Renewal - Expires 12-31-97 (With Sunday Sales) - Application submitted 10-13-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3796 7. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402024, 1435 Army Post Road; Renewal - Expires 12-31-97 (With Sunday Sales) - Application submitted 10-13-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3797 8. Pizza Hut of America, Inc., Teresa J. Roll, President dba Pizza Hut #402033, 3704 Northeast 14th Street; Renewal - Expires 12-31-97 (With Sunday Sales) - Application submitted 10-13-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3798 9. R.L.L., Inc., Rodger L. Lecocq, President dba Scruffy's Restaurant, 429 Grand Avenue; Renewal - Expires 12-11-97 (With Sunday Sales) - Application submitted 11-10-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Class "C" Beer Licenses

97-3799 10. B & B Super Market, Inc., John A. Brooks, Sr., President dba B & B Super Market, 2001 Southeast 6th Street; Renewal - Expires 12-21-97 (With Sunday Sales) - Application submitted 11-12-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3800 11. Danlee Corp., Dan Moeller, President dba Jiffy, 3718 Southwest 9th Street; Renewal - Expires 1-25-97 (With Sunday Sales) - Application submitted 11-13-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Class "E" Beer Licenses

97-3801 12. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food & Drugstore #2, 2540 East Euclid; Renewal - Expires 12-17-97 (With Sunday Sales) - Application submitted 11-12-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Class "C" Beer-Wine Licenses

97-3802 13. Shirley Slocum, President dba Parents Without Partners, Capitol City Chapter #319, 100 East Euclid; Renewal - Expired 11-27-97 - Application submitted 11-7-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Class "C" Liquor Licenses

97-3803 14. CRL Corporation, Ryan R. Smithson, President dba Buggy's, 214 3rd Street; New Application (With Sunday Sales) - Application submitted 9-25-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3804 15. Group Pizza, Inc., Joe Zimmerman, President dba Felix & Oscar's, 4050 Merle Hay Road; Renewal - Expires 12-12-97 (With Sunday Sales) - Application submitted 11-7-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3805 16. Phyllis G. Letze dba Letze's King, 3801 Easton; Renewal - Expired 12-05-97 - Application submitted 11-12-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3806 17. John H. Moehle dba Now or Later Restaurant, 3750 East University; Renewal - Expires 12-25-97 - Application submitted 10-29-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3807 18. Tumea and Sons, Inc., Joe Tumea, President dba Tumea and Sons, 1501 Southeast 1st Street; New Application (With Sunday Sales) - Application submitted 10-15-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Authorizing

97-3808 19. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3809 20. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1.**

GAMEROOMS

97-3810 21. Namco Cybertainment Inc., Kevin Hayes, President dba Time Out, 1111 Southeast Army Post Road; Renewal - Expires 12-31-97 - Application submitted 11-3-97. **Moved by Vlassis to adopt. Motion Carried 5-1.**

Refunds

97-3811 22. City Treasurer to issue Refunds. **Moved by Vlassis to adopt. Motion Carried 5-1.**

PUBLIC IMPROVEMENTS

97-3812 23. Approving site participation agreement with Polk County and the Union Pacific Railroad to perform site characterization (environmental investigation), at former Diller Battery, - \$16,794.33. ([Council Communication No. 97-559](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3813 24. Professional Services Agreement with Snyder and Associates (Dennis Snyder, President, Ankeny) for Design and Right-of-Way Acquisition Services for Seventh Ward Ditch-Phase 1-Wooden Storm Sewer Box Culvert - \$271,027. ([Council Communication No. 97-561](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3814 25. Approving contract and bond for SW 5th Street Bridge Rehabilitation with Cramer & Associates, Inc., (Del Cramer, President) - \$140,869. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3815 26. Approving New Public Highway Crossing Agreement with Union Pacific Railroad Company in conjunction with Greater Des Moines Soccer Park, Contract No. 2 - \$2,500. ([Council Communication No. 97-562](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3816 27. Approving Private Construction Contract for Greater Des Moines Softball Park, Contract No. 1 between McAninch Corporation (Dwayne McAninch, President, WDM), Contractors and Greater Des Moines Foundation (Monroe J. Colston, President), Owners - \$825,971.30. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3817 28. Authorizing negotiation of a License Agreement with Fred Nesbit Distributing Co., Inc. and Fitz-Gold, L.L.C. to conduct grading and site preparation work on Disposition Parcel No. 30A (vicinity of Mattern Avenue east of DeWolf Street) in Guthrie Avenue Business Park Urban Renewal Area. ([Council Communication No. 97-572](#)). **Moved by Vlassis to approve. Motion Carried 5-1.**

97-3818 29. Approving resolution accepting Relocated Iowa 5 (between Iowa 28 and SW 9th Street) design concept and requesting Iowa Department of Transportation to consider additional items in final design of facility. ([Council Communication No. 97-583](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3819 30. Approving Agreement for Historic Documentation Services with William C. Page, Public Historian, for historic documentation of properties in conjunction with Martin Luther King Jr. Parkway Project. (Council Communication No. 97-592). **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Flagg. Absent: McPherson.**

WITHDRAWN

97-3820 31. Approving Agreement for sale of City-owned Roadway Ice and Weather Detection System (RWIS) to Iowa Department of Transportation in exchange for free installation, maintenance and future use of the sensor information.

97-3821 32. Approving placement of fence around lead contaminated site at Riverview Park. ([Council Communication No. 97-585](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

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

97-3822 (A) Birdland Pool Amenities, Taylor Ball L.C. - Iowa Division, \$3,065.65 is now due and \$24,366 remaining balance is due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3823 (B) Des Moines and Raccoon River Levees Tree Removal, United Contractors, Inc., \$1,725 remaining balance is now due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3824 (C) City Hall Lower Level Waterproofing, Koester Construction Co., \$12,350 is now due and \$650 remaining balance is due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3825 (D) Harmon Park Tennis Court Subdrain, Van Hauen & Associates, Inc., \$1,092.05 remaining balance is now due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3826 (E) Seventh Ward Ditch Improvements North of E. Hull Avenue Basin, Herberger Construction Co. Inc., \$-0- is now due and \$27,412.24 remaining balance payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3827 (F) Saylorville Recreational Trail Lighting near the Botanical Center, Bailey Construction Co., \$526.71 is now due and \$1,347.78 remaining balance payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3828 (G) Greater Des Moines Soccer Park, Koester Construction Co., Inc., \$3,872.49 is now due and \$47,423.50 remaining balance payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3829 34. Approving partial payments on ten public improvement projects. (Call City Clerk's Office for listing) **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3830 35. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Elise Aswegan, 3802 9th Street. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3831 36. Approving Change Order No. 17 with United Contractors, Inc., for additional work in conjunction with E. Euclid Avenue and Delaware Avenue Intersection Reconstruction Contract - \$16,559.50. ([Council Communication No. 97-560](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3832 37. Communication from various contractors, requesting permission to sublet certain items on two (2) City Public Improvement projects. (SW 30th Street Sanitary Relief Sewer and EMC Welding Shop Relocation & Overhead Door Replacement). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3833 38. Notification from Iowa Department of Transportation regarding bridge repair project on I-235 at Euclid Avenue interchange on June 2, 1998. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

SPECIAL ASSESSMENTS

97-3834 39. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 1997-58. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3835 40. Resolution Levying Assessments for costs of Nuisance Abatement-Sidewalk Replacement/Repair (Contractor Paved) List 1, Schedule No. 1997-60. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3836 41. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for November, 1997. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3837 42. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of November, 1997, Schedule No. 1997-31, for certification to Polk County Treasurer (call City Clerk's Office for amounts). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3838 43. Approving schedule of deficiency assessments Schedule No. 1997-59. **Moved by Vlassis to adopt. Motion Carried 5-1.**

LAND/PROPERTY TRANSACTIONS

97-3839 44. Fair Market Value and Acquisition by Negotiation or Condemnation for 121 Jefferson St, in conjunction with Central Place Industrial Park Redevelopment Project - \$60,000. **Moved by Vlassis to approve. Motion Carried 5-1.**

97-3840 45. Fair Market Value for property at 2223 E. 14th Street, from Gregg C. Moyer, in conjunction with Iowa 65 (E 14th Street) and Guthrie Avenue Intersection Improvement - \$46,000. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson.**

97-3841 46. Fair Market Value for property at 2367 E. 14th Street, from Imperial Properties, Inc., in conjunction with Iowa 65 (E. 14th Street) and Guthrie Avenue Intersection Improvement - \$97,000. **Moved by Hensley to defer to 12-22-97, for further information regarding property value. Motion Carried 5-1.**

