

SUMMARY OF DES MOINES CITY COUNCIL MEETING

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June 1, 1998 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) National Homeowners Week
- (b) Small Business Week
- (c) National NeighborWorks Week
- (d) Des Moines Caregivers Month/Day
- (e) Kid's Kitchen Reading Club Day
- (f) Employee Recognition Months

SPECIAL PRESENTATIONS - 4:00 P.M.:

Association of Metropolitan Sewerage Agencies, 1998 Research and Technology Award to Wastewater Reclamation Authority Staff.

INVOCATION: Tom Vlassis, Ward 1 Council Member

98-1662 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-1663 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1664 3. APPROVING CONSENT AGENDA - items 3 through 76. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-1665 4. Communication from Legal Department regarding June 1, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-1666 5. Phranom Philavanh dba Laos Restaurant, 418 East 5th Street; New Application (With Sunday Sales) - Application submitted 3-6-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1667 6. Mitchell Long dba Original Coney Island; 520 Locust #210; Renewal - Expires 6-16-98 - Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-1668 7. Fareway Stores, Inc., Robert L. Cramer, President dba Fareway, 3000 SE 22nd Street; Renewal - Expires 7-7-98 - Application submitted 5-18-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1669 8. Phillips 66 Company, James J. Mulva, President dba 4151 Merle Hay Road; Renewal - Expires 7-27-98 (With Sunday Sales) - Application submitted 5-15-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-1670 9. K Mart Corporation, Laurence L. Anderson, President dba K Mart #4160, 2535 Hubbell; New Application (With Sunday Sales) - Application submitted 5-11-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1671 10. Tait's Foods, Inc., Robert R. Tait, President dba Tait's Foods, 4100 University; Renewal - Expires 7-8-98 (With Sunday Sales) - Application submitted 5-13-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-1672 11. Michael Mercurio dba Beegs Lounge, 3418 E. 14th Street; Renewal - Expires 6-13-98 (With Sunday Sales) - Application submitted 5-5-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1673 12. Hattie Wilcox dba Brew House, 830 SW McKinley; New Application (With Sunday Sales and Beer Garden) - Application submitted 4-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1674 13. Marilyn Johns dba CJ's II, 316 East 30th; Renewal - Expires 6-17-98 (With Sunday Sales) - Application submitted 5-8-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1675 14. WPK, Inc., Wahnetta P. Knapp, President dba Connie's, 3839 Merle Hay Road; Renewal - Expires 6-8-98 (With Sunday Sales) - Application submitted 4-27-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1676 15. 215 Group LC, Scott Formaro, President dba Gilligan's, 208 Court; New Application (With Sunday Sales) - Application submitted 4-10-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1677 16. Hall of Fame, Inc., John J. Ulrich, President dba Johnny's Hall of Fame, 300 Court Avenue; Renewal - Expires 7-21-98 (With Sunday Sales and Beer Garden) - Application submitted 5-12-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1678 17. Lowell Coil dba University Library Cafe, 3506 University; Renewal - Expires 6-2-98 (With Sunday Sales) - Application submitted 5-4-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

98-1679 18. Tait's Foods, Inc., Robert R. Tait, President dba Tait's Foods, 4100 University; Renewal - Expires 6-17-98 - Application submitted 5-14-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

98-1680 19. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1681 20. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Transfers

98-1682 21. Temporary transfer of Class "B" Beer Permit No. 24570 for Calvin Campbell, President dba Campbell's Concessions, Iowa State Fairgrounds from 4-H Building to Bill Riley Stage for Golden Circle Games to be held June 16, thru June 19, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

98-1683 22. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

98-1684 23. Agreement with Iowa Department of Transportation for SE 14th Street and E. Diehl Avenue Intersection Improvement project - \$280,000. ([Council Communication No. 98-217](#)). **Moved by Phillips to adopt. Motion Carried 7-0.**

98-1685 24. Approving Change Order No. 9 with M. Peterson Construction Co., (Merlin Peterson, President, Des Moines) for additional work in conjunction with Army Post Road

Relocation Paving, Fleur Drive to SW 42nd Street Contract - \$37,500.75. ([Council Communication No. 98-226](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 98-1686 25. Approving Amendment to Professional Services Agreement with EMA Services, Inc., (George Mathes, President, St. Paul, MN) for design of the WRA Process Control System Project - \$444,450. ([Council Communication No. 98-214](#)).

98-1687 26. Approving Amendment to Professional Services Agreement with CH2M Hill Inc. (Ralph Peterson, President, Milwaukee, WI) for the Process Safety Management Study-Phase Two at the WRA Wastewater Treatment Plant. ([Council Communication No. 98-229](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Flagg and McPherson.**

98-1688 27. Approving Amendment Number Two Professional Services Agreement with the professional engineering firm of Brown and Caldwell (Craig Goehring, President and CEO, Pleasant Hill, CA) for design of the WRA Pumping Station Project - \$55,000. ([Council Communication No. 98-230](#)). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

28. Resolution Ordering Construction of the following:

98-1689 (A) Archie Brooks Community Center Parking Lot Restoration, Receiving of Bids, (6-16-98), and Setting Date of Hearing, (6-22-98). (Construction Estimate - \$27,100). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1690 (B) 1998 City-Wide PCC Pavement Restoration Program, Receiving of Bids, (6-16-98), and Setting Date of Hearing, (6-22-98). (Construction Estimate - \$153,600). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1691 (C) Branch Library Parking Lot Lighting Improvements, (Franklin, Forest and East Side), Receiving of Bids, (6-16-98), and Setting Date of Hearing, (6-22-98). (Construction Estimate - \$35,000). **Moved by Coleman to adopt. City Manager to report on specifics of this project. Motion Carried 7-0.**

29. Approving request for extension of time for the following:

98-1692 (A) Bergstrom Construction, Inc., (Martin Gorgas, President, Des Moines), for Council Chamber Renovations, to August 16, 1998. **Moved by Coleman to receive, file and grant the extension of time until August 16, 1998. City Manager and City Clerk are authorized and directed to schedule subsequent City Council meetings in June, July and August at the Botanical Center; and, they are further directed to consider moving a Council meeting to each Ward throughout the year. Motion Carried 7-0.**

98-1693 (B) Big Boy's Construction, (Thelma Bellville, President, Des Moines), for Union Park Shelter Improvements, to July 1, 1998. **Moved by Vlassis to**

receive, file and grant the extension of time until July 1, 1998. Motion Carried 7-0.

98-1694 30. Approving partial payments on seven public improvement projects. (Call the City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1695 31. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability for 1996 Stormwater Intake Repair, Eco-Tech Contractors, Inc., \$9,490.50 is now due and \$4,414.50 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1696 32. Communication from various contractors, requesting permission to sublet certain items on five City Public Improvement projects. **Moved by Vlassis to adopt. Motion Carried 7-0.**

33. Approving completion and recommending acceptance of Private Construction Contracts for Dickman Road within the Fort Des Moines Business Park located at SW 9th Street and Dickman Road between Eco-Tech Contractors, Inc., Steve Gillotti, President-Contractors and Mid-America/Coldwell Bankers, Michael Kuperman, President-Owners, for the following:

98-1697 (A) Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1698 (B) PCC Street Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

34. Approving Completion and recommending acceptance of Private Construction Contracts for Easter Lake Estates Plat No. 2, located near Easter Lake Drive and SE 34th Street between McAninch Corporation, Dwayne McAninch, President-Contractors, and Iowa Realty Company, Inc., Mike Knapp, President-Owners for the following:

98-1699 (A) Sanitary Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1700 (B) Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1701 35. Approving completion and recommending acceptance of Private Construction Contract for PCC Pavement Improvements for Easter Lake Estates Plat 2 at SE 32nd Street and Easter Lake Drive between Eco-Tech Contractors, Inc., Steve Gillotti, President-Contractors, and Iowa Realty Company, Inc., Mike Knapp, President-Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1702 36. Approving Completion and recommending acceptance of Private Construction Contract for Sanitary Sewer Construction in E. Glenwood Drive between The Underground

Company, Ltd., Duane J. Burkhardt, President-Contractors and R.M. Madden Construction, Inc., Robert Madden, Jr., President-Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1703 37. Approving Completion and recommending acceptance of Private Construction Contract for Storm Sewer Extension for Rothfus Lake Estates located at 4500 block of SE 34th Street between McAninch Corporation, Dwayne McAninch, President-Contractors and Rosemary W. Bishop and David W. Rothfus Trust, Rosemary W. Bishop, Partner-Owