

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 6, 1998

*****CLOSED SESSION*****

3:30 P.M.

98-935 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, McPherson, Phillips and Vlassis. Absent: Hensley.**

98-936 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

98-937 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.**

98-938 (b) Closed Session to discuss matters of pending litigation.

98-939 (c) Terminate this closed session and reconvene in open session. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-940 (d) (1) Approving Offer to Confess Judgment in favor of Hurd Real Estate Services, regarding 23.39 acres of property--relocation of Army post Road, \$340,001, plus costs. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

98-941 (2) Approving Offer to Confess Judgment in favor of Army Post Development, regarding 24.77 acres of property--relocation of Army post Road, \$396,351, plus costs. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

98-942 (e) Motion to recess and reconvene at 4:30 P.M. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

PROCLAMATIONS - 4:00 P.M.:

(a) National Community Development Week

(b) Professional Secretaries Week and Professional Secretaries Day

(c) Youth in Government Day

*****REGULAR SESSION*****

4:30 P.M.

INVOCATION: Rev. Charlotte Hoppe

First Christian Church

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

98-943 3. APPROVING CONSENT AGENDA - items 3 through 94. **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

98-944 4. Communication from Legal Department regarding April 6, 1998 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

Class "C" Beer Licenses

98-945 5. Kwik Shop, Inc., Steve Mostrom, Operations Manager dba Kwik Shop #556, 2930 Hickman; Renewal - Expires 4-23-98 (With Sunday Sales) - Application submitted 3-13-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-946 6. WB Stone, Inc., William B. Stone, Jr., President dba Southridge Amoco, 6300 Southeast 14th Street; New Application (With Sunday Sales) - Application submitted 2-27-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

98-947 7. Always Open Gas Marts Inc., George S. Slowinski, President dba Always Open, 3732 Easton Blvd; New Application (With Sunday Sales) - Application submitted 2-25-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

LICENSES AND PERMITS

Class "C" Beer-Wine Licenses

98-948 8. Java Joe's Coffee House, Inc., Cyndy Coppola, President dba Java Joe's Coffee House, 214-216 4th Street; Renewal - Expires 4-15-98 (With Sunday Sales) - Application submitted 3-10-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-949 9. **WITHDRAWN** Taylor WS, Inc., Rick Silvestrini, President dba Silvestrini's Pizza, 3015 Merle Hay Road #1, New Application (With Sunday Sales) - Application submitted 3-10-98.

Class "B" Liquor Licenses

98-950 10. Raccoon River Brewing Co. LLC, E. Jeffrey Hunter, Manager dba Chequers and Gotham Club, 1000 Walnut Street; Renewal - Expires 4-21-98 (With Sunday Sales) - Application submitted 3-20-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

98-951 11. F.B.M., Inc., Frank A. Baedaro, President dba Alpine Tap Room, 2720 Ingersoll; Renewal - Expires 4-20-98 - Application submitted 3-9-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-952 12. Mills Corner Grocery, Inc., Lisa LaValle, President dba Art Center Restaurant, 4700 Grand Avenue; Renewal - Expires 4-25-98 - (With Sunday Sales and Beer Garden) - Application submitted 3-16-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-953 13. Anthony DeFazio dba DeFazio Brothers, 2301 Southwest 9th Street; New Application (With Sunday Sales) - Application submitted 3-6-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-954 14. Elias Alvarez dba El Jefe, 1820 Southeast Army Post Road; New Application (With Sunday Sales) - Application submitted 3-6-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-955 15. Estate of Geraldine McCaughey, Phillip E. Dillon, Executor dba Gerri's, 232 East 30th Street; Renewal - Expires 4-25-98 (With Sunday Sales) - Application submitted 3-10-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-956 16. 1000 Walnut Management Company, E. Jeffery Hunter, President dba Hotel Fort Des Moines, 1000 Walnut Street; Renewal - Expires 4-21-98 (With Sunday Sales) - Application submitted 2-23-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-957 17. Iowa Cub Club of Des Moines, Kenneth L. Grandquist, President dba Iowa Cub Club of Des Moines, 350 Southwest 1st Street; Renewal - Expires 4-8-98 (With Sunday Sales and Beer Garden) - Application submitted 3-2-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-958 18. JCS Enterprises, Inc., Harry R. Lancaster, President dba Jack & Randy's Southtown Tap, 3803 Southwest 9th Street; Renewal - Expires 5-5-98. (With Sunday Sales) - Application submitted 3-10-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-959 19. Canyon Man Productions, Terrence Montgomery, President dba Pumpers, 4020 Merle Hay Road; Renewal - Expires 4-11-98 (With Sunday Sales and Beer Garden) - Application submitted 3-1-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-960 20. Raccoon River Brewing Co LLC, E. Jeffrey Hunter, Manager dba Raccoon River Brewing Co., 200 10th Street; Renewal - Expires 4-21-98 (With Sunday Sales and Beer Garden) - Application submitted 3-20-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-961 21. Scornovacca's Inc., Michael A. Vacco, President dba Scornovacca's, 1930 Southeast 14th Street; Renewal - Expires 4-22-98 (With Sunday Sales and Beer Garden) - Application submitted 3-17-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "E" Liquor Licenses

98-962 22. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food & Drugstore #5, 1111 Army Post Road; Renewal - Expires 4-20-98 - Application submitted 3-13-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-963 23. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food Store #1, 3330 M L King; Renewal - Expires 4-28-98 - Application submitted 3-13-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-964 24. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food & Drugstore #3, 3221 Southeast 14th Street; Renewal - Expires 4-20-98 - Application submitted 3-13-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Authorizing

98-965 25. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-966 26. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1.**

Beer Gardens

98-967 27. Approving temporary beer garden application from Lowell M. Coil dba University Library Cafe, 3506 University; Application submitted 3-25-98 for event to be held 4-23-98 thru 4-26-98 for special event. **Moved by McPherson to adopt. Motion Carried 6-1.**

Change Of Location

98-968 28. Approving permanent change of location for Class "E" Beer Permit No. BE-1542 for QuikTrip Corporation dba QuikTrip #523 from 900 Army Post Road to 850 Army Post Road effective April 17, 1998 - Application submitted 3-16-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Refunds

98-969 29. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

98-970 **WITHDRAWN** 30. Communication from Public Works Director, recommending streets to be included in the proposed 1998 Asphalt Stabilization Program.

98-971 **WITHDRAWN** (A) Preliminary Resolution for construction.

98-972 31. Approving Agreement with Sherman Hill Association for installation and maintenance of Sherman Hill Historic Street Lighting System (District #2). **Moved by Flagg to adopt. Motion Carried 6-1.**

32. Approving the following Change Orders with Taylor Ball L.C. for additional work in conjunction with the Intermodal Transportation Facility:

98-973 (A) Change Order No. 36 - Not to exceed \$15,090. ([Council Communication No. 98-120](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-974 **WITHDRAWN** (B) Change Order No. 41 - Not to exceed \$315,000. ([Council Communication No. 98-108](#)).

98-975 33. Approving Memorandum of Agreement with Principal Mutual Life Insurance Company for construction costs for private skywalk bridge over 9th Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-976 34. Approving Professional Services Agreement with Rust Environment & Infrastructure, Inc. (Tom Leonhardt, CEO, Sheboygan, WI) for design phase services for E. 14th Street & Euclid Avenue Detention Basin Storm Sewer Project - \$174,500. ([Council Communication No. 98-124](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-977 35. Approving Project Agreement with Iowa Department of Transportation for construction of 31st Street and Kingman Boulevard Intersection Improvement - \$320,000 (\$135,000 from IDOT, \$185,000 from 1998-99 Capital Improvement Program budget). ([Council Communication No. 98-123](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-978 36. Resolution Ordering Construction of 1997 Sanitary Sewer Repair Contract No. 1, Receiving of Bids, (4-21-98), and Setting Date of Hearing, (5-4-98), (Construction Estimate - \$105,000). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-979 37. Petition from area residents, in favor of intermediate paving on Orchard Lane. **Moved by McPherson to receive, file and refer to the City Manager and City Engineer for review and recommendation. Motion Carried 6-1.**

98-980 38. Communication from Neal Banks, 2411 E. 36th Street, regarding asphalt stabilization in 1997 on E. 36th Street between Arthur and Sheridan. **Moved by McPherson to receive, file and refer to staff to schedule the street for permanent paving. Staff to report on status of street from discussion in 1997. Motion Carried 6-1.**

39. NUMBER NOT USED.

40. Approving Private Construction Contracts for Lakeview Heights Phase II Subdivision at SE 34th Street & Evergreen Avenue between Eco Tech Contractors, Inc., R. S. Gillotti, President-Contractors and Coldwell Banker/Mid-America Group, Marvin Pomerantz, President, Owners for the following:

98-981 (A) Paving Improvements. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-982 (B) Sanitary Sewer Improvements. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-983 (C) Storm Sewer Improvements. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-984 41. Communication from Taylor Ball L.C. requesting to sublet certain items on Intermodal Transportation Facility public improvement project. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-985 42. Approving partial payments on Intermodal Transportation Facility, Police Station Step Replacement, and Waveland Lodge Air Conditioning public improvement projects. **Moved by McPherson to adopt. Motion Carried 6-1.**

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

98-986 (A) East-Side Traffic Signal Upgrading Project, Brown Brothers, Inc., \$9,898.58 is now due and \$9,429.46 remaining balance is due and payable at end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-987 (B) Greenwood Park Shelter Improvements, Breiholz Construction Company, \$2,654.25 remaining balance is now due and payable at end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

98-988 44. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of March 1998, Schedule 1998-23, for Certification to Polk County Treasurer (call the City Clerk's Office for amounts). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-989 45. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for March 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

98-990 **WITHDRAWN** 46. Fair Market Value of Permanent Roadway Easement for property located at 2301 E. 14th Street, from Gregg Moyer - \$133,000 plus relocation and closing costs, (continued from 3-23-98).

98-991 47. Property Rehabilitation Contract with Teri Toye, regarding 1808 7th Street, (continue consideration to April 20 at request of Ms. Toye). **Moved by McPherson to continue to 4-20-98. Motion Carried 6-1.**

98-992 48. Special Warranty Deed in satisfaction of real estate contract (Homestead Agreement), Amy L. Schwitters, 1533 E. 18th Street. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-993 49. Offer to purchase property at 1431 E. 25th Street, from Eastside Church of the Nazarene, in conjunction with Easton Boulevard Detention Basin, Southern Seventh Ward Ditch Improvements - \$35,020.35. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-994 50. Permanent Easements for Traffic Signal and Street Lighting Systems in conjunction with Fleur Drive Traffic Signal Upgrade from Charles J. and Mildred D. Celsi, 4720 Fleur Drive - \$1,300, Ralph A. and Marymae Bumpilori, 2105 Park Avenue - \$1,000, and Open Bible Standard Churches, Inc., Southeast Corner of Bell Avenue and Fleur Drive - \$1,395. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-995 51. Approving Noise and Avigation Easements for five properties in conjunction with the Airport Noise Compatibility Program, Phase II, (Easement Purchase Program). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-996 52. Approving Certification of Title for 44 properties in conjunction with Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-997 53. Formal recognition of the Kirkwood Glen Neighborhood Association, (boundaries are Hickman Road on the north, M.L. King Jr. Parkway on the east, Forest Avenue on the south, and alley west of Drake Laundromat, 24th Place and 24th Street).([Council Communication No. 98-114](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-998 54. Approving City Manager's recommendation regarding selection and appointment process of members to the Enterprise Community Steering Committee (ECSC), pursuant to amended rules and procedures. ([Council Communication No. 98-126](#)). **Moved by Flag to adopt. City Manager to provide an analysis of Committee activity to date. Motion Carried 6-1.**

55. NUMBER NOT USED.

98-999 56. Recommendation of Council Member Gene Phillips, Ward IV, for the reappointment of Ralph Schilling to the Board of Plumbing Examiners for a two-year term to expire April 4, 2000. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1000 57. Recommendation by Council Member Gene Phillips, Ward IV, for reappointment of Charles Meier to the Electrical Board of Examiners for two-year term to expire April 3, 2000. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1001 58. Resignation of Roger A. Johnson from the Civil Service Commission, effective immediately. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 6-1.**

98-1002 59. Communication from Cindy Smith, submitting her resignation from the City Plan Commission, effective immediately. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 6-1.**

98-1003 60. Submission of oral resignation of Loren Christensen from the City Plan Commission, by Council Member Tom Vlassis, Ward 1, effective immediately. **Moved by McPherson to receive, file and accept with regret. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

98-1004 61. On annexation proposal for areas northeast, southeast and south of the current City boundaries. **Moved by Phillips to set date of hearing for Monday, April 27, 1998 at 6:30 P.M.**

98-1005 62. On applicant from Sally Gottstein and Sharon Rae Beecher, to rezone property at 4225 NE 38th Street and 4202 NE 42nd Street from the "A-1" (Agricultural District classification it would receive upon its annexation into the City), to an "R-3" (Multiple Family Residential) and to find conformance with Des Moines 2000 land Use Plan, (City Plan Commission recommends DENIAL), (4-20-98). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Hensley.**

98-1006 63. On City-initiated rezoning of the Eastgate Shopping Center, E. 14th Street and Euclid Avenue, from "C-4", "M-1" and "M-2" to a "PUD", (4-20-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1007 64. On application from Donald Hosek, to rezone property at 3401 SW 46th Street, from "R1-80" (One Family Residential) to "C-2" (General Retail and Highway Oriented Commercial), and to find conformance with Des Moines 2000 Land Use Plan, (4-20-98), (City Plan Commission recommends DENIAL). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1008 65. On application from Eugene Hiskey, to rezone property at 1314 E. 14th, from "R-3"

(Multiple Family Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), and to find conformance with Des Moines 2000 Land Use Plan, (4-20-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1009 66. On application from Steven O. Herndon, Des Moines Seed and Nursery, to rezone property north of 6015 Grand Avenue from "R1-80" (One Family Residential) to a Ltd. "C-1" (Neighborhood Retail Commercial), and to find conformance with the Des Moines 2000 Land Use Plan, (4-20-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1010 ~~WITHDRAWN~~ 67. On application from George E. Moulton III, of Signwriters design, to rezone property at 3600 SW 9th Street, from "C-1" (Neighborhood Commercial Retail) to a "C-1A" (Neighborhood Commercial Reuse District), and to find in conformance with the Des Moines 2000 Land Use Plan, (4-20-98).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-1011 68. Approving payment of \$8,521.59 to St. Paul Fire and Marine Insurance Company for settlement of property damage subrogation claim resulting from an auto accident on January 23, 1997 on behalf of Jimmy and Mary Perry. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1012 69. Approving payment of \$122,500 to Arthur Ellis and his attorney Robert McKinney for a special case settlement of workers' compensation claim, subject to approval of the Industrial Commissioner for alleging injuries in course and scope of employment. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1013 70. Approving payment of \$3,610.96 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services to the City in conjunction with the Kiwanis Nature Island at Riverview Park. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1014 71. Approving payment of \$527.97 to George LaMarca 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 McPherson to approve payment. Motion Carried 6-1.**

98-1015 72. Approving payment of \$6,500 to Refugio Rodriguez and Attorney Robert Burnett, Jr. for bodily injury resulting from auto accident on November 2, 1996 for a full and complete release in favor of the City. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1016 73. Approving payment of \$76 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 McPherson to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

98-1017 74. Submitting out-of state travel requests for Rex Sparks, Allan Tunks, Joseph Gonzalez, and William Wilkins. ([Council Communication No. 98-113](#)). **Moved by McPherson**

to adopt. Motion Carried 6-1.

98-1018 75. Submitting various traffic regulation changes as follows, [\(Council Communication No. 98-131\)](#). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1.**

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

(2) Request for No Parking Any Time-East Side of Williams Street from Maple Street to East University Avenue and West Side of Williams Street from East University Avenue to Mahaska Avenue.

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

APPROVING

98-1019 76. Communication from City Clerk, submitting report on City Council meeting/meal expenses for March, 1998. **Moved by McPherson to receive and file. Motion Carried 6-1.**

77. The following regarding weatherization contracts:

98-1020 (A) Close-out documents for Contract No. DOE 97-07J. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1021 (B) Close-out documents for Contract No. O/C-98-07J. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1022 (C) Contract No. DOE-98-07J with Iowa Department of Human Rights/Division of Community Action Agencies for provision of weatherization assistance to low-income persons from April 1, 1998 to March 31, 1999. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1023 (D) Contract No. HEAP-99-07J-98 with Iowa Department of Human Rights/Division of Community Action Agencies for provision of weatherization assistance to low-income persons from April 1, 1998 to April 30, 1999. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1024 78. Weed and Seed Safe Haven Community Policing Project with John R. Grubb YMCA, \$50,000--January 2 to December 31, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1025 79. Execution of Section 8 Annual Contributions Contract Renewal to replace Moderate Rehabilitation program units - \$58,632 contract authority and \$58,632 budget authority. [\(Council Communication No. 98-109\)](#). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1026 80. Subordination Agreement to Norwest Bank Iowa, N.A. in conjunction with Line of Credit for Des Moines Action Loan Fund Loan to NationJob, Inc. ([Council Communication No. 98-112](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1027 81. Form of Agreement with West Des Moines State Bank (West Bank) for dispersal of Federal Home Loan Bank Affordable Housing Program Grant in the amount of \$400,000. ([Council Communication No. 98-110](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1028 82. Form of Agreement for Housing Revitalization Agreement and authorizing City Manager to utilize agreement in various Housing Conservation Division programs. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1029 83. Concession Agreements with George Davis for Birdland and Teachout Family Aquatic Centers and Savage Softball Complex, and with Charles and Debra Shelabarger for Nahas and Northwest Family Aquatic Centers. ([Council Communication No. 98-128](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1030 84. Lease Agreement with Des Moines Power Boat Club for lease of City property along the Des Moines River in Birdland Park for an additional three (3) year period. ([Council Communication No. 98-127](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1031 85. Intergovernmental 28E Agreement with Iowa Workforce Development and Central Iowa Employment and Training Consortium, (CIETC). ([Council Communication No. 98-130](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

86. Application to the Governor's Alliance on Substance Abuse, (GASA) for the following:

98-1032 (A) Youth at Risk Program, \$192,692.10 ([Council Communication No. 98-117](#)). **Moved by Phillips to adopt. Motion Carried 6-1.**

98-1033 (B) Crime Free Multi-Housing Program, \$58,317 ([Council Communication No. 98-118](#)). **Moved by Phillips to adopt. Motion Carried 6-1.**

98-1034 (C) Livescan and Prisoner Booking System, \$298,758 ([Council Communication No. 98-119](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1035 87. Redemption of prior bonds and execution of documents relating to Iowa Methodist Health System, Inc., Variable Rate Demand Revenue Bonds Series 1985B and 1991. **Moved by McPherson that the Resolution be adopted and approved the 6th day of April, 1998. Motion Carried 6-1.**

88. Bids for the following:

98-1036 (A) Mid States Ford Truck Sales, Inc., (4300 NE 14th Street, Marv Perry, President) for two (2) pick up trucks to be used by the Public Works Department (Solid Waste), \$30,382.60. (Nine bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1037 (B) Storey Bergdale Co., L.C., (2400-86th, Urbandale, IA, Lindsay J. Bergdale, President) for a Hammermill Tub Grinder to be used by the Public Works Department (Solid Waste), \$103,750. (Seven bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1038 (C) Dewey Ford Inc., (444 East Fourth, Mark Vukovich, President) for two (2) four door sedans to be used by the Engineering Department, \$27,365.40. (Eight bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1039 (D) Plasteco, Inc., (Houston, Texas, K. Sandow, President) for OSHA approved skylight guards to be used by the Engineering Department (Wastewater Reclamation Facility), \$13,985. (Thirteen bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1040 (E) Charles Gabus Ford, (4545 Merle Hay Road, Charles Gabus, President) for one-ton truck with service body, dump box, and snow plow - \$35,689.50. O'Halloran International, (1780 East Sheridan, Jim O'Halloran, President) for 56,000 GVW truck with dump body and snow plow - \$81,355 to be used by the Engineering Department and Public Works Department. (Total \$117,044.50) (Nine bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1041 (F) Seven (7) suppliers for lawn chemical, grass seed and top dressing mix to be used by the Park and Recreation Department - City parks and soccer complex. (Sixteen bids mailed-nine received). (Call City Clerk's Office for prices and vendors). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1042 (G) Primary and alternate suppliers for guardrails and posts to be used by the Public Works Department (Street Maintenance). (Eight bids mailed-five received). (Call City Clerk's Office for prices and vendors). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1043 (H) Primary and alternate suppliers for vitrified, concrete, metal and polyvinyl chloride pipe to be used by the Public Works Department (Sewer Division). (Eights bids mailed-five received). (Call City Clerk's Office for prices and vendors). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1044 (I) Government Computer Sales, Inc., (Issaquah, WA), State of Iowa Contract 2433, (Municipal Code Section 2-86(c) for five Gateway computers and attachments to be used by the Fire Department, \$19,300. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1045 (J) Bid awarded to Pomeroy Computer Resources, (1408 Locust, Dave Pomeroy, President) for a Compaq ProLiant 3000 computer system, tape back-up, and Novell software to be used by the Engineering Department, \$29,756. Bid from Peripheral Solutions and Convergent

Communications, Urbandale, IA did not meet specifications, therefore non-compliant. (Seven bids mailed-seven received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1046 (K) Bid awarded to Torrance Electric, (3811 Dixon Street, Steve Gallagher, President) for three (3) alternating current motor drive units, RMI cards, software, controller, interface modules, three-year warranty, on-site start-up and training to be used by the Engineering Department (Wastewater Reclamation Facility), \$39,739. Bids from WESCO, Des Moines did not meet specifications, therefore non-compliant. (Thirteen bids mailed-seven received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1047 (L) Sterner traffic signals and street lighting poles for Walnut Street Transit Mall manufactured by Electrical Engineering & Equipment Co., (1201 Walnut) sole area wide distributor of Sterner Co. equipment. (Municipal Code Section 2-86 (a) sole source and competitively bid, \$12,021.25. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1048 89. Agreements for retention and relocation of Color Converting Industries to a site in the Airport Commerce Park West Urban Renewal Area. ([Council Communication No. 98-111](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1049 90. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1050 91. Authorizing Finance Director to draw warrants on registers of April 3, 1998 and April 10, 1998, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning April 6, 1998 and April 13, 1998, and the biweekly payroll due employees on March 27, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