97-3842 47. Approving Quit Claim Deed in conjunction with construction of Right-of-Way on 63rd Street (Iowa Highway 28), from Polk County-recording fees only. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3843 48. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way in conjunction with Merle Hay Road Sanitary Sewer, North of Meredith Drive, from Duane J. and Janice L. Mentele, 4750 NW Piekenbrock Drive - \$850. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3844 49. Approving Noise and Avigation Easements for three properties in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3845 50. Release of Subdivision Bond No. IAC 20677 from Merchants Bonding Company in amount of \$29,415 as security for completion of required pavement improvements for LAKEVIEW HEIGHTS PLAT 1. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3846 51. Approving reduction of Subdivision Bond No. IAC 21642 in amount of \$33,972 from Merchants Bonding Company as surety for additional improvements be reduced to \$8,493 as security for satisfactory completion of remaining improvements for PARK FOREST PLAT NO. 2. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3847 52. Approving reduction of Subdivision Bond No. IAC 20676 in amount of \$33,161 as security for required sidewalk improvements be reduced to \$8,290.25 for completion of a portion of said improvements for LAKEVIEW HEIGHTS PLAT 1. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3848 53. Approving reduction of cash payment from Tim Erickson in amount of \$96,528 of which \$32,012 was security for estimated cost of completing required grading and erosion control improvements be reduced to \$24,009 for completion of such improvements for THREE LAKES ESTATES PLAT 1. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3849 54. Approving Developer's request for SOUTHERN MEADOWS PLAT 1 in vicinity of SE 8th Street and Indianola Avenue for waiver of subdivision requirement for construction of sidewalk adjoining Lots 1, 2 and 3 in said plat. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3850 55. Release of PUD Development Bond from Merchants Bonding Company in amount of \$9,540 as security for completion of required grading and erosion control improvements for NORTHWOODS TOWNHOMES. **Moved by Vlassis to adopt. Motion Carried 5-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-3851 56. Communication from Billy Jean Stone, submitting her resignation from Parks and Recreation Board, effective immediately. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 5-1.**

97-3852 57. Approving Regular and Alternate appointments to the Des Moines Area Metropolitan Planning Organization, (MPO) and its Technical Committee. **Moved by Vlassis to adopt. Motion Carried 5-1.**

STREET CLOSINGS

97-3853 58. Approving exception regarding length of time request from Sandy Wyborny, representing the Highland Park Business Club, request permission to close Sixth Avenue from Euclid Avenue to Clinton Avenue on Saturday, December 13, 1997 from 11:00 A.M. until 6:00 P.M. for an Olde Fashioned Christmas celebration. **Moved by Vlassis to adopt. Motion Carried 5-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

WITHDRAWN 59. Regarding Tenth Amendment to Central Place Urban Renewal Plan in conformance with Des Moines 2000 Land Use Plan.

WITHDRAWN 60. Regarding request from Pete Klindt of Git-N-Go Convenience Stores for vacation and conveyance of a portion of 9th Street right-of-way at 2601 SW 9th Street.

SETTING DATE OF HEARINGS

61. On request for rezoning for the following, (12-22-97):

WITHDRAWN (A) From Andrew Lee for property located at 614 37th from "R1-60" One Family, Low Density Residential District to "C-0" Commercial Residential District.

WITHDRAWN (B) From Dan Lyons for property located at 1938 SE 6th Street from "C-1" Neighborhood Retail Commercial District to "C-1A" neighborhood Commercial Reuse District.

WITHDRAWN (C) From Curnes Homes Ltd. for property located at 1651 E. McKinley Avenue from "R1-80" One Family Residential District to "R1-60" One Family, Low Density Residential District.

97-3854 62. On lease for parking spaces in the Park and Ride Facility to Principal Mutual Life Insurance Company, (12-22-97). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3855 63. On amendments to the Zoning Ordinance regarding size of gas stations in "C-1" (Neighborhood Commercial Districts), (12-22-97). **Moved by Vlassis to adopt. Motion Carried 5-1.**

WITHDRAWN 97-3856 64. On lease agreement with Auto Park, Inc., for rental of thirty (30) parking spaces in vicinity of 8th and 9th Streets, south of Cherry, for Fire Department personnel, (12-22-97).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-3857 65. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 5-1.**

97-3858 66. Approving payment of \$1,282.50 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3859 67. Approving payment of \$102.99 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit entitled Keystone Electrical Manufacturing Co. v. City of Des Moines, Law No. CL 66446. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3860 68. Approving payment of \$1,583.06 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3861 69. Approving payment of \$37.50 to Jane McAllister of the Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee Law Firm in conjunction with various issues associated with the

acquisition of environmentally contaminated properties for Martin Luther King Jr. Parkway Project. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3862 70. Approving payment of \$62,500 to Gary Schroeder and his Attorney Robert McKinney for settlement of workers' compensation claim, subject to approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3863 71. Approving outside legal services from Harry Perkins, III of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, F. Montgomery Brown of Cook, Gotsdiner, McEnroe & McCarthy, and Thomas Zurek of Nyemaster, Goode, Voigts, West, Hansell & O'Brien in the amount of \$95 per hour plus reasonable out-of-pocket expenses to represent Police Officers Thomas Heller, Kenneth Brown and Michael McBride in case of Leverette, et al. v. Heller, et al. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3864 72. Approving outside legal services from Daniel Voogt of Whitfield & Eddy and Chester C. Woodburn, III of Hansen, McClintock & Riley in the amount of \$95 per hour plus reasonable out-of-pocket expenses to represent Officers Stueckrath and Huffman in case of Gales v. Huffman, et al. **Moved by Vlassis to adopt. Motion Carried 5-1.**

CITY MANAGER COMMUNICATIONS

97-3865 73. Submitting various traffic regulation changes as follows. **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1.**

(1) Request for Ordinance Changes addressing parking in respect to geographical layout of New Meredith Corporation Complex Area.

(2) Request for Ordinance Change to update list of Four-Way Stop Intersections. ([Council Communication No. 97-582](#))

97-3866 74. Submitting out-of-state travel requests for William Davis, Sue Luthens, LaVerne Williams, and Mark Godwin. ([Council Communication No. 97-568](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

APPROVING

97-3867 75. Equal Opportunity Report for 1996-97 and 1997-98 Affirmative Action Annual Work Plan. ([Council Communication No. 97-567](#)). **Moved by Vlassis to receive, file and adopt. Motion Carried 5-1.**

97-3867-I 76. Submitting City Manager's monthly financial report for September, 1997. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

97-3868 77. Rescinding previous conveyance action of City-Owned Municipal Housing Agency Property at 106 E 35th Street from Rhonda Rae Hastings and returning it to Section 5 (h) Affordable Homeownership Program. ([Council Communication No. 97-564](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3869 78. Approving 1993 Community Development Block Grant Flood Relief Performance and Evaluation Report for the period from September 1, 1996 to August 31, 1997 and notice of availability. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3870 79. Approving 1994 Community Development Block Grant Flood Relief Performance and Evaluation Report for the period from September 1, 1996 to August 31, 1997 and notice of availability. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3871 80. Designation of authorized representative to coordinate reimbursement of eligible cleanup expenses with FEMA for snowstorm damage tree debris. ([Council Communication No. 97-570](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3872 81. Community Services Block Grant (CSBG) fourth quarter/final report for the period from July 1, 1997 to September 30, 1997. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3873 82. Close-out documents for Energy Assistance Contract No. LIHEAP-2297-07J - \$1,331,324. **Moved by Vlassis to adopt. Motion Carried 5-1.**

83. Section 8 Existing Consolidated Annual Contributions Contracts for the following:

97-3874 (A) Contract renewal and Budget Authority for Project No. IA020CE0041/0042/0043. ([Council Communication No. 97-565](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3875 (B) Increasing Contract and Budget authority for Project No. IA020MR0002/0003/0004/0006/0008/0009. ([Council Communication No. 97-566](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

84. Bids for the following:

97-3876 (A) Carpenter Uniform Co., (205 - 12th Street, Robert Carpenter, President) for an annual agreement with two (2) additional one (1) year renewal options for clothing to be used by the Fire Department, \$139,602.50. (Five bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3877 (B) Dewey Ford, Inc., (444 East 4th Street, Mark Vukovich, President) for twenty-nine (29) full sized sedans with police packages to be used by the Police Department, \$20,337 per vehicle. (Four bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3878 (C) O'Halloran International, Inc., (1780 East Sheridan, James F. O'Halloran, President) for one (1) 33,000 GVW single axle dump truck with liquid dispensing systems to be used by the

Public Works Department (Street Maintenance), \$73,204. (Six bids mailed-two received).
Moved by Vlassis to adopt. Motion Carried 5-1.

97-3879 (D) 1st Tours and Travel, (West Des Moines, IA, Kathy Bradshaw, President) for all tours - \$25,830. Northwest Iowa Transportation, Inc., Loren Jones, President for seven trips - \$3,784.90 to be used by the Park and Recreation Department. (Total \$29,614.90). (Eight bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3880 (E) McKenna Motors (Des Moines) did not meet specifications, therefore non compliant. Bid awarded to Dewey Ford, Inc., (444 E. 4th Street, Mark Vukovich, President) for three (3) cargo vans to be used by the Engineering Department (Building Services), \$58,718.40. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson.**

97-3881 (F) Apex Systems, Inc., (Des Moines) did not meet specifications, therefore non-responsive. Bid awarded to Century Systems, (Clive, IA, Todd Ferson President), Pomeroy Computer Resources, (Des Moines, Rick Feaster, President), and Beacon Computer Services, (West Des Moines, IA, Mavis Merrill, President) to be used by the Engineering Department (Wastewater Reclamation Facility). (Total \$44,594.25). (Eight bids mailed-five received). (Call City Clerk's Office for listing of computer specifications). **Moved by Vlassis to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: McPherson.**

97-3882 (G) Environmental Control Systems, Inc., (Des Moines, Mike Miller, President) for Barber Coleman Network 8000 HVAC Control System Equipment, Software and installation to upgrade control systems to be used by various City complexes to complete and automate control systems per Municipal Code, Section 2-86 a. (7) at a total cost of \$49,000. ([Council Communication No. 97-588](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3883 85. Report of Civil Service Commission submitting Entrance List for Right-Of-Way Appraiser. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

97-3884 86. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3885 87. Authorizing Finance Director to draw warrants on registers of December 12, 1997 and December 19, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning December 8, 1997 and December 15, 1997, and the biweekly payroll due employees on December 19, 1997. **Moved by Vlassis to adopt. Motion Carried 5-1.**

ORDINANCES - FINAL CONSIDERATION

97-3886 88. Amending Chapter 27 of the Municipal Code to restrict parking adjacent to the Federal Office Building-210 Walnut Street. **Moved by Vlassis that this ordinance do now pass, #13,546. Motion Carried 5-1.**

97-3887 89. On application from Ginger Kniesley, to rezone property at 2203 Lincoln Avenue, from "C-2" (General Retail and Highway Oriented Commercial) to "R1-60" (One-Family, Low

Density Residential). **Moved by Vlassis that this ordinance do now pass, [#13,547](#). Motion Carried 5-1.**

ORDINANCES - SECOND CONSIDERATION

97-3888 90. On application from Larry Morgan, Broadlawns Medical Center, to rezone property at 1801 Hickman Road, from "R-3" (Multiple Family Residential) and "U-1" (Flood Plain District) to "C-0" (Commercial-Residential), (amended legal description). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

97-3889 91. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

(1) Request for stop signs at East 15th Street and Tiffin Avenue.

(2) Requests for Corner Clearances:

(A) South Side of Cleveland Avenue East of 29th Street and South Side of Cleveland Avenue West of East 30th Street.

(B) West Side of Southeast 18th Court South of Park Avenue.

(C) West Side of 62nd Street North of University Avenue.

(D) South Side of School Street East of 31st Street.

(E) West Side of 51st Street North of Hickman Road.

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

ORDINANCES - FIRST CONSIDERATION

97-3890 92. Amending Chapter 17 of the Municipal Code regarding nuisances subject to enforcement by administrative hearing procedure or civil action. ([Council Communication No. 97-590](#)). **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-3891 93. Amending Chapter 15 of the Municipal Code regarding creation and appointment of advisory committees to the City Park and Recreation Board, to allow residents and non-residents. ([Council Communication No. 97-586](#)). **Moved by Flagg to defer action to 12-22-97. Motion Carried 5-1.**

97-3892 94. Amending Chapter 15 of the Municipal Code regarding increase in golf fee for Junior Badges for 1998, no other fee increases recommended for 1998. ([Council Communication](#)

[No. 97-578](#)). Moved by Hensley to that this ordinance be considered and given first vote for passage. Motion Carried 5-1.

97-3893 95. Amending Chapter 26 of the Municipal Code to provide exemption for governmental entities and agencies for license fee, insurance, and bond requirements for issuance of communications licenses. ([Council Communication No. 97-573](#)). Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.

97-3894 96. Amending Chapters 7 and 23 of the Municipal Code regarding ownership and use of service dogs and assistive animals. Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.

97-3895 97. Amending Chapter 2 of the Municipal Code regarding creation of a new Information Technology Department to replace the Data Processing Division of the Finance Department. ([Council Communication No. 97-587](#)). Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.

97-3896 98. Amending Chapter 2 of the Municipal Code regarding duty of City board and commission members to abstain from participating in matters which the member has direct financial interest. Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.

COUNCIL REQUESTS

97-3897 99. From Council Member at-Large George Flagg, to discuss filling vacancy of at-Large City Council seat. Moved by Flagg to receive, file and discuss. Motion Carried 5-1.

97-3898 (A) Resolution of intent to fill vacant office of City Council Member at Large, by Special Election. Moved by Vlassis to adopt. Motion Carried 5-1.

****Council considered Hearing Items 105 through 117 next****

97-3899 100. From Council Member At-Large George Flagg regarding tax exempt property. Moved by Flagg to receive, file and discuss. Motion Carried 5-1.

COMMUNICATIONS/REPORTS

97-3900 101. From Marylyn Bruce and Cindy Minor representing Capitol Park and Fairgrounds Neighborhoods, requesting to speak regarding neighborhood environmental health and zoning. Moved by Vlassis to receive, file and grant the request to speak. City Employees Steve Drane and Mary Williams Van Horn were honored for their service to the neighborhoods. Motion Carried 5-1.

97-3901 102. Request from Allen Houghton, 211 SE 28th Street, to speak regarding litter and

debris from Weyerhaeuser Recycling. **Moved by Flagg to receive, file and grant the request to speak. Motion Carried 5-1.**

97-3902 103. Request from Lawrence Allen White to speak regarding various issues. **NO MOTION MADE. Mr. White spoke to the Council.**

97-3903 104. Request from Duane Stratton, 2005 SW Ninth Street, to appeal denial of issuance of cab badge, (continued from 11-17-97). **Moved by Vlassis to receive, file, deny the appeal and uphold decision of the City Traffic Engineer., Motion Carried 5-1.**

HEARINGS (Opened at 5:45 P.M.) (Items 105 thru 116)

97-3904 105. On allocation of 1998 Community Development Block Grant (CDBG) funding for Churches United Shelter for period of January 1, 1998 to December 31, 1998 - \$25,000, (continued from 11-17-97). **Moved by Hensley to adopt. Motion Carried 4-1-1. Nays: Flagg. Absent: McPherson.**

97-3905 (A) Request from Betty Fitzsimmons, 5630 Ovid Avenue, to speak regarding homelessness in Des Moines. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 5-1.**

97-3906 106. Communication from Community Development Director identifying basis to declare the Sixth Avenue Area as an urban renewal area and for adding it to the Riverpoint Capitol-Center Development Area Urban Renewal Project. **Moved by Hensley to continue to 12-22-97. Motion Carried 5-1.**

WITHDRAWN (A) Communication from the City Plan and Zoning Commission finding the proposed termination of the sixth Avenue Urban Renewal Area and the 5th Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area to be in conformance with the Des Moines 2000 Land Use Plan.

97-3907 (B) Resolution closing hearing on termination of the Sixth Avenue Urban Renewal Area and approving same. **Moved by Hensley to continue to 12-22-97. Motion Carried 5-1.**

WITHDRAWN 106. (C) Approving amendment to Des Moines 2000 Land Use Plan to conform with current plans for Sixth Avenue Area.

97-3908 (D) Finding Sixth Avenue Area a blighted area appropriate for designation as urban renewal area. **Moved by Hensley to continue to 12-22-97. Motion Carried 5-1.**

97-3909 (E) Resolution closing hearing on the 5th Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area and approving same. **Moved by Hensley to continue to 12-22-97. Motion Carried 5-1.**

97-3910 (F) First consideration of ordinance amending and expanding the Riverpoint Capitol-Center Development Area tax increment financing (TIF) district to include the Sixth Avenue Area. **Moved by Hensley to continue to 12-22-97. Motion Carried 5-1.**

97-3911 (G) Communication from Bob King, Chair Neighborhood Revitalization Board, regarding Sixth Avenue Corridor. **Moved by Hensley to continue to 12-22-97. Motion Carried 5-1.**

97-3912 107. On proposed Tenth Amendment to the Urban Renewal Plan for the Central Place Industrial Park Redevelopment Program--to designate additional acquisition and disposition parcels, update maps, incorporate guidelines regarding wage and benefit levels, add text regarding tax increment financing (TIF) law and to serve as the new Urban Renewal Plan for the area. (Council Communication No. 97-591). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3913 108. Recommendation from City Plan Commission regarding amendments to the Des Moines 2000 Land Use Plan for 3300 E. Euclid Avenue. **Moved by Vlassis to continue to 12-22-97. Motion Carried 5-1.**

97-3914 (A) On application from B.J. Baker III, to rezone property at 3300 E. Euclid from R2-A (General Residential), U-1 (Flood Plain), and "C-2" (General Retail and Highway-Oriented Commercial) to a PUD, **and to further continue to 12-22-97** to provide applicant time to submit legal description. **Moved by Vlassis to continue the hearing on the proposed rezoning until December 22, 1997 at 5:30 P.M. Motion Carried 5-1.**

97-3915 109. On proposed amendment to contract for sale of Land for Private Development, Blank Park Development Area, with Clarke Company, and YMCA of Greater Des Moines. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3916 110. On application from William Leng, to rezone property at 2009 E. 38th Court from "U-1" (Flood Plain) to "R1-60" (One Family, Low Density Residential), and to find application in conformance with the Des Moines 2000 Land Use Plan. **Moved by Flagg to adopt. Motion Carried 5-1.**

97-3917 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-3918 111. On vacation and conveyance of Franklin Avenue right-of-way west of Sixth Avenue, to Neighborhood Finance Corporation, (in-kind grant). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3919 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-3920 112. On vacation and easement for a portion of Urbandale Avenue right-of-way north of Leado Avenue, \$100 plus costs. **Moved by Phillips to continue Hearing to 12-22-97 at 5:30 P.M.**

97-3921 (A) First consideration of ordinance above. **Moved by Phillips to continue to 12-22-97. Motion Carried 5-1.**

WITHDRAWN (B) City Plan Commission recommendation.

97-3922 113. On vacation and conveyance of a portion of the Davis Avenue right-of-way in the vicinity of 2301 SW 9th Street, to Conaldo, Inc. \$2,000. **Moved by Phillips to adopt. Motion Carried 5-1.**

97-3923 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

WITHDRAWN 97-3924 114. On reconsideration of prior Denial of rezoning of property at

1423 Army Post Road, Des Moines Obedience Training Club, Inc., from R1-60 (One Family, Low Density Residential) to Limited C-2 (General Retail and Highway Oriented Commercial). **Rezoning request was withdrawn by applicant.**

WITHDRAWN 97-3925 (A) First consideration of ordinance above.

WITHDRAWN

97-3926 115. On application from Donald Crouch, to rezone property at 614 SE Fourth Street, from "R1-60" (One-Family, Low Density Residential) to "M-1" (Light-Industrial) and to find this application in conformance with the Des Moines 2000 Land Use Plan, City Plan Commission recommends DENIAL; or

97-3927 (A) ALTERNATE RESOLUTION--to approve rezoning. **Moved by Phillips to adopt. Motion Carried 5-1.**

97-3928 (B) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

97-3929 116. On Southeast Airport Trunk Sanitary Sewer, Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Hensley to adopt. Motion Carried 5-1.**

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

INFORMAL HEARINGS (Opened at 6:20 P.M.) (Item 117)

97-3930 117. On City's Cable Television Franchise Renewal and draft Needs Assessment Report. [\(Council Communication No. 97-577\)](#). **Moved by Vlassis to adopt. It is further**

recommended that other cable companies apply in an effort to obtain the very best in electronic transmission for the City. Motion Carried 5-1.

* * End Informal Hearing at 6:30 P.M. * *
****Council considered Items 100 through 104 next****

CITY MANAGER RECOMMENDATIONS

97-3931 118. Submitting traffic regulation changes expanding and realigning division of Parking Meter Districts. ([Council Communication No. 97-584](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1.**

APPROVING

97-3932 119. Petitions to establish Downtown Des Moines Self Supported Municipal Improvement District (SSMID) for referral to appropriate City agencies for recommendation by the December 22 Council meeting. **Moved by Hensley to receive, file and refer to the City Planning Commission for preparation of an evaluative report on the merit and feasibility of the proposed Downtown Des Moines SSMID project and to make recommendations with respect to the proposed Downtown Des Moines SSMID to be received by the City Council for the December 22, 1997 regular City Council meeting. City Manager to report on District Boundaries. Motion Carried 4-1-1. Nays: Flagg. Absent: McPherson.**

