

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 7, 1997 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Recognition for Mr. Ken Kane
National Credit Education Week
Youth In Government Day

SPECIAL PRESENTATIONS - 4:00 P.M.:

OFFICIAL RECOGNITION -

Indianola Hills Neighbors Association

INVOCATION: Pastor Stephen Fagerburg

Westover Baptist Church

97-1063 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-1064 I. Communication from Mayor Arthur Davis, submitting his resignation. **Moved by Vlassis to accept with deep regret, and sincere appreciation for his service to the citizens of Des Moines. Motion Carried 6-0.**

97-1065 (A) Proclamation Honoring Des Moines Mayor Arthur Davis, for his many contributions to the City of Des Moines and surrounding communities. **Moved by Hensley to receive and file. Motion Carried 6-0.**

97-1066 II. Approving resolution calling for special election on June 24, 1997, to fill vacant office of Mayor, for remaining balance of unexpired term. **Moved by Vlassis to adopt. Motion FAILED 3-3. Yeas: Phillips, Hensley and Vlassis. Nays: Daniels, Flagg and McPherson.**

(A) City Council discussion regarding a date and time to further consider filling vacant office of Mayor. **Moved by Hensley to place on agenda of April 21, 1997. Motion Carried 6-0.**

97-1068 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-0.**

***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.**

97-1069 3. APPROVING CONSENT AGENDA - items 3 through 104: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

97-1070 4. Communication from Legal Department regarding April 7, 1997 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-0.**

Class "B" Beer Licenses

97-1071 5. Edelstein Inc., Deena Edelstein, President dba Duds N Suds, 2552 Hubbell; Renewal - Expires 5-18-97 (With Sunday Sales) - Application submitted 3-24-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "C" Beer Licenses

97-1072 6. William A. Tegeler, Inc., Robert F. Tegeler, President dba Army Post Amoco, 849 Army Post Road; Renewal - Expires 4-19-97 (With Sunday Sales) - Application submitted 3-17-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1073 7. Kwik Shop, Inc., Steve Mostrem, Operations Manager, dba Kwik Shop #556, 2930 Hickman Road; Renewal - Expires 4-23-97 (With Sunday Sales) - Application submitted 2-27-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1074 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #3, 100 Southwest Watrous; Renewal - Expires 6-4-97 (With Sunday Sales) - Application submitted 3-5-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "E" Beer Licenses

97-1075 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #5, 2716 Indianola Road; Renewal - Expires 4-24-97 (With Sunday Sales) - Application submitted 3-5-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1076 10. American Drug Stores, Inc., Richard L. Davis, General Manager, dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-97 (With Sunday Sales) - Application submitted 3-17-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1077 11. American Drug Stores, Inc., Richard L. Davis, General Manager, dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-97 (With Sunday Sales) - Application submitted 3-17-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1078 12. The Liquor Locker, Inc., Michael Lindfield, President dba Liquor Locker, 520 Army Post Road; Renewal - Expires 4-14-97 (With Sunday Sales) - Application submitted 3-14-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "C" Beer-Wine Licenses

97-1079 13. Java Joe's Coffeehouse, Inc., Cyndy Coppola, President dba Java Joe's Coffeehouse, 214 4th Street; Renewal - Expires 4-15-97 (With Sunday Sales) - Application submitted 3-10-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

Class "C" Liquor Licenses

97-1080 14. F.B.M., Inc., Frank A. Baedaro, President dba Alpine Tap Room, 2720 Ingersoll; Renewal - Expires 4-20-97 - Application submitted 3-7-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1081 15. Marcella Nelson dba Bob Nelson's Lounge, 1605 6th Avenue; Renewal - Expired 3-31-97 (With Sunday Sales) - Application submitted 2-17-97 (Deferred from March 17, 1997 Council Meeting). **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1082 16. KC Development LC, Brian Krueger, Manager dba Fishbowl Bar and Grill, 3029 Merle Hay Road; Renewal - Expired 4-1-97 (With Sunday Sales) - Application submitted 2-27-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1083 17. Gerri's Inc, Phillip E. Dillon, President dba Gerri's, 232 East 30th Street; Renewal - Expires 4-25-97 (With Sunday Sales) - Application submitted 3-13-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1084 18. PLIK Corporation, Michael E. Hines, President dba Greenwood Lounge, 3707 Ingersoll; Renewal - Expires 4-23-97 - Application submitted 3-5-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1085 19. Joan Erickson dba Highland Park Country Club, 518 Euclid Avenue; Renewal - Expired 3-28-97 (With Sunday Sales) - Application submitted 2-27-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1086 20. Entertainment Services Group, LC, Ronald W. Nelson, President dba Pacific Club-The Original Sports Bar, 215 East 2nd Street; New Application with Sunday Sales - Application submitted 2-17-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1087 21. Canyon Man Productions, Inc., Terrance J. Montgomery, President dba Pumpers, 4020 Merle Hay Road; Renewal - Expires 4-11-97 (With Sunday Sales and Beer Garden) -

Application submitted 3-5-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1088 22. Scornovacca's Inc, Michael A. Vacco, President dba Scornovacca's, 1930 Southeast 14th Street; Renewal - Expires 4-22-97 (With Sunday Sales and Beer Garden) - Application submitted 3-19-97. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

Class "E" Liquor Licenses

97-1089 23. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food and Drugstore #1, 3330 Martin Luther King; Renewal - Expires 4-28-97 - Application submitted 3-14-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1090 24. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food and Drugstore #3, 3221 Southeast 14th Street; Renewal - Expires 4-20-97 - Application submitted 3-14-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1091 25. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee Food and Drugstore #5, 1111 Army Post Road; Renewal - Expires 4-20-97 - Application submitted 3-14-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1092 26. The Liquor Locker, Inc., Michael Lindfield, President dba Liquor Locker, 520 Army Post Road; Renewal - Expires 4-14-97 - Application submitted 3-14-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1093 27. American Drug Stores, Inc., Richard L. Davis, General Manager, dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-97 - Application submitted 3-17-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1094 28. American Drug Stores, Inc., Richard L. Davis, General Manager, dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-97 - Application submitted 3-17-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

Authorizing

97-1095 29. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Daniels.**

97-1096 30. City Clerk to issue Coin-Operated Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-0.**

Beer Gardens

97-1097 31. Approving permanent beer garden for Kevin Lynch dba A.K. O'Connor's, 4050 Urbandale; Application submitted 3-14-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1098 32. Approving temporary beer gardens for Peggy's Corporation, James Scheetz, President dba Peggy's Cafe & Tavern, 3020 Forest Avenue; Applications submitted 3-21-97 for events to be held April 22 thru April 27, 1997 (Drake Relays and May 8 thru May 11, 1997 (Drake Graduation). Subject to submission of acceptable building and fire inspections. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1099 33. Approving temporary beer garden for Lowell M. Coil dba University Library Cafe, 3506 University; Application submitted 3-19-97 for event to be held April 23 thru 4-27-1997 (Drake Relays). Subject to submission of acceptable building and fire inspections. **Moved by McPherson to adopt. Motion Carried 6-0.**

Refunds

97-1100 34. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-0.**

Sunday Sales

97-1101 35. Bruce Kennedy dba Paesano's Pizzeria, 2804 Southwest 9th Street; Application submitted 3-21-97. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1102 35I. Approving Class "B" Beer License to M.L.C. Inc., dba Loco Joe's Nickel Arcade, 1300 E. Army Post Road. SPONSOR: Phillips. **Moved by McPherson to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

97-1103 36. Agreement with Iowa Department of Transportation for E. University Avenue and E. 9th Street Intersection Improvement project and authorizing City Manager to acquire the necessary right-of-way and easements. (Council Communication No. 97-165). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1104 37. Engineering Service Agreement with Snyder & Associates, Inc., for engineering design services for E. 14th Street Traffic Signal Interconnect System - \$67,600. (Council Communication No. 97-172). **Moved by McPherson to adopt. Motion Carried 6-0.**

38. Resolution Ordering Construction of the following:

97-1105 (A) E. Army Post Road at E. Indianola Avenue Intersection Improvements, (I.D.O.T.), Receiving of Bids, (4-22-97), and Setting Date of Hearing, (4-28-97), (Construction Estimate - \$920,451.50). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1106 (B) John R. Grubb Community YMCA Roof Replacement, Receiving of Bids, (4-22-97), and Setting Date of Hearing, (4-28-97), (Construction Estimate - \$70,000). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1107 (C) Intermodal (Park and Ride) Transportation Facility, Receiving of Bids, (5-20-97), and Setting Date of Hearing, (5-19-97), (Construction Estimate - \$18,304,000). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1108 39. E. University Avenue at Williams Street Intersection Improvements, (IDOT Project): Resolution on Submission of Bids and designating lowest responsible bidder as Eco Tech Contractors, Inc., (Steve Gillotti, President, WDM), \$1,205,629.69. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1109 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1110 40. Rescheduling IDOT Project bid letting, to June 3, 1997, on the SW Seventh Street Bridge over Raccoon River Rehabilitation Project. **Moved by McPherson to adopt. Motion Carried 6-0.**

41. Asphalt Stabilization Schedule No. 1997-44:

97-1111 (A) Fixing Values of Lots. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1112 (B) Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1113 (C) Proposed Resolution of Necessity for Notice to Property Owners of Hearing (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1114 (D) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

42. Asphalt Stabilization Schedule No. 1997-45:

97-1115 (A) Fixing Values of Lots. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1116 (B) Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1117 (C) Proposed Resolution of Necessity for Notice to Property Owners of Hearing (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1118 (D) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

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

97-1119 (A) ICA Buildings 12 & 70 HVAC and Process Modification, Accurate Mechanical Company, Inc., \$20,880.78 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1120 (B) SW 8th Street and Thornton Avenue Storm Sewer, The Underground Company, Ltd., \$328.51 is now due and \$1,015.34 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1121 (C) Asbestos Removal - Martin Luther King, Jr., Parkway, Hazardous Materials Abatement Corp., \$22,956.75 is now due and \$2,908.00 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1122 44. Private Construction Contract for construction of one (1) Type I Sanitary Manhole located in Third Street, East of Mercy Hospital Medical Center, 400 University Avenue between Corell Contractor, Inc. and Mercy Hospital Medical Center, Owner - \$6400. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1123 45. Communications from various contractors requesting to sublet certain items on public improvement projects. (See Roll Call for list). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1124 46. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners (see roll call for list). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1125 47. Approving partial payments on two public improvement projects. **Moved by McPherson to adopt. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

97-1126 48. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for March, 1997. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1127 49. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of March, 1997, Schedule No. 1997-23, for certification to Polk County Treasurer (see roll call for various amounts). **Moved by Daniels to adopt. City Manager to report on water shut off process, including owner - occupied versus rental properties. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

97-1128 50. Approving resolution to Establish Fair Market Value and to Authorize Acquisition by Negotiation or Condemnation, for 1503 E. Walnut, 1505 E. Walnut and 1507 E. Walnut, in the Capitol East Urban Renewal Area. (Council Communication No. 97-180). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1129 51. Fair Market Value for property at 2005 Leynor Street - \$7,000, 2008 Leynor Street - \$40,000, 835 Martin Luther King, Jr. Parkway - \$55,000, from Merlin Kosht and Tom Crosier, in conjunction with Martin Luther King, Jr. Parkway - Central Business District Arterial Loop By-Pass (CBD Loop). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1130 52. Approving Noise and Avigation Easements for three properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1131 53. Temporary Access Easement, in conjunction with SW 5th Street Bridge Rehabilitation Project, from Hubbell Realty Company, for vacant ground in the vicinity of the SW 5th Street Bridge - \$25. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1132 54. Backslope and Property Adjustment Easement and Release, in conjunction with 1995 Paving Program No. 1-East 22nd Street-Dean Avenue to Maple Street, from Michael C. and Peggy L. Nicholson, 2154 Capitol Avenue - \$25. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1133 55. Backslope and Property Adjustment Easement and Release, and Warranty Deed, in conjunction with Iowa 5 (E. Army Post Road) and E. Indianola Avenue Intersection Avenue, from Phyllis Chiodo, 6320 Indianola Avenue - \$10,109.80. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1134 56. Backslope and Property Adjustment Easement and Release, Warranty Deed, and Affidavit of Identity, in conjunction with Iowa 5 (E. Army Post Road) and E. Indianola Avenue Intersection Improvement, from Phyllis Chiodo and Joseph S. and Marie Chiodo, 2200 E. Army Post Road - \$996.80. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1135 57. Backslope and Property Adjustment Easement and Release, Warranty Deed, and Partial Release of Mortgage, in conjunction with Iowa 5 (E. Army Post Road) and E. Indianola Avenue Intersection Improvement, from Larry D. and Janice L. Flesher, 6300 Indianola Avenue - \$2,263.80. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1136 58. Warranty Deed and Purchase of 2010 and 2020 Dixon Street, from Howard E. VanTrees, for \$11,000, in conjunction with Guthrie Avenue Business Park. (Council Communication No. 97-182). **Moved by McPherson to adopt. Motion Carried 6-0.**

58I. Farm Market Cash Rent Lease with the following:

97-1137 (A) 133.5 Acres at Case Lake North of Hartford Avenue (Soccer Complex) with Sandridge Farms Company - \$9,345 Revenue. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1138 (B) 80 Acres on NE 46th North of Broadway (Softball Complex) with John Jensen - \$8,800 Revenue. **Moved by McPherson to defer to 4-21-97, for a report on status of project and City's ability to commence grading operations this Fall. Motion Carried 6-0.**

97-1139 (C) 24.1 Acres located at Highway 28 and Army Post Road with Mike Ellis - \$1,566.50 Revenue. **Moved by McPherson to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-1140 59. Approval and Recognition by the Neighborhood Advisory Board (NAB) for the Indianola Hills Neighbors Association - Hartford and Indianola on the north, Park Avenue on the south, SW 9th on the west, and SE 14th on the east, (Special Presentation at 4:00 P.M.). (Council Communication No. 97-169). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1141 60. Communication from Aging Resources of Central Iowa (formerly known as Crossroads of Iowa Area Agency on Aging, Inc.) advising of vacancy and requesting a replacement. **Moved by McPherson to receive and file. Motion Carried 6-0.**

97-1142 61. Approving recommendation of Mayor Pro Tem/Council Member Gene Phillips for appointment of George W. Robinson to the Des Moines Traffic Safety Committee for a three-year term to expire December 31, 1999. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1143 62. Approving recommendation of At Large Council Member George Flagg for reappointment of Lyla Dozier to the Neighborhood Advisory Board for a three-year term to expire April 4, 2000. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1144 63. Approving recommendation of At Large Council Member Preston Daniels for appointment of Justine Morton to the Public Housing Board, to fill the unexpired term of Jack Hatch to expire June 30, 1997. **Moved by McPherson to adopt. Motion Carried 6-0.**

64. Communications from various Board and Commission Members submitting their resignations effective immediately:

97-1145 (A) Michael Hansen from the City Plan Commission. **Moved by McPherson to receive, file and accept with regret. Motion Carried 6-0.**

97-1146 (B) Nadine Hogate, Chair, Neighborhood Advisory Board requesting Council to declare Joseph Schaefer's seat vacant. **Moved by McPherson to receive, file and declare seat vacant. Motion Carried 6-0.**

STREET CLOSINGS

97-1147 65. Ned Markey, Greek Programming Council, requesting permission to close 34th Street from Forest Avenue to University Avenue, Sunday, April 13, 1997 from 1:00 to 4:00 P.M. **Moved by McPherson to adopt. Motion Carried 6-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

97-1148 66. Regarding request from Angelo Gangai, Court Avenue Brewing Company, for vacation and conveyance of a portion of a North/South alley right-of-way in the vicinity of 309

Court Avenue, for use as a patio restaurant, subject to dedication of a replacement easement. **Moved by McPherson to adopt. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

97-1149 67. On application from Kevin Smith, Turkey Time Concessions, to rezone property at 303 SE 34th Street from R-2 (One and Two Family Residential) to a Limited "M-1" (Light Industrial District), and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1150 68. On vacation and conveyance of East/West alley in the vicinity of 1611-27th Street, to National Benevolent Association of Christian Church (Disciples of Christ), \$100 plus costs, (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1151 69. On application from Joseph P. Gatto, of UPT, Inc., (Baratta's Restaurant), to rezone property at 2320 South Union, from "R-2" (One and Two Family Residential) or "R1-60" (One Family Low Density,) to a "C-1" (Neighborhood Retail Commercial) and to find this in conformance with the Des Moines 2000 Land Use Plan, (4-21-97). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1152 70. On proposed Forest Avenue/M.L. King Parkway Urban Renewal Plan, to prevent deterioration of the Area. (4-28-97). (Council Communication No. 97-173). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1153 71. On Council-initiated rezoning of property located west of the Des Moines River and north of the Raccoon River, presently zoned "R-2" to a Single Family District Classification, (4-21-97). **Moved by Vlassis to adopt. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-1154 72. Approving payment of \$209 to Petosa, Petosa, Boecker and Nervig for legal services to the City in acquisition of property in conjunction with the Delaware and East Euclid Intersection Improvement Project. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1155 73. Approving payment of \$33,971.28 to Charles Moore for workers' compensation claim, subject to approval of the Industrial Commissioner for injury suffered during course of his employment. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1156 74. Approving payment of \$936.29 to Robert Jester of Ensz and Jester, P.C., for representation of William Hansen in case of Robert B. DePugh v. William Hansen, et al. **Moved by McPherson to approve payment. Motion Carried 6-0.**

75. NUMBER NOT USED.

97-1157 76. Approving payment of \$500,000, to Brad Alan Roth, Paula Jo Roth, and their attorney, Mark Pennington, for injuries he sustained in the City Jail on April 6, 1996. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1158 77. Approving and affirming settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by McPherson to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

97-1159 78. Submitting out-of-state travel requests for William Boggs, James L. Hunt, Donna Boetel-Baker, and Chan P. Wallace. (Council Communication No. 97-162). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1160 79. Submitting traffic regulation changes for the following: Request for Parking Prohibition in Vicinity of Newly-Installed Fire Hydrant--East Side of 7th Street Between High Street and Keosauqua Way, and Requests for Various Corner Clearances. (See Roll Call for list). (Council Communication No. 97-163). **Moved by McPherson to receive, file and refer to Legal department for preparation of proper legislation. Motion Carried 6-0.**

APPROVING

97-1161 80. Resolution to approve partial release of lien for new equipment to Data File Services, Inc. for Diamond Animal Health, Inc. (Council Communication No. 97-181). **Moved by McPherson to approve. Motion Carried 6-0.**

97-1162 81. Resolution approving release of real estate mortgages and filing of new mortgage to secure city loans to Robert J. and Amy L. Tursi, d/b/a Latin King Restaurant. (Council Communication No. 97-175). **Moved by McPherson to approve. Motion Carried 6-0.**

97-1163 82. Release of City Liens against Polk County Tax Sale Property at 1072 14th Street, to clear title objection. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1164 83. Annual License and Areaway permits for Signature Communications, Inc., Adel, for 21 benches at various locations, (see roll call for list). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1165 84. License Agreement with Arthritis Foundation Iowa Chapter for Mini Grand Prix for May 17 and 18, 1997 and for the years of 1998 and 1999, (parking lot of Sec Taylor Stadium). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1166 85. Grant from Iowa Arts Council in the amount of \$3000 to be used for Fourth of July Symphony Concert and Fireworks event at State Capitol on Thursday, July 3, 1997. **Moved by McPherson to adopt. Motion Carried 6-0.**

86. Grant application to Governor's Alliance on Substance Abuse (GASA), requesting funding for Des Moines Police Department as follows:

97-1167 (A) Anti-Gang Unit; \$145,037. (Council Communication No. 97-166). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1168 (B) Crime-Free Multi-Housing Program; \$64,343. (Council Communication No. 97-183). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1169 (C) Legal Limit Band; \$31,850. (Council Communication No. 97-184). **Moved by McPherson to adopt. Motion Carried 6-0.**

87. 1997 Community Development Block Grant (CDBG) Project Agreements for the following, with Des Moines Community School District:

97-1170 (A) New Horizon's Home Repair/Chore Service Project and use of \$15,000 of projected program income to supplement project costs - \$90,000. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1171 (B) New Horizon's Summer Youth Employment Project and use of \$2000 of projected program income to supplement projects costs - \$86,055. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1172 88. Annual audit of gross revenues ending December 31, 1996 from TCI Cablevision of Central Iowa. **Moved by Hensley to refer to City Manager and Legal to obtain an independent auditor's findings, as provided in the ordinance. Motion Carried 6-0.**

97-1173 89. Decertification of Scott D. Baker regarding appointment to Police Officer by Roll Call 97-497 dated February 17, 1997. **Moved by McPherson to receive and file. Motion Carried 6-0.**

97-1174 90. Report of Civil Service Commission submitting Entrance List (2nd Reserve) for Police Officer . **Moved by McPherson to receive and file. Motion Carried 6-0.**

91. Bids for the following:

97-1175 (A) Per Mar Security, (Mike Duffy, President, 720 E. 2nd Street) for security guard services to be used by the Park and Recreation Department (Blank Park Zoo), \$8.99 per hour and holiday rate of \$12.59 per hour. (Nine bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1176 (B) O'Halloran International, Inc., (Jim O'Halloran, President, 1780 East Sheridan) for five (5) dump trucks with snow plows and spreader hydraulics to be used by the Public Works Department (Street Maintenance), \$220,908 (11 bids mailed-4 received) **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1177 (C) Primary and secondary suppliers of an annual contract for guard rails and posts to be used by the Public Works Department (Street Maintenance), Guardrail Systems, (Kenny Garris, President, Ralston, NE), Contech Construction Products, Inc., (Matt McCants, President, 1704 E. Euclid Avenue), and Pioneer Lumber Co., (M.E. Hollett, President, Ankeny). (Six bids mailed-four received). (See Roll Call for specifications and prices). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1178 (D) Contractor's Machinery, Inc., (Ankeny) did not meet specifications, therefore, non-compliant. Bid awarded to Mid-Land Equipment Co., (1701 S.E. Delaware, Gery Haag, President) for a one (1) cubic year rubber tired industrial loader to be used by the Public Works Department (Street Maintenance), \$69,398. (Ten bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 5-1. Pass: Flagg.**