98-1051 92. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by McPherson that this ordinance do now pass, [#13,593](#), Motion Carried 6-1.**

- (1) Request for Corner Clearance--West side of 44th Street south of University.
- (2) Request for Corner Clearance--West side of Williams Street north of University.
- (3) Request for removal of Loading Zone and placement of two parking meters in its place--North side of Pleasant Street between Ninth and Tenth Street.
- (4) Request for Commercial Loading Zone by Principal Mutual Life Insurance Company--North side of Maple Street west of E. Fourth Street.
- (5) Request for additional parking in the vicinity of Sec Taylor Stadium.

(6) Request for Commercial Loading Zone--300 Block of E. Grand Avenue.

ORDINANCES - SECOND CONSIDERATION

98-1052 93. Providing prior approval for partial exemption from property taxation on property at 303 New York Avenue --Bonded Fiber and Quilting Inc., in accordance with Chapter 427B of the Iowa Code and Chapter 10A of the Municipal Code. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

98-1053 (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by McPherson to 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, [#13,594](#). Motion Carried 6-1.**

98-1054 94. On vacation of City right-of-way in vicinity of Carpenter and 62nd Street, to abutting property owners. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

****Council considered Item 106 next at 5:10 P.M., then Hearing
Items 98 through 104****

ORDINANCES - FIRST CONSIDERATION

98-1055 95. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Vlassis that this ordinance be given first vote for passage. Motion Carried 6-1.**

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

98-1056 96. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes. **Moved by Vlassis that this ordinance be deferred to 4-20-98. City Manager to report regarding request to lengthen Handicapped parking area East side of E. 13th, South to Grandview. Motion Carried 6-1.**

(1) Request to Lengthen Handicapped Parking area-East Side of E. 13th Street South of Grandview Avenue.

(2) Request for One-Sided Parking Restriction-East Side of S.W. 60th Street South of Leland Avenue to the Dead End.

(3) Request for Corner Clearance-South Side of Leyden Avenue East of E. 38th Street.

(4) Request for No Parking Any Time-North Side of Locust St. West of Fourth Street to Fifth Street.

(5) Request for Corner Clearance-East Side of 57th Street North of Madison Avenue.

98-1057 97. Amending Chapter 2 of the Municipal Code, to reduce term of Civil Service Commissioners from six to four years. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-1058 (A) Final consideration of ordinance above, (waiver requested by Legal Department). **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,595](#). Motion Carried 6-1.**

98-1059 (B) Approving recommendation of Mayor Preston A. Daniels, for appointment to the Civil Service Commission of Mary Campos, Suzanne Engman, Derald Leaming, Andre Merrett, Mark Tezak, Michael Tonini and Jeffrey Hall. **Moved by McPherson to adopt. Motion Carried 6-1.**

****Council considered item 105 through end of agenda next****

HEARINGS (Opened at 5:41 P.M.) (Items 98 thru 104)

98. Items regarding sale of City property in the Guthrie Avenue Business Park-Parcel 11A, 2100 Dixon Street, JJFPBI, L.C., ([Council Communication No. 98-121](#)):

98-1060 (A) Hearing on proposed sale of City property and authorizing Agreement to Purchase Land for Private Redevelopment. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1061 (B) Approving Evidence of Financing and Final Design Plans. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1062 (C) Resolution to Approve, Execute and Deliver Special Warranty Deed. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1063 (D) Resolution to Approve Minimum Assessment Agreement. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1064 99. On sale of City-owned property in vicinity of 401 Payton Avenue to Shari S. Sawder, \$100 plus costs. **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

98-1065 100. On application from Tom Tobis, Des Moines Auto Auction, to rezone property at 1571 E. McKinley, from "R1-80" (One Family Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), and finding conformance with Des Moines 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 6-1.**

98-1066 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-1067 (B) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes. **Moved by Phillips 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, [#13,596](#). Motion Carried 6-1.**

98-1068 101. On application from Arnold E. DeWitt, to rezone property at 3800 E. University Avenue, from Ltd. "C-1" (Neighborhood Retail Commercial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), subject to conditions. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1069 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-1070 (B) Final consideration of ordinance above. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,597](#). Motion Carried 6-1.**

98-1071 102. Approving Fifth Addendum to Lease Agreement to delete requirement for membership of Branch Board of Managers membership to include representatives of tenants other than the Grubb YMCA. ([Council Communication No. 98-129](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-1072 (A) On John R. Grubb Community YMCA Handball & Basketball Courts: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-1073 103. On John Pat Dorrian Recreation Trail Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest

responsible bidder as Grimes Asphalt and Paving Corp., (J.M. Yonker, President, Grimes), \$109,565. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-1074 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1.**

****Council considered Items 95 through 97 next****

98-1075 104. On Hearing Officer's decision regarding vicious animal impound appeal of Jerry Hols, 915 E. Walker, #3. **Moved by McPherson to receive, file and uphold the decision of the Hearing Officer and issue a written order to Mr. Hols directing that the animal be licensed and confined, removed from the City, or in the alternative, that it be humanely destroyed. Motion Carried 6-1.**

* * END HEARINGS at 6:00 P.M. * *

COUNCIL REQUESTS

98-1076 105. Oral request from Council Member Mike McPherson, and citizen Mike Rice, for two 25 MPH Speed Limit signs in the 3000 block of E. Tiffin. **Moved by McPherson to receive, file and grant the request to speak, and approve placement of additional signs. Motion Carried 6-1.**

98-1077 106. From Council Member George Flagg to discuss letter from Kathryn Kooyman regarding vehicle impound activity. **Moved by Flagg to receive, file and refer to City Manager to authorize refund of impound fees; to finalize investigation and issue formal apologies, as appropriate; and to develop methods to assure an incident of this type does not occur again. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

98-1078 107. From Principal Financial Group requesting 10-year declining schedule tax abatement for building renovation projects at 820 Keosauqua Way and 616 10th Street. ([Council Communication No. 98-125](#)). **Moved by Flagg to approve, in concept, and refer to the City Manager and Corporation Counsel for action as outlined in Council Communication No. 98-125. Motion Carried 6-1.**

CITY MANAGER RECOMMENDATIONS

98-1079 **WITHDRAWN** 108. Regarding 1998 Community Development Block Grant (CDBG) and HOME funding and reprogramming issues. ([Council Communication No. 98-116](#)).

98-1080 **WITHDRAWN** (A) Communication from Neighborhood Revitalization Board Chair, regarding above.

APPROVING

98-1081 109. Extension of the current cable television franchise with TCI of Central Iowa, through June 16, 1998, to allow time for resolution of issues involved in the franchise renewal. [\(Council Communication No. 98-115\)](#). **Moved by Vlassis to adopt. Council Sub-Committee to receive updates on Franchise negotiations every two weeks; with understanding that June 16 is the final extension period, and, if at any point between now and June 16 negotiations progress is halted, the City will commence Formal negotiations; City to continue study of fiber optic and its ability to handle Cable TV and other appropriate functions. Motion Carried 6-1.**

98-1082 110. City of Des Moines Legislative Update for the 77th Iowa General Assembly. **Moved by Phillips to receive and file the attached report. Motion Carried 6-1.**

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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.

98-1083 1. Amendment to Cooperative Agreement with HUD, to provide an additional \$5,000 for mandatory training. SPONSOR: Mayor Daniels. **Moved by Vlassis to adopt. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

April 6, 1998

98-1084 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

98-1084 1. Court authority to abate the public nuisance at the following location: 4803 SE 5th, titleholder: Lolita F. DeLeon; legal interest holder; Allied Group Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 6-1.**

98-1085 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:35 P.M. Motion Carried 6-1.**