97-3933 120. Resolution establishing City Council Policy permitting Reimbursement of Legal Expenses to Police Officers for Grand Jury Investigations. **Moved by Phillips to adopt. Motion Carried 5-1.**

97-3934 121. Reallocation of Loan Proceeds from Issuance of Airport Revenue Capital Loan Notes from Parking Revenue Control Equipment to CAT II Centerline Lighting Project - \$300,000. ([Council Communication No. 97-580](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3935 122. Fourth Amendment to Agreement for Management Services Airport Parking Facilities with James C. Berry, extending it on a month-to-month basis; not to extend beyond April 30, 1998. ([Council Communication No. 97-581](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3936 123. Selection of Merrill Lynch as Senior Managing Underwriter for proposed Airport Revenue Bond issuance. ([Council Communication No. 97-579](#)). **Moved by Phillips to adopt. Motion Carried 4-1. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-3937 124. Recommendation by Strategic Planning Commission of strategic priorities to be considered in developing Fiscal Year 1999 Operating and Capital Improvement Budgets. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3938 125. Application to Iowa Department of Economic Development to amend certified Agribusiness Enterprise Zone to include City of Pleasant Hill's request to include land located east of City limits and north of Vandalia Road. ([Council Communication No. 97-571](#)). **Moved by Phillips to adopt. Motion Carried 5-1.**

97-3939 126. Authorization to proceed with Request For Proposals (RFP) for Qualified Child Care Provider to operate and manage Child Care Center in the Intermodal Transportation Facility (Park & Ride Facility) located within City block bounded by Sixth, Seventh, Center and Crocker Streets. ([Council Communication No. 97-569](#)). **Moved by Hensley to adopt. Motion Carried 5-1.**

97-3940 127. Terms of Grant Agreement with The Saint Paul Foundation for maintenance of Union Park playground and to equip and promote amateur baseball. ([Council Communication No. 97-574](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3941 128. Submission of a Community Economic Betterment Account (CEBA) Application-\$350,000, to the State of Iowa, and give preliminary approval for local contribution-\$200,000 from the City, for Trans-Lux Midwest Corporation, a subsidiary of Trans-Lux Corporation, (1700 Delaware and 2245 Dean). ([Council Communication No. 97-575](#)). **Moved by Phillips to approve. Motion Carried 5-1.**

97-3942 129. Submission of Community Economic Betterment Account (CEBA) Application to State of Iowa in the amount of \$115,000 and preliminary approval for Des Moines Action Loan Fund Loan in the amount of \$115,000 to Keystone Electrical Manufacturing Co., (122 SW 16th) ([Council Communication No. 97-576](#)). **Moved by Hensley to approve. Motion Carried 5-1.**

97-3943 130. Adoption of job specification for Chief Communications Officer. ([Council Communication No. 97-563](#)). **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: Flagg. Absent: McPherson.**

97-3944 131. Lease Agreement with Des Moines Independent Community School District for parking at 2021/2023 Grand Avenue, on a month to month tenancy; not to extend beyond December 31, 1999. ([Council Communication No. 97-589](#)). **Moved by Hensley to adopt. Motion Carried 5-1.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

97-3945 1. Oral request of Council Member Gene Phillips, Ward IV, to discuss agenda for meeting with Water Works Trustees, December 10, 1997. SPONSOR: Phillips. **Moved by Phillips to discuss. Motion Carried 5-1.**

97-3946 2. Request of Council Member George Flagg to discuss a proposed amendment to City Council Rule 11. SPONSOR: Flagg. **Moved by Flagg to receive, file and request City Manager to place his recommendation on the December 22 Council Agenda. Motion Carried 5-1.**

97-3947 3. Communication from various Cultural Institutions requesting an allocation of hotel/motel tax revenue. SPONSOR: Flagg. **Moved by Flagg to refer to City Manager for review and recommendation at the December 22, 1997 Council Meeting. Motion Carried 5-1.**

A G E N D A

BOARD OF HEALTH December 8, 1997

97-3948 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-1.**

AUTHORIZING

97-3949 1. Release of demolition cost reserve held under claim number 5192560 regarding property known as 1915 E. 38th Ct. (GARAGE) owned by Randy Vang. **Moved by Vlassis to adopt. Motion Carried 5-1.**

97-3950 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:55 P.M.**