97-1179 (E) VHF mobile radios and speakers (35) to be used by the Police Department - from Motorola, Inc., (Urbandale,) State of Iowa Contract 1199. \$20,573. (Non-competitive procurement). (Council Communication No. 97-185) **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1180 (F) Bituminous Materials & Supply, L.P., (900 E. Raccoon Street, Omer (Skip) Olh, Vice-President) for an annual contract for emulsified liquid asphalt materials to be used by the Public Works Department (Street Maintenance). (Six bids mailed-one received). (See Roll Call for breakdown). (Council Communication No. 97-171). **Moved by McPherson to adopt. Motion Carried 5-1. Nays: Flagg.**

97-1181 91. (G) Auto-Industrial Machine Service, (Ankeny) for emergency repairs of Franklin storm water pump to be used by the Engineering Department. Amount not to exceed \$12,000. (Council Communication No. 97-170). **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1182 92. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1183 93. Authorizing Finance Director to draw warrants on registers of April 11, 1997 and April 18, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning April 7, 1997 and April 14, 1997, and the biweekly payroll due employees on April 11, 1997. **Moved by McPherson to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

97-1184 94. On amendment to the Zoning Ordinance regulations regarding design and construction of single-family homes, including mobile and manufactured homes, to require compliance with various standards, as amended, to reduce required minimum roof pitch from 5/12 to 3/12, and to reduce required minimum building width, facing the street, from 30 to 24 feet. (Council Communication No. 97-178). **Moved by McPherson that this ordinance do now pass, #13,447. Motion Carried 6-0.**

97-1185 95. Amending Chapter 5 of the Municipal Code regarding prohibited sales and acts and certificate of exemptions for alcoholic beverage licensed establishments. **Moved by McPherson that this ordinance do now pass, #13,448. Motion Carried 6-0.**

97-1186 96. Amending Chapter 2 of the Municipal Code regarding duties of the City Engineer to reflect recent reorganization and consolidation. **Moved by McPherson that this ordinance do now pass, #13,449. Motion Carried 6-0.**

97-1187 97. On vacation of a portion of the E. 33rd Street right-of-way between E. Euclid and E. Douglas. **Moved by McPherson that this ordinance do now pass, #13,450. Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

97-1188 98. Amending Section 2-362.03 of the Municipal Code regarding powers of the Airport Board being subject to limitations imposed by revenue bonds or pledge orders. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-1189 99. Establishing the grade for Caulder Avenue from SW 13th Place to SW 14th Street, SW Eighth Street from Kenyon to Porter, and E. 33rd Street from E. Euclid to E. Douglas. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-1190 100. On rezoning of property in the general vicinity area of Ingersoll Avenue between Martin Luther King Jr. Parkway to 40th Street from C-2 (Commercial-Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (General Retail and Highway Oriented Commercial) to a New "NPC" (Neighborhood Pedestrian Commercial) District. **Moved by Hensley to defer the second reading to April 21, 1997; and to schedule an informal hearing on the second consideration at the April 21 meeting. Motion Carried 6-0.**

97-1191 101. Amending Section 27-1606 of the Municipal Code regarding loading zone on Fifth Avenue on the east side, from Walnut to a point 125 feet north. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-1192 102. Amending Chapter 15 of the Municipal Code regarding Blank Park Zoo Admission fees. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-1193 103. Amending Chapter 15 of the Municipal Code regarding fees for aquatic centers and swimming pools. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

97-1194 104. Amending Chapter 2 of the Municipal Code regarding composition of the Civil Service Commission. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

****Council considered Hearing Items 106 though 119 next****

ORDINANCES - FIRST CONSIDERATION

97-1195 105. Amending Section 27-2128 of the Municipal Code regarding "No Stopping-No Standing" parking restrictions on both sides of East Douglas Avenue in front of Douglas Elementary School. **Moved by McPherson that this ordinance be considered and given first for passage. Motion Carried 6-0.**

HEARINGS (Opened at 5:54 P.M.) (Items 106 thru 119)

