

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 19, 1997 4:30 P.M.

SPECIAL PRESENTATIONS--4:00 P.M.

by Mayor Ray and Mayor Pro Tem Phillips

Meritorious Service Awards to the following:

Des Moines Fire Fighters

Edward Duckworth

Craig Kern

Des Moines Police Officer

Robert Lohrman

Des Moines Senior Police Officers

Scott Anderson

Ramkishore Mangra

Mike Woolman

INVOCATION: Pastor John Chadwick

Grace Lutheran Church

97-1695 I. ROLL CALL: Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.

97-1696 I. Resolution of Appreciation to Mayor Pro Tem Gene Phillips. Moved by Vlassis to recognize Gene Phillips and his efforts as Mayor Pro Tem and give him the Thanks of the Council. Motion Carried 6-1. Pass: Phillips.

97-1697 II. Communication from Gateway West Steering Committee regarding proposed Gateway West Project and for referral to appropriate boards and agencies. Moved by Hensley to

adopt, and refer to City Manager and all appropriate Boards and Commissions for review and return to Council with final plan in 60 days. Motion Carried 5-2. Nays: Flagg and McPherson.

97-1698 (A) Communication from City Manager regarding architecturally and historically significant property within the proposed Gateway West project area. (Council Communication No. 97-263). **Moved by Hensley to receive, file, and direct City Manager to proceed with proposal as outlined in attached communication. Motion Carried 5-2. Nays: Flagg and McPherson.**

97-1699 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1700 3. APPROVING CONSENT AGENDA - items 3 through 97: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-1701 4. Communication from Legal Department regarding May 19, 1997 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-1702 5. Des Moines Jaycees, Stephen Day, Officer dba Seniom Sed, 700 Locust (Locust Mall for rain days) - Lower Level; New Application (With Sunday Sales) - Application submitted 4-30-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1703 6. Fair Beverage, Inc., Dan J. Hanian, President dba Old West Barbecue, 3000 East Grand - Iowa State Fairgrounds; New Application (With Sunday Sales and Beer Garden) - Application submitted 5-2-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued)

Class "C" Beer Licenses

97-1704 7. Kwik Shop, Inc., Steve Mostrem, Division Manager dba Kwik Shop #506, 5000 Southwest 9th Street; Renewal - Expires 6-5-97 (With Sunday Sales) - Application submitted 4-28-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1705 8. Kwik Shop, Inc., Steve Mostrem, Division Manager dba Kwik Shop #539, 1372 East 14th Street; Renewal - Expires 6-4-97 (With Sunday Sales) - Application submitted 4-28-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1706 9. Singh Food Market, Inc., Amrik Singh, President dba Singh Citgo, 3804 Hubbell; Renewal - Expires 5-30-97 (With Sunday Sales) - Application submitted 5-7-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

97-1707 10. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #11, 3940 East 29th Street; Renewal - Expires 6-26-97 (With Sunday Sales) - Application submitted 4-21-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1708 11. Smitty's Big Town II, Inc., Clarence E. Smith, President dba Smitty's Super Val, 1330 East University; Renewal - Expires 5-24-97 (With Sunday Sales) - Application submitted 4-23-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1709 12. Miner's Incorporated, James A. Miner, President dba Super One Foods, 3400 East 33rd Street; Renewal - Expires 6-3-97 (With Sunday Sales) - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1710 13. Miner's Incorporated, James A. Miner, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-3-97 (With Sunday Sales) - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued)

Class "C" Beer-Wine Licenses

97-1711 14. Des Moines Women's Club, Coryene Classen, President dba Des Moines Women's Club, 1501 Woodland Avenue; Renewal - Expires 5-26-97 (With Sunday Sales) - Application submitted 4-14-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1712 15. Concession Corp., Inc., Tom Altman, President dba Fiesta Restaurant, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 5-31-97 (With Sunday Sales and Beer Garden) - Application submitted 4-29-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1713 16. Tony Tak Hing Wong dba King Ying Low Restaurant, 223 - 4th Street; Renewal - Expires 6-3-97 (With Sunday Sales) - Application submitted 5-8-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

