

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**DES MOINES CITY COUNCIL MEETING**

**April 27, 1998 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

Christmas in April - Greater Des Moines Week

**INVOCATION:** Father Peter Cade

St. George Greek Orthodox Church

98-1238 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-1239 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1240 3. APPROVING CONSENT AGENDA - items 3 through 68: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

98-1241 4. Communication from Legal Department regarding April 27, 1998 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-1242 5. Krane Speciality, Inc., George A. Kranovich, President dba Steer & Stein, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 6-4-98 (With Sunday Sales and Beer Garden) - Application submitted 3-31-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-1243 6. AJS, Inc., Amy Swacker, President dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-98 (With Sunday Sales) - Application submitted 3-18-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Wine

98-1244 7. Trittoria Foods, Inc., Alyce K. Mattis, President dba Trattoria/Pasticeria, 207 4th Street; Renewal - Expires 4-28-98 - Application submitted 4-9-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

98-1245 8. Famous Dave's Ribs, Inc., Mark A. Payne, President dba Famous Daves, 4351 Merle Hay Road; New Application (With Sunday Sales and Beer Garden) - Application submitted 12-8-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-1246 9. UPT, Inc., Joe P. Gatto, President dba Baratta's, 2320 South Union; Renewal - Expires 4-30-98 (With Sunday Sales) - Application submitted 4-8-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1247 10. Ronbonj, Inc., Bonnie L. Platt, President dba Bourbon Street; 500 Army Post Road #3; Renewal - Expires 5-8-98 (With Sunday Sales) - Application submitted 3-25-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1248 11. Craig Kelso dba Des Moines Yacht Club, 2617 Ingersoll; Renewal - Expires 5-5-98 - Application submitted 4-9-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1249 12. 801 Steak & Chop House, Ltd., James P. Lynch, President dba 801 Steak & Chop House, 801 Grand Avenue - Suite 200; Renewal - Expires 4-28-98 - Application submitted 4-16-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1250 13. JLTM, Inc., Frank P. Mauro, Sr., President dba The Main Event, 217 East 2nd Street; New Application submitted 3-25-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1251 14. DT Corner, Inc., Larry Smithson, President dba Papa's Planet, 206-208 3rd Street; Renewal - Expires 5-4-98 (With Sunday Sales and Beer Garden) - Application submitted 3-25-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1252 15. The Sands Volleyball Club, Inc., Daniel Clark, President dba The Sands Volleyball Club, 6214 Grand Avenue; New Application (With Sunday Sales and Beer Garden) - Application submitted 3-27-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1253 16. Don Ostrander dba Terrace Cafe, 600 East Locust; New Application (With Sunday Sales and Beer Garden) - Application submitted 4-2-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1254 17. Vic & Andy's Inc., Mary Ann Victor, President dba Vic & Andy's, 5114 Southwest 9th Street; New Application (With Sunday Sales) - Application submitted 3-10-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

## Class "E" Liquor Licenses

98-1255 18. AJS Inc., Amy Swacker, President dba Last Stop Beverage Shop, 2839 East University; Renewal - Expires 4-30-98 - Application submitted 3-18-98. **Moved by Hensley to adopt. Motion Carried 7-0.**

## Authorizing

98-1256 19. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1257 20. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

### WITHDRAWN

98-1258 21. Approving Professional Services Agreement with The Energy Group (Kelley E. Needles, Executive Vice President), for design and construction observation services in conjunction with air energy efficiency program for City facilities - \$40,638. ([Council Communication No. 98-166](#))

98-1259 22. Approving amendment to agreement with Veenstra and Kimm, Inc., to perform professional services in connection with design services for Grandshire Area Sanitary Sewer - \$7,225. ([Council Communication No. 98-164](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-1260 23. Change Order No. 8 with The Weitz Company, Inc., for construction of the WRA Laboratory and Personnel Facilities Expansion in an amount not to exceed \$24,908. ([Council Communication No. 98-165](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

24. Resolution Ordering Construction of the following:

98-1261 (A) Central Place Storm Pumping Station Discharge Repair, Receiving of Bids, (5-12-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$65,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1262 (B) 1998 Sidewalk Replacement Program-Public Works, Receiving of Bids, (5-12-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$138,825). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1263 (C) 1998 Sidewalk Replacement Program, Receiving of Bids, (5-12-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$143,025). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1264 (D) 1998 Skywalk System Directories and Overhead Signs, Receiving of Bids, (5-12-98), and Setting Date of Hearing, (5-18-98), (Construction Estimate - \$96,480). **Moved by Hensley to adopt. Motion Carried 7-0.**

25. Asphalt Stabilization Schedule No. 1998-37:

98-1265 (A) Fixing Values of Lots. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1266 (B) Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1267 (C) Proposed Resolution of Necessity for Notice to Property Owners of Hearing (5-18-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1268 (D) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (5-18-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

26. Asphalt Stabilization Schedule No. 1998-38:

98-1269 (A) Fixing Values of Lots. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1270 (B) Adopting Preliminary Plat and Schedule Estimate of Cost and Proposed Plans and Specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1271 (C) Proposed Resolution of Necessity for Notice to Property Owners of Hearing (5-18-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1272 (D) Resolution ordering public hearing on Plans, Specifications and Estimate of Cost, (5-18-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **WITHDRAWN**

98-1273 27. Approving private contract for Sanitary Sewer along South side of Hartford Avenue from Central Recycling, Inc., 1805 E. Hartford Avenue, East approximately 1,135 LF to existing sanitary sewer between Corell Contractor, Inc (Steve Corell, Pres.), Contractors and Central Recycling, Inc. (Steve Corell, Pres.), Owners.

98-1274 28. Approving partial payments on three public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

98-1275 29. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 4 locations, (call the City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

98-1276 30. Offer to Purchase Real Estate and Warranty Deed in conjunction with Extension of Runway 5/23 and Relocation of Army Post Road and Iowa Highway 28, from Jerry L. and Phyllis J. Shumway, 2620 Littell Avenue - \$160,058. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1277 31. Offer to Purchase Real Estate and Warranty Deed in conjunction with Extension of Runway 5/23 and Relocation of Army Post Road and Iowa Highway 28, from Jerry L. and Phyllis J. Shumway, 2890 Littell - \$30,058. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1278 32. Lease of Property with Union Pacific Railroad Company for property at SW 30th Street and Bell Avenue, for emergency access and maintenance of Raccoon River Flood Protection System - \$6,000 per year for 3 years, with 3% increase per year. [\(Council Communication No. 98-173\)](#). **Moved by Flagg to defer action and refer to City Manager to request the railroad to provide access at no cost to the City. Motion Carried 7-0.**

98-1279 33. Approving Noise and Avigation Easements for four properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-1280 34. Resignation of Donald M. Swim from the Board of Library Trustees, effective immediately. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 7-0.**

#### **CITY PLAN COMMISSION RECOMMENDATIONS**

98-1281 35. Regarding request from Luther L. Hill, Jr., Trustee of the Thompson Trust, for vacation and conveyance of the eastern 160 feet of the east/west alley right-of-way between 19th and M.L. King Jr. Pkwy, north of Ingersoll, and vacation and lease of the balance of the alley. **Moved by Vlassis to adopt and refer back to City Plan Commission for further consideration and recommendation; City's need for the land, Fair Market Value, etc., Legal and Right-of-way to review as well. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS**

98-1282 36. On proposed lease to the Iowa Air National Guard, to enlarge their leasehold, (property located south of relocated SW 42nd/Watrous Avenue), 4525 SW 34th ,(5-4-98). [\(Council Communication No. 98-159\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1283 37. On vacation and conveyance of a portion of the North/South alley in vicinity of SE 28th and Maury Street, to Dennis Modde, \$500 plus costs, (5-4-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

98-1284 38. Approving payment of \$3,234.60 to Thomas Zurek of Nyemaster, Goode, Voigts, West, Hansell & O'Brien for representation of Officer Michael McBride in case of Leverette, et al. v. Heller, et al., Case No. 4-97-CV-80749. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1285 39. Approving payment of \$2,013.10 to Daniel Voogt of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Hensley to approve payment. Motion Carried 7-0.**

98-1286 40. Approving payment of \$342 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al., 4-96-CV-80860. **Moved by Hensley to approve payment. Motion Carried 7-0.**

98-1287 41. Approving payment of \$4,570 to Jimmy and Mary Perry and their Attorney Ronald Wheeler for bodily injury and diminishment of value of his vehicle due to an auto accident on January 23, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1288 42. Approving payment of \$9,909.25 to Jack Wilson, Sr. for workers' compensation special case settlement subject to approval by the Iowa Industrial Commissioner for injury suffered in course of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1289 43. Acceptance of payments totaling \$40,798.65 as full and final satisfaction for damages to City-owned property. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

98-1290 44. Submitting various traffic regulation changes as follows, continued from 4-20-98, ([Council Communication No. 98-161](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Four-Way Stop-S.W. 14th Street and Geil Avenue.

(2) Removal of Commercial Loading Zone-East Side of Sixth Avenue North of Douglas Avenue.

(3) One-Sided Parking Restriction-South Side of Twana Dr. from a Point East of 38th St. to Beaver Avenue.

98-1291 45. Submitting various traffic regulation changes as follows, ([Council Communication No. 98-160](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Request to Convert Parking Meter 12-407 to Handicapped Parking Meter.

(2) Request for Corner Clearance-West Side of York Street South of University Avenue.

(3) Request for Corner Clearance-South Side of Garfield Avenue West of East Thirty-seventh Court and West Side of East Thirty-seventh Court South of Garfield Avenue.

## **APPROVING**

98-1292 46. Communication from Downtown Partnership to hang banners at 5th Street south to Walnut adjacent to Veterans Memorial Auditorium in May to welcome visitors and guests to Iowa for the Iowa Barnstomers' games and Arena Football Hall of Fame. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

98-1293 47. Communication from Civic Center of Greater Des Moines to place a temporary banner in association with Broadway musical presentation of Miss Saigon on west side of Civic Center from early May for four week run in late June. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 7-0.**

98-1294 48. Grant application, \$400,000, for Federal Home Loan Bank Affordable Housing Program, with West Des Moines State Bank. ([Council Communication No. 98-158](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1295 49. Close-out documents for Contract No. HEAP-98-07J for weatherization assistance for low income persons for time period of April 1, 1997 through April 30, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1296 50. Community Services Block Grant (CSBG) Second Quarterly Activity Report for period of January 1, 1998 to March 31, 1998 for Contract No. CSBG-98-07-CJ with State Division of Community Action Agencies. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1297 51. Agreement with Employee Assistance Program, annual fee --\$24,000, for assessment and referral counseling for City workers and family members. ([Council Communication No. 98-163](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1298 52. Des Moines Area Metropolitan Planning Organization Unified Planning Work Program and budget for Fiscal Year 1999, beginning July 1, 1998. ([Council Communication No. 98-169](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1299 53. Grant Application to the Federal Aviation Administration (FAA) for Runway 5-23 Grading, Phase 2 including Runway 5-23 Extension Grading, Iowa Highway 28 Grading with Pine Avenue and County Line Road connections and Army Post Road relocation grading from SW 42nd to relocated Iowa 28, preliminary grant share amount \$8,372,160. ([Council Communication No. 98-168](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

54. Communications from Airport Board Chair, regarding the following:

98-1300 (A) Proposed changes to charges, and fees at the Airport, effective July 1, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1301 (B) Prohibiting False Statements Concerning Contents of Luggage. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1302 55. Form of Contract with Iowa Department of Economic Development for Administration of Des Moines Coalition for the Homeless Expansion Project and execution of contract documents - \$119,995. [\(Council Communication No. 98-156\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **WITHDRAWN**

98-1303 56. Des Moines Coalition for the Homeless notification of intent to purchase property at 2110 NE 14th Street, for inclusion in their Transitional Housing Expansion Program. [\(Council Communication No. 98-157\)](#).

98-1304 57. Change in ownership under City Loan Agreement/Business Relocation and Recovery Assistance Program (BRAAP) with Lumbermans Wholesale Co. to transfer ownership of interest from David C. Moffitt to Donald E. Rudd. **Moved by Hensley to approve. Motion Carried 7-0.**

98-1305 58. Award of contract to QueTel Corporation, for bar coding system to be used by the Police Department Property Management System, \$25,438. [\(Council Communication No. 98-176\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

59. Bids for the following:

98-1306 (A) Crescent Chevrolet, (555 - 17th Street, Bill Jensen, President) for two (2) pre-owned vehicles to be used by the Police Department (Vice and Narcotics), \$24,363. (Four bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 7-0.**

98-1307 (B) Burns Electric Co., (6529 NW 6th Drive, Harold Burns, President) for an annual contract with two additional twelve month renewal options for streetlight repair service to be used by the Engineering Department (Traffic & Transportation), \$57.20 per hour. (Five bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1308 (C) Mid-State Ford Truck Sales, Inc., (4300 NE 14th Street, Marv Perry, President) for a full size pickup truck to be used by the Community Development (Neighborhood Inspections Division), \$18,578.10. (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1309 (D) Bid awarded to Capital City Equipment Co., (5515 NW 2nd Avenue, Mark Kruse, President) for three (3) skid-steer rubber tired loaders to be used by the Public Works Department, \$47,031. Bid from Star Equipment Ltd. did not meet specifications, therefore non-



compliant. (Sixteen bids mailed-nine received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1310 (E) Charles Gabus Ford, Inc. (4545 Merle Hay Road, Charles Gabus, President), State of Iowa Contract 2047A (Municipal Code Section 2-86(c) for one 1998 Ford Explorer 4 X 4 to be used by the Fire Department, \$24,815.30. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1311 (F) Clarke Mosquito Control Products, Inc., (J. Lyell Clarke, III, President for mosquito adulticide to be used by the Community Development Department (Health and Zoning), \$11,850.30. (Six bids mailed-one received). ([Council Communication No. 98-174](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-1312 (G) Clark Mosquito Control Products, Inc., (J. Lyell Clarke, III, President for yearly helicopter aerial mosquito larvicide spraying of 315 acres per treatment (two treatments per summer) and adulticide spraying of mosquito adulticide to be used by the Community Development Department (Health and Zoning), \$12,249.60. (Twenty-eight bids mailed-one received). ([Council Communication No. 98-175](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

98-1313 60. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1314 61. Report of Civil Service Commission submitting entrance List for Project Coordinator and Promotional List for Senior Clerk. **Moved by Hensley to receive and file. Motion Carried 7-0.**

98-1315 62. Authorizing Finance Director to draw a warrant of \$39,319.25 to Hurd Real Estate Services, Inc., for satisfaction of settlement. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-1316 63. Authorizing Finance Director to draw warrants on register of May 1, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning April 27, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **ORDINANCES - FINAL CONSIDERATION**

98-1317 64. On rezoning of property at 5601 SE 14th St, from "C-2" (General Retail and Highway Oriented Commercial), and "R1-80" (One Family Residential) to a "PUD", (Planned Unit Development), Home Depot Store. **Moved by Hensley that this ordinance be continued to 5-4-98. Motion Carried 7-0.**

98-1318 65. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Hensley that this ordinance do now pass, [#13,600](#). Motion Carried 7-0.**

(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.

**ORDINANCES - SECOND CONSIDERATION**

98-1319 66. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) Lengthen Handicapped Parking area-East Side of E. 13th Street South of Grandview Avenue.
- (2) One-Sided Parking Restriction-East Side of S.W. 60th Street South of Leland Avenue to the Dead End.
- (3) Corner Clearance-South Side of Leyden Avenue East of E. 38th Street.
- (4) No Parking Any Time-North Side of Locust St. West of Fourth Street to Fifth Street.
- (5) Corner Clearance-East Side of 57th Street North of Madison Avenue.

98-1320 67. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) Define Handicapped Loading areas on Third Street and Grand Avenue Adjacent to Civic Center Court Apartments.
- (2) Corner Clearance-West Side of Southeast Seventh Street North and South of Scandia Avenue.

98-1321 68. On rezoning of property at 1314 E. 14th, from "R-3" (Multiple Family Residential) to Ltd. "C-1" (Neighborhood Retail Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

\* \* \* \* \* END CONSENT AGENDA \* \* \* \* \*  
**\*\*Council considered Item 70 next\*\***

**ORDINANCES - FIRST CONSIDERATION**

98-1322 69. Amending Chapter 2 of the Municipal Code adding section regarding concessions in City parks and recreation facilities. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-1323 (A) Final consideration of ordinance above, (waiver requested by Parks and Recreation Department), requires 6 votes. **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, [#13,601](#). Motion Carried 7-0.**

## **COUNCIL REQUESTS**

98-1324 70. Communication and Request from Council Member Mike McPherson, and Ms. Kelly Herrera to speak regarding the intersection of East Hubbell and Douglas. **Moved by McPherson to receive, file and grant the request; refer to City Manager and Traffic Safety Committee for review and recommendation, including short and long term solutions. Motion Carried 7-0.**

**\*\*Council considered Hearing Items 74 through 76 next\*\***

98-1325 71. Communication from Council Member At-Large George Flagg, regarding Human Rights Ordinance, (continued from 4-20-98). **Moved by Flagg to receive and file, and place on the Council agenda for May 18, 1998. An informal Council Committee comprised of Coleman, Flagg and Hensley will meet with the Human Rights Commission to get a report and proposed recommended ordinance for Council consideration. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS**

72. From the following regarding schedule and procedures for preparation of 1999 HUD Consolidated Plan, ([Council Communication No. 98-162](#)):

98-1326 (A) Robert L. King, Chair of the Neighborhood Revitalization Board (NRB). **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-1327 (B) City Manager. **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-1328 73. From Maxine Williams, 1700 E. 33rd Street to speak concerning on-going problems with her sewer. **Moved by McPherson to receive, file and grant request to speak, refer to City Manager. Motion Carried 7-0.**

**HEARINGS (Opened at 5:33 P.M.) (Items 74 thru 76)**

98-1329 74. On application from Paul Knight, for vacation of Clay Street right-of-way and adjoining north/south alley in vicinity of SW First Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1330 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-1331 75. On application from Gerald Neugent on behalf of Knapp Properties, to vacate right-of-way easement for a portion of SW 56th Street south of Park Avenue. **Moved by Flagg to adopt. Motion Carried 7-0.**

98-1332 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-1333 76. On appeal from Michael L. Wittkop, 3623 Davisson Road, for taxicab license denial. **Moved by Vlassis to Deny License. Motion Carried 7-0.**

**\*\*Council considered Items 69, and 71 thru 73 next\*\***

\* \* END HEARINGS at 5:40 P.M. \* \*

## **APPROVING**

98-1334 77. Agreement with Childtime Childcare, Inc., to operate and manage Child Care Center in Intermodal Transportation Facility. ([Council Communication No. 98-167](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

98-1335 (A) Change Order for Intermodal Transportation Facility in amount not to exceed \$315,000. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Flagg and McPherson.**

78. The following items regarding John R. Grubb Community YMCA Handball & Basketball Courts:

98-1336 (A) Sixth Addendum to Lease Agreement, to provide for the City to oversee construction of improvements and spending of remaining HUD Section 108 Loan Funds, and the YMCA will pay for design costs and expenses over the available funds provided by the City. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1337 (B) Second Addendum to the Agreement for construction of Improvements, to provide for the City to oversee construction of improvements and spending of remaining HUD Section 108 Loan Funds, and the YMCA will pay for design costs and expenses over the available funds provided by the City. ([Council Communication No. 98-171](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1338 (C) Designating lowest responsible bidder as Cramer and Associates, Inc., Delmar Cramer, President, 990 NE 44th Avenue, DM \$129,700, and approving award of contract. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1339 (D) Request for permission to sublet items. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

98-1340 79. Recommendation of Park and Recreation Board to rename the Greater Des Moines Soccer Park to "James W. Cownie Soccer Park". ([Council Communication No. 98-170](#)). **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

98-1341 80. Approving Findings of City staff and recommended approval of MidAmerican Energy's April 1, 1998 request to construct a new Electric Substation at 3030 E. Watrous Avenue. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Vlassis.**

98-1342 81. Appointment of Richard Scieszinski as Assistant City Attorney II, effective May 20, 1998. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

98-1343 82. City of Des Moines Legislative Update for the 77th Iowa General Assembly. **Moved by Hensley to receive and file report. Motion Carried 5-2. Absent: Phillips and Vlassis.**

**\*\*Council adjourned until 6:40 P.M.\*\***

**\*\*Council Member McPherson left the meeting at 7:00 P.M.\*\***

98-1344 83. Hearing on annexation proposal for areas northeast, southeast and south of the current City boundaries, **Moved by Coleman to adopt. City Manager to provide Mayor with a recommended structure for an Annexation Task Force, comprised of representatives from Warren and Polk County. City Council anticipates changes may be made to the petition; staff to provide Council with annexation updates on each Council agenda, with structure for public input; and, all City commitments made regarding annexation are to be in writing, by the City Council. Motion Carried 5-1-1. Nays: Phillips. Absent: McPherson.**

98-1344A (A) Communications, Petitions and related documents submitted regarding the City's Annexation proposal. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: McPherson.**

98-1345 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 9:20 P.M. Motion Carried 6-1. Absent: McPherson.**