97-1196 106. Finding the Proposed Fourth Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area Urban Renewal Project to be in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1197 (A) Closing the Hearing on the Fourth Amendment, (Gray's Lake portion has been deleted). (Council Communication No. 97-167). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1198 (B) Communication from the City Plan Commission, regarding the design of the Des Moines Intermodal Transportation Facility. **Moved by Hensley to adopt. Motion Carried 5-0. Absent: Vlassis.**

107. On issuance of General Obligation Bonds, for the following:

97-1199 (A) \$11,600,000 Essential Corporate Purposes - various 1997-98 CIP Budget Projects. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1200 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1201 (B) \$990,000 General Corporate Purposes - reconstruction, improvement and equipping of Fire Stations, buildings, facilities and other municipal buildings--Police Station, Police Academy, Equipment Maintenance Center and City Hall. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1202 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1203 (C) \$925,000 General Corporate Purposes - improvements to Libraries, Blank Park Zoo, Botanical Center, Community Centers, Swimming pools, Golf Courses and recreational facilities. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1204 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Vlassis.**

97-1205 107. (D) \$1,000,000 General Corporate Purposes - expanding information, data management and communications systems. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

97-1206 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

97-1207 (E) Setting Date for sale of \$14,450,000 General Obligation Bonds, series 1997B, (4-21-97) (Council Communication No. 97-176). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1208 108. On issuance of not to exceed \$30,500,000 Sewer Revenue Refunding Bonds. **Moved by Flagg to adopt. Motion Carried 6-0.**

97-1209 (A) Authorization for additional action. **Moved by Flagg to adopt. Motion Carried 6-0.**

97-1210 (B) Setting date for sale of \$30,300,000 Sewer Revenue Refunding bonds, (4-21-97). (Council Communication No. 97-174). **Moved by Flagg to adopt. Motion Carried 6-0.**

97-1211 109. On petition to establish The Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1212 110. On application from John Kline, The Legacy Group, to rezone property in the vicinity of 3140 Easter Lake Drive, from "R1-90" (Large Lot One Family Residential) and "P.U.D." (Planned Unit Development) to a "P.U.D.", to approve Conceptual Plan entitled Easter Lake Estates, to provide 33 80-foot wide single Family Lots, 38 75-foot wide Single Family Lots, and 32 70-foot wide Single Family Lots, all North of Easter Lake Drive. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1213 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1214 111. On rezoning of land within the City and Northeast of the Des Moines River presently zoned R-2, to a Single Family District Classification. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1215 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1216 112. On application from John Clarke, Clarke Companies Ltd., to rezone property in the vicinity of 2815 Fleur Drive, from "R1-80" (One Family Residential) and Limited "C-0"

(Commercial-Residential), and "P.U.D." (Planned Unit Development), to P.U.D., approve amendment to the Conceptual Plan entitled Druid Hill Townhomes--to provide two 4-unit townhouses. **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1217 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1218 113. On application from James Conlin, of the Phoenix Group, to rezone property in vicinity of 1514 Evergreen, from "C-4" (Shopping Center Commercial) to a P.U.D. (Planned Unit Development), and approve conceptual plan "Southbrook Green II". **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1219 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1220 114. On application from Charlene Mae Simmons, to rezone property at 2411 E. 36th Street, from "U-1" (Flood Plain District) to an "R1-60" (One Family Low Density Residential). **Moved by McPherson to adopt. Staff to report on proposed development in this area by April 21st meeting. Motion Carried 6-0.**

97-1221 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1222 115. On application from Floyd Gephart, to rezone property at 3014 E. 35th Street, from "U-1" Flood Plain District to a Limited "R1-60" (One Family Low Density Residential), and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by McPherson to adopt. Staff to report on proposed development in this area by April 21st meeting. Motion Carried 6-0.**

97-1223 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1224 116. On application from Menard Inc., to rezone property at 6000 SE 14th Street, from R-2 (One and Two Family Residential) to "C-2" (General Retail and Highway Oriented Commercial District). **Moved by Daniels to adopt. Motion Carried 6-0.**

97-1225 (A) First consideration of ordinance above. **Moved by Daniels that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1226 (B) Final consideration of ordinance above, (waiver requested by Community Development Department). **Moved by Daniels 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, #13,451. Motion Carried 6-0.**

97-1227 117. On application from Jeff Fisher, to rezone property at 901-39th Street from "R-2" (One and Two Family Residential) to a "C-1A" (Neighborhood Commercial Reuse District). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: Daniels.**

97-1228 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: Daniels.**

97-1229 118. On vacation and conveyance of E. 21st Street right-of-way north of Guthrie and south of Morton, to Frank D. and Christine L. Holt, \$900. **Moved by McPherson to adopt. Motion Carried 6-0.**

97-1230 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

97-1231 119. E. University Avenue Beautification - Fairground Edge, (IDOT Project): Resolution to REJECT all bids (one bid received, over estimate). **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Vlassis.**

* * END HEARINGS at 6:50 P.M. * *

****Council considered Item 105--then Item 120 thru end of agenda****

CITY MANAGER RECOMMENDATIONS

97-1232 120. Legislative Update for 76th Iowa General Assembly. **Moved by Hensley to receive and file the attached report. Motion Carried 6-1. Absent: McPherson.**

APPROVING

WITHDRAWN97-1233 121. Report from John Burgeson, Chair, Capitol Gateway East Steering Committee regarding their progress on Capitol Gateway East Urban Design Project.

97-1234 122. Directing Sale of \$3,515,000 Airport Revenue Capital Loan Notes, Series 1997A, (Bidder: Miller Schroeder Municipals, at True Interest Cost of 5.0256%) (Council Communication No. 97-187). **Moved by Hensley to adopt. Motion Carried 5-1. Absent: McPherson.**

97-1235 123. Intergovernmental 28E Loan Agreement with Polk County, to pledge the repayment of Parking System Revenue to repay \$8,000,000 financing for the Park and Ride (Intermodal) Facility. (Council Communication No. 97-164). **Moved by Hensley to adopt. Motion Carried 6-0.**

97-1236 124. Intergovernmental 28E Agreement with Iowa Department of Public Defense (IDPD) for removal of existing Aircraft Arresting System and installation and construction of New Aircraft Arresting System on Runway 13L/31R. (Council Communication No. 97-179). **Moved by Hensley to adopt. Council requests a status report on noise due to rerouting of**

traffic. Motion Carried 5-1. Absent: McPherson.

97-1237 125. Revised preliminary engineering designs of the east/west segment of Martin Luther King, Jr., Parkway project from SW 2nd Street to Fleur Drive. (Council Communication No. 97-177). **Moved by Hensley to adopt recommendation of City Manager dated April 7, and defer action for sixty (60) days. Motion Carried 6-0.**

97-1238 126. Authorization to proceed with Request for Proposal (RFP) to provide consultant service for future development of Grays Lake Park - \$35,000. (Council Communication No. 97-168). **Moved by Hensley to adopt. Motion Carried 6-0.**

127. The following Personnel Items:

97-1239 (A) Modified job specifications and title change for Fire Marshal to Deputy Fire Marshal. (SPM, Range 29). **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1240 (B) Modified job specifications for EMS Assistant. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1241 (C) Modified job specifications for EMS Coordinator. **Moved by Vlassis to adopt. Motion Carried 6-0.**

COUNCIL REQUESTS

97-1242 128. From Council Member At-Large George Flagg requesting information regarding the Des Moines Water Works. **Moved by Flagg to discuss and refer to City Manager to continue discussions with the Water Works. Motion Carried 6-0.**

97-1243 129. From Council Member At-Large George Flagg requesting information regarding the City's residency requirements. **Moved by Flagg to receive, file and refer to Legal. Motion Carried 6-0.**

COMMUNICATIONS/REPORTS

97-1244 130. Communication from Don Huss, d/b/a Word of Mouth, requesting economic development assistance for a retail/service business to be located downtown. **Moved by Hensley to receive, file and refer to City Manager for a recommendation by April 21. Motion Carried 6-0.**

97-1245 131. From Woman's Christian Temperance Union of Iowa requesting Abatement of assessment and interest from property at 1055 22nd Street. **Moved by Flagg to receive, file and refer to City Manager, City Engineer and Legal for a recommendation by the April 21st meeting. Motion Carried 6-0.**

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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.

97-1246 1. Approving License Agreement for Right-of-Entry, with William A. Van Ordsel, 3400 block of Lincoln Place Drive. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-0.**

A G E N D A

BOARD OF HEALTH

April 7, 1997

97-1247 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

AUTHORIZING

97-1248 1. Court authority to abate the public nuisance at 3728 Indianapolis Avenue, vacant, TITLEHOLDER: Carrie Kay McIver-Thomas. **Moved by Vlassis to adopt. Motion Carried 6-0.**

97-1249 2. Release of Demolition cost reserve held under claim number #14k68755 regarding property known as 3007 Walnut owned by Mary E. Pollock. **Moved by Vlassis to adopt. Motion Carried 6-0.**

MOTION TO ADJOURN. Moved by Vlassis to adjourn at 7:55 P.M.