97-1714 17. Ackerman Investment Company, James R. Bocken, President dba Best Western Starlite Village, 929 - 3rd Street; Renewal - Expires 6-1-97 (With Sunday Sales) - Application submitted 4-28-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

97-1715 18. Michael Mercurio dba Beegs Lounge, 3418 East 14th Street; Renewal - Expires 6-13-97 - Application submitted 4-16-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1716 19. The Cloud Inc., Michelle Scaglione, President dba The Cloud, 2006 Forest; Renewal - Expires 5-30-97 (With Sunday Sales) - Application submitted 4-28-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1717 20. Donna's Lounge, Ltd., Donna J. Keul, President dba Donna's Lounge, 4424 Southeast 14th Street; Renewal - Expires 5-30-97 (With Sunday Sales) - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1718 21. Marva Lee Woods and Evin A. L. Lope dba El Caribello Dance Club, 208 Court Avenue; New Application (With Sunday Sales) - Application submitted 4-11-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued)

Class "C" Liquor Licenses (continued)

97-1719 22. Connie Derry dba The Hideaway Lounge, 4845 Merle Hay Road; Renewal - Expires 5-30-97 (With Sunday Sales) - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1720 23. R & F Mac, Ltd., dba Melrose Bar and Grill, 422 Indianola Avenue; Renewal - Expires 5-31-97 (With Sunday Sales) - Application submitted 4-15-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1721 24. Christobal Miranda & Jose O. Henriquez dba El Bohemio, 2300 Hickman Road; Renewal - Expires 5-24-97 (With Sunday Sales) Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1722 25. Lowell M. Coil dba University Cafe, 3506 University; Renewal - Expires 6-2-97 (With Sunday Sales) - Application submitted 5-5-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "E" Liquor Licenses

97-1723 26. Miner's Incorporated, James A. Miner, President dba Super One Foods, 3400 East 33rd Street; Renewal - Expires 6-3-97 - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1724 27. Miner's Incorporated, James A. Miner, President dba Super One Foods, 100 Army Post Road; Renewal - Expires 6-3-97 - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "F" Liquor Licenses

97-1725 28. Younker's Inc., Tom Gould, Director dba Younkers Tea Room, 701 Walnut; Renewal - Expires 5-31-97 (With Sunday Sales) - Application submitted 4-25-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued)

Class "H" Liquor Licenses

97-1726 29. Shaner Hotel Group Properties Two, LP, Lance T. Shaner, Chairman dba Savery Hotel and Spa, 4th & Locust; Renewal - Expires 5-30-97 (With Sunday Sales) - Application submitted 3-25-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

97-1727 30. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1728 31. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Transfers

97-1729 32. Communication from S.A.O.C.C., Inc., Calvin Campbell, President dba The Depot, 3000 East Grand - Iowa State Fairgrounds for temporary transfer of Class "B" Beer Permit to Plaza Area - Iowa State Fairground for event to be held June 9 thru June 13, 1997 - Application submitted 5-8-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Sunday Sales

97-1730 33. Hull Avenue Tavern, Inc., Suzanne Sander-Peglow dba Hull Avenue Tavern, 834 Hull Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

97-1731 34. Authorization to proceed with design and construction and establish Connection Fee Ordinance for Southeast Airport Trunk Sanitary Sewer Project, and modification of 1997/1998 Capital Improvements Program. (Council Communication No. 97-282). **Moved by Vlassis to receive, file, and authorize the City Manager to proceed with the project outlined in Council Communication Number 97-282. Motion Carried 6-1. Pass: Flagg.**

97-1732 35. Approving Professional Services Agreement with Kirkham Michael

WITHDRAWN and Ronald D. Less of Right-of-Way Acquisition Services for Merle Hay Road Sanitary Sewer Project, not to exceed \$30,225. (Council Communication No. 97-283).

PUBLIC IMPROVEMENTS (continued)

97-1733 35I. Endorsement and support of proposed schedule for roadway relocations--(Army Post Road and Iowa Highway 28) and runway extension (5-23). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1734 36. Authorization to consider inclusion of the 2200 block of E. Virginia Avenue in the 1998 Street Paving Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

37. Resolution Ordering Construction of the following:

97-1735 (A) SW 7th Street Bridge Over Raccoon River Rehabilitation, (IDOT), Setting Date of Hearing, (6-2-97), (Construction Estimate - \$529,761.95). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1736 (B) Botanical Center Mechanical Improvements, Receiving of Bids, (6-3-97), and Setting Date of Hearing, (6-16-97), (Construction Estimate - \$115,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1737 (C) Guthrie Avenue Industrial Park Phase 4, Receiving of Bids, (6-3-97), and Setting Date of Hearing, (6-16-97), (Construction Estimate - \$26,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1738 (D) Greenwood Park Shelter Improvements, Receiving of Bids, (6-3-97), and Setting Date of Hearing, (6-16-97), (Construction Estimate - \$58,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1739 (E) The Des Moines Metropolitan Wastewater Reclamation Facility-Laboratory and Personnel Facilities Expansion, Receiving of Bids, (6-17-97), and Setting Date of Hearing, (6-23-97), (Construction Estimate - \$6,088,820). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1740 38. Approving contract and bond for E. Army Post Road at E. Indianola Avenue Intersection Improvements, Cedar Valley Corp., (Stephen R. Jackson, Pres, Waterloo), \$902,652.56. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

97-1741 39. Approving Private Construction Contract for Storm Sewer Improvements Easter Lake Estates Plat 3 between Correll Contractor, Inc., Contractors, and The Legacy Group, Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1742 40. Approving Private Construction contract for PCC Pavement Improvements Easter Lake Estates Plat 2 between Eco-Tech Contractors, Contractors, and Iowa Realty Company, Inc., Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1743 41. Approving Private Construction Contract for Sanitary Sewer Improvements Easter Lake Estates Plat 3 between Correll Contractors, Inc., Contractors, and The Legacy Group, Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

97-1744 (A) 700 Block of E. Granger Avenue Emergency Sanitary Sewer Repair, \$2,040.45 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1745 (B) 1997 Sanitary Sewer Cleaning and TV Inspection, \$1,802.63 is now due and \$408.25 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1746 43. Approving partial payments on eight public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1747 44. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1748 45. Request from Herberger Construction, Inc., Dean Herberger, President, 1099 Inwood Street, Indianola, IA, for an extension of time until June 30, 1997 for the Seventh Ward Ditch Improvements North of E. Hull Avenue Basin. **Moved by McPherson to receive, file and grant the extension of time until June 30, 1997. Motion Carried 6-1. Absent: Vlassis.**

97-1749 46. Request from Specialty Construction Services, Inc., John Wade, President, 308 South State Street, Madrid, IA, for an extension of time until August 15, 1997, for the Seventh and Grand Parking Garage Renovation. **Moved by Vlassis to receive, file and grant the extension of time until August 15, 1997. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

97-1750 47. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 30 locations, (see roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1751 48. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Louise J. Crivaro, 101 E. Philip. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

97-1752 49. Rescission of Resolution of Necessity on E. 41st Street from E. University to Dubuque, Asphalt Stabilization Schedule No. 1997-44. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1753 50. Resolution levying assessments for costs of Nuisance Abatement-NAC (Emergency Orders) Schedule No. 1997-51 and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-1754 51. Approving REJECTING offer to purchase real estate at 2411 E. 36th Street, Charlene Mae Simmons. (Council Communication No. 97-284). **Moved by McPherson to adopt. City Engineer to negotiate a fair purchase price with the applicant. Motion Carried 7-0.**

97-1755 (A) ALTERNATE RESOLUTION: Setting Date of Hearing on

WITHDRAWN proposed sale of 2411 E. 36th Street, to Charlene Mae Simmons, \$1,800, (6-2-97).

Council considered Item 110 and Hearing Items 101 thru 109 next

97-1756 52. Accepting offer for 1505 E. Walnut Street, Capitol East Neighborhood Urban Renewal Area, \$22,000--Evelyn B. and Jack G. Slater, authorize closing and acceptance of Warranty Deed. **Moved by Vlassis to approve. Motion Carried 7-0.**

97-1757 53. Approving Deposit of Condemnation Award and related fees for Parcels B-51 and B-52, Guthrie Avenue Business Park Urban Renewal Area. **Moved by Vlassis to approve. Motion Carried 7-0.**

97-1758 54. Issuance of Replacement Deed, for east/west alley between Center and Rollins, W. T. Barkley and Marion K. Barkley. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-1759 55. Approving Noise and Avigation Easements for seventeen properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS (continued)

97-1760 56. Easement Establishing New Sanitary Sewer Right-of-Way and Release of Prior Sanitary Sewer Easement, from Jill K. and Chris M. Rauch, 255 East Titus Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1761 57. Backslope and Property Adjustment Easement and Release and Warranty Deed, in conjunction with 1995 Paving Program No. 1 - East 22nd Street, Dean Avenue to Maple Street, from Clarence W. and Jean Barton, 2137 Maple Street - \$782.80. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1762 57I. Backslope and Property Adjustment Easement and Release and Warranty Deed, in conjunction with 1995 Paving Program No. 1 - East/Southeast 34th Street, Dean Avenue to Railroad Tracks, from Automba J. and Betty J. Tully, 143 SE 34th Street - \$933.80. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1763 58. Backslope and Property Adjustment Easement and Release, Warranty Deed, and Permanent Easement for Storm Sewer Right-of-Way, in conjunction with Fleur Drive Paving - Army Post Road to County Line Road, from Airport Commerce Park, L.C., 7300 Fleur Drive - \$55. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1764 59. Temporary Access Easements, in conjunction with Des Moines and Raccoon River Levees Tree Removal, from D.I.C.O. Co., Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

60. Approving recommendations of At Large Council Member George E. Flagg for reappointment of the following:

97-1765 (A) Tom Pike, Plumbing Examiners Board for two-year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1766 (B) Robert J. Mathieu, City Plan Commission for five-year term to expire July 1, 2002. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1767 61. Communication from Kent L. Mosher submitting his resignation from the Board of Plumbing Examiners, effective May 1, 1997. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 7-0.**

97-1768 62. Approving recommendation of Council Member Mike McPherson, Ward II, for the appointment of Robert L. Saf, 3922 Dosh Road, to the Electrical Board of Examiners for two year term to expire April 5, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

97-1769 63. Regarding Architectural Advisory Committee recommendation for the Kiwanis Nature Island Bridge Concept Design. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1770 64. Regarding request from Joseph A. Gazzo, for vacation and conveyance of a portion of east/west alley right-of-way in the vicinity of 465 SE 2nd Street, (City Plan Commission recommends DENIAL). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

97-1771 65. On sale of a portion of vacated Troyer Avenue right-of-way (vicinity of E. 16th and E. Madison), to Central State Airgas, Inc., \$4,000, (6-2-97). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1772 66. On vacation and lease of portions of Lyon Street right-of-way between E. 12th and E. 14th Streets, to Des Moines General Hospital (Tract A), \$9,070 annual rental, and to East Des Moines Clinic P.C., (Tract B), annual rental of \$930, (6-2-97). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1773 67. On application from Dennis J. Modde, to rezone property at 727 SE 28th and 2824 Maury, from "R-2" (One and Two Family Residential and "R-3" (Multiple Family Residential) to a Limited "M-1" (Light Industrial District), to amend the Des Moines 2000 Land Use Plan by revising from Medium Density Residential to Industrial, and to find this in conformance with the Des Moines 2000 Land Use Plan, (6-2-97). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1774 68. On 20th Amendment to the Urban Revitalization Plan for City-Wide Urban Revitalization Area, to encompass an area in the vicinity of 5555-5611 Meredith Drive, (6-2-97). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1775 69. On award of Agreement for Food and Beverage Concession at the Airport, to St. Clair Development Corporation d/b/a Creative Croissants, (6-2-97). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.**

97-1776 70. On award of Agreement for Gift and News Concession at the Airport, to Paradies Shops, (6-2-97). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-1777 71. Approving payment of \$480 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee for legal services to the City in connection with demolition issues in conjunction with the Martin Luther King Jr., Parkway Project. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.**

97-1778 72. Approving payment of \$4,352.53 to Jane McAllister of Ahlers Law Firm for resolution of environmental matters in conjunction with development of the Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1779 73. Approving payment of \$1,910.35 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of the City in lawsuits entitled Keystone Electrical Manufacturing Co. v. City and Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co., and Ackerman Auto Parts Co., Inc. v. City. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1780 74. Approving payment of \$28,016 to Dwight L. Smith and his attorney Barry Moranville for workers' compensation claim, subject to the approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1781 75. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

97-1782 76. Submitting out-of-state travel requests for Matthew Rosen, Carolyn Taylor, Drew Burham, James Bonwell, Tom Trimble, Mark Schultz, and William Moulder. ([Council Communication No. 97-265](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

97-1783 77. Fourth Amendment to the Host International Inc., Food/Beverage/Retail Concession Agreement, by operating emergency, to extend on a month-to-month basis, to allow for transfer to new concessionaire. ([Council Communication No. 97-272](#)). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.**

97-1784 78. Final documents regarding Des Moines Action Loan, \$200,000, to Raccoon River Brewing Company, 200-10th Street. ([Council Communication No. 97-275](#)). **Moved by Vlassis to approve. Motion Carried 7-0.**

97-1785 79. License Agreement with Houghton Properties, to construct a flex-space building on land located south of Guthrie Avenue between vacated Dixon Court and E. 18th Street, (Disposition Parcel No.. 20B/Guthrie Avenue Business Park, 1771 Guthrie Avenue. ([Council Communication No. 97-280](#))). **Moved by Vlassis to approve. Motion Carried 7-0.**

97-1786 80. Contract with Children and Families of Iowa (CFI), for \$40,000 in Enterprise Community Social Services Block Grant (SSBG) Funds for the Parent Resources Coordinator

Project. ([Council Communication No. 97-269](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Phillips.**

97-1787 81. Contract for Weed/Seed Funds to Grubb YMCA-\$19,600, for Safe Haven Community Policing. ([Council Communication 97-270](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1788 82. Work Program and Terms and Conditions with the Community Development Department, to carry out the Basic Neighborhood Enforcement Action Team Project, \$374,046 in 1997 Community Development Block Grant (CDBG) funds, January 1 thru December 31, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1789 83. Work Program and Terms and Conditions with the Parks Department, to carry out the Recreational Activities Program Project, \$107,040 in 1997 Community Development Block Grant (CDBG) funds, January 1 thru December 31, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1790 84. 1997 HOME Agreement with Neighborhood Housing Services of Des Moines, Inc., including allocation of \$61,762 in 1997 HOME Projected Program Income. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1791 85. Community/Neighborhood Clean-up Project Grant from Metro Waste Authority, authorizing provision of \$2,500 for community / neighborhood cleanup projects in non-CDBG eligible SCRUB cleanup areas. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1792 86. Contract with KPMG Peat Marwick LLP, to perform auditing services for fiscal year ending June 30, 1997, (second year of contract). ([Council Communication No. 97-266](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1793 87. Communication from Downtown Partnership Incorporated submitting banner design on behalf of Greater Des Moines Baseball Company-Iowa Cubs requesting design approval and permission to display fifty banners near Civic Center, Savery Hotel, and Kirkwood hotel in conjunction with Triple A All Star Game at Sec Taylor Stadium. **Moved by Vlassis to approve request and banner design submitted. Motion Carried 7-0.**

97-1794 88. Issue of not to exceed \$3,000,000 Aggregate Principal amount of Industrial Development Revenue Bonds, (The Printer Inc., Project), directing publication of notice of intention to issue, providing for deferred public hearing and execution of a Memorandum of Agreement, and declaring an official intent to reimburse. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1795 89. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1796 90. Report of Civil Service Commission submitting Promotional Lists for Senior Police Officer, Senior Traffic Engineer, Fire Medic, Senior Fire Medic, and Senior Housing Conservation Inspector. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

91. Bids for the following:

97-1797 (A) Star Equipment, Ltd., (1401 2nd Avenue, Max Bowman, President) for a 26 inch concrete saw and trailer to be used by the Public Works Department (Street Maintenance), \$18,526. (Ten bids mailed-five received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1798 (B) Jetco, Inc., (Altoona, IA, Richard Blanchard, President) for pump controllers, transducers and temperature sensors to be used by the Engineering Department (Wastewater Reclamation Facility), \$22,116. (Five bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1799 (C) First Tours, (West Des Moines, IA., Kathy Bradshaw, President) for charter bus service for senior travel program to be used by the Park and Recreation Department, \$16,598. (Seven bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1800 (D) Van Meter Industrial, Inc., (1751 Guthrie Avenue, Jim Schmitt, President) for three (3) AC motor drive units and three (3) DC motor drive units to be used by the Engineering Department (Wastewater Reclamation Facility), \$123,883.70. (Thirteen bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1801 (E) Court Avenue Networks, (309 Court Avenue, Lloyd Linn, President) to develop a World Wide Web site to be used by City of Des Moines, \$27,640. (Fifteen bids mailed-six received). ([Council Communication No. 97-267](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1802 (F) Great American Outdoor Co., (Des Moines) did not meet specifications, therefore, non-compliant. Bid is awarded to Big Bear Equipment, (Omaha, NE, Dave Wilson, President) for a ball field diamond maintenance machine and accessories to be used by the Park and Recreation Department, \$10,516. (Twelve bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1803 (G) Eight (8) Hewlett Packard personal computers, software and attachments to be used by the Engineering Department (Wastewater Reclamation Facility) from GE Capital ITS, (Urbandale, IA., Jerry Poch, President) State of Iowa competitively bid contracts 2225 and 1990B, at a total cost of \$33,006. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1804 (H) Computer equipment and software upgrades for use on existing computer system manufactured by Intergraph Corporation to be used by the Engineering Department from Intergraph Corporation, (Chicago, IL), State of Iowa competitively bid contract PC04597, at a total cost of \$17,891. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1805 (I) Flow monitors and software upgrades for use on existing flow monitoring equipment manufactured by American Digital Systems (ADS), (Oklahoma City, OK, Tom Neel, President) to be used by the Engineering Department, \$32,500. (Council Communication No. 97-281).

Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Flagg declares a conflict of interest, and abstains from voting.

97-1806 92. Authorizing Finance Director to draw warrants on registers of May 23, 1997 and May 30, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning May 19, 1997 and May 26, 1997, and the biweekly payroll due employees on May 23, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

97-1807 93. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Loading Zone on the West Side of 5th Avenue North of Grand; Reduction in No Parking Any Time Restriction on the North Side of Corning Avenue East of 5th Avenue; Change Passenger Loading and Unloading to Bus Loading Zone on the North Side of Forest Avenue East of 19th Street. **Moved by Vlassis that this ordinance do now pass, #13,482. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

97-1808 94. On amendment to the Zoning Ordinance regarding radio, television and communication towers and other tall structures which exceed the general height limitation in the district. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-1809 95. Amending Chapter 27 of the Municipal Code to designate handicapped parking in front of 1153 24th Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-1810 96. On amendments to the Zoning Ordinance regarding open space requirements in "PBP" (Planned Business Park Districts). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-1811 97. On amendments to the Zoning Ordinance regarding special event signage. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

97-1812 98. Amending Chapter 17 and Section 27-485.11 of the Municipal Code regarding nuisances--junk motor vehicles, and establishing an Administrative Hearing Process. ([Council](#))

[Communication No. 97-277](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1813 (A) Final consideration of ordinance above, (waiver requested by Community Development Department). **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,483. Motion Carried 7-0.**

97-1814 99. Establishing the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (SSMID). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1815 100. Amending Chapter 27 of the Municipal Code regarding Corner Clearance on the North Side of Lanewood Drive East of Waveland Drive and North Side of Waveland Drive West of Lanewood Drive. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

HEARINGS (Opened at 5:40 P.M.) (Items 101 thru 109)

97-1816 101. On application from Don Brown--Thirty 800 Park Avenue Partners, to rezone property at 3800 Park Avenue from "R1-80" (One Family Residential) to a "PUD" (Planned Unit Development) for 16 townhome units. **Moved by Hensley to defer to June 2 Meeting. Staff to schedule an informational meeting with neighborhood residents prior to the June 2nd Meeting to address concerns. Motion Carried 7-0.**

WITHDRAWN97-1817 (A) First consideration of ordinance above.

WITHDRAWN97-1818 (B) Final consideration of ordinance above, (waiver requested by applicant).

97-1819 (C) Petitions from Neighbors of Park Avenue and Southern Hills Neighborhood Associations opposing the rezoning. **Moved by McPherson to receive and file. Motion Carried 7-0.**

97-1820 102. On application from Randy E. Bainter to rezone property at 3951 and 3935 Mattern Avenue, from "U-1" (Flood Plain District) to a Limited "R1-60" (One Family Low Density Residential). **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

97-1821 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Hensley and Vlassis.**

97-1822 103. On conveyance of the north/south alley right-of-way between Michigan and Vermont Streets, north of Clark Street, to Keeling Rhoads Investment Company, \$644 plus costs. **Moved by Flagg to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

97-1823 104. On sale of excess City property at 821 SE 9th Street, Riverpoint-Capitol Center Development Project Urban Renewal Area, to David Speed \$83,900 (Hearing on 819 SE 9th not necessary--offer withdrawn). **Moved by Phillips to adopt. Motion Carried 5-2. Absent: Hensley and Vlassis.**

97-1824 105. On Intermodal Transportation Facility, (Park and Ride): Resolution approving plans, specifications, form of contract documents and Engineer's Estimate of Cost, (bids to be received on 5-20-97). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-1825 106. On Des Moines WRA Regional Facilities Phase 12 - Southwest Outfall Relief Sewer Segment 1A: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KRI Company, (Warren Rognes, Pres., Ames), \$474,247. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-1826 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Vlassis.**

97-1827 107. On 1997 Pavement Milling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Koss Construction Company, (Donald E. Beuerlein, Pres, WDM), \$74,100. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-1828 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-1829 108. On Science Center of Iowa Parking Lot and Park Road Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt and Paving (J. M. Yonker, Pres., Grimes) \$89,978. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-1830 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-1831 109. On Police Station Cooling Tower: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Air-Con Mechanical (James M. Shaffer, Sr., Pres., 3121 SE 14th, DM), \$36,779. **Moved by Flagg to adopt. Motion Carried 7-0.**

97-1832 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 7-0.**

****Council considered Items 54, 80, 88, 98-100, and 111 thru end**

of Agenda next**

* * END HEARINGS at 7:45 P.M. * *

APPROVING

97-1833 110. Final Consideration--Rezoning property in the general vicinity area of Ingersoll Avenue between Martin Luther King Jr. Parkway to 40th Street from "C-0" (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 Flagg to refer back to City Plan Commission for consideration at their next meeting. Staff to schedule an informational meeting with affected property owners prior to that meeting, to address concerns raised. Motion Carried 7-0.**

First motion by Vlassis to reduce the area to west of Hy-Vee on the south side of Ingersoll, and west of 24th Street on the north side of Ingersoll. FAILED Yeas: Vlassis, Flagg and McPherson. Nays: Ray, Phillips, Daniels and Hensley.

Second motion by Hensley to rezone property as listed. FAILED Yeas: 5 Nays: Flagg and McPherson. (requires 6 votes for passage).

97-1834 (A) Petitions submitted objecting to rezoning of Ingersoll Avenue, east of 28th Street. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

APPROVING (continued)

97-1835 111. Priorities to develop the 1998 Consolidated Plan, and refer for citizen review and ranking at Town Meetings on June 5, 1997. (Council Communication No. 97-264). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1836 (A) Communication from Des Moines Action Board and Neighborhood Advisory Board Chairs, recommending adoption. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

112. NUMBER NOT USED.

97-1837 113. Purchase of liability insurance of City's Solid Waste, Sanitary/Storm Sewer and Wastewater Treatment Facility Enterprise Funds. (Council Communication No. 97-279). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1838 114. Contract with Yarger, Decker and Thomas, Inc., for professional services related to a position classification, pay and benefits, study not to exceed \$136,413. (Council Communication No. 97-273). **Moved by Daniels to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

97-1839 (A) Communication from City Manager regarding classification and compensation review of employees affected by the 1996 reorganization. (Council Communication No. 97-268). **Moved by Daniels to receive and file Council Communication 97-268. Motion Carried 5-2. Nays: Flagg and McPherson.**

97-1840 115. Approving and Authorizing the Retention of Center for Continuous Quality Improvement (CQI) to perform Organizational Development Services for the City. (Council Communication No. 97-274). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

116. Renewal of Group Health Insurance Contracts (HMO's) for employees subject to Collective Bargaining:

97-1841 (A) SecureCare of Iowa, Inc. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1842 (B) Principal Health Care of Iowa. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1843 (C) Approving waiver of employee contribution, (MEA and Fire Association), for employees who participate in Principal Health Care and SecureCare HMO's--July 1 1997 thru June 30, 1998. (Council Communication No. 97-278). **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING (continued)

97-1844 117. City Council action regarding TCI Rate Filing of March 3, 1997. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1845 118. Submission of a Community Economic Betterment Account (CEBA) application and a Railroad Economic Development Project Application to State of Iowa, and preliminary approval for local contribution, for Kemin Industries, 2100 Maury. (Council Communication No. 97-276)). **Moved by McPherson to approve. Motion Carried 6-1. Absent: Daniels.**

119. NUMBER NOT USED.

97-1846 120. Form of Request for Proposals (RFP) for Codification Services, (Des Moines Municipal Code). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATIONS/REPORTS

97-1847 121. Communication from Gloria Rose, 2504 Arthur, submitting petition regarding paving of E. 25th Street, from Guthrie to Sheridan. **Moved by McPherson to receive, file and refer to City Manager and City Engineer for recommendation. Motion Carried 6-1. Absent: Daniels.**

97-1848 122. Request from Vicki Thompson, 602 SE 27th Street, to speak regarding traffic lights at SE. 30th Street and Scott Street Intersection. **Moved by Phillips to receive, file and grant the request to speak. Refer to City Manager for review and recommendation and to Traffic Safety Committee for consideration at their June meeting. Motion Carried 7-0.**

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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.

97-1849 1. Approving purchase of 2008 Leyner Street from Merlin Kosht and Tom Crosier in conjunction with Martin Luther King, Jr., Parkway - Central Business District Arterial Loop By-Pass - \$40,122.20. SPONSOR: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1850 2. Approving recommendation of City Council Subcommittee

WITHDRAWN regarding selection of Third Party Administrator for City of Des Moines Plan 60 Deferred Compensation Plan. SPONSOR: Council Members Vlassis and Hensley.

A G E N D A

BOARD OF HEALTH

May 19, 1997

97-1851 MOTION TO CONVENE. Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.

HEARING

97-1852 1. On resolution to demolish and remove dangerous structure(s) or to determine appropriate equitable action to be taken for 1706 E. 39th (vacant) TITLEHOLDER: Polk County, Iowa; CONTRACT BUYER: Catherine P. Haag. Moved by McPherson to adopt. Motion Carried 7-0.

97-1853 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 8:59 P.M. Motion Carried 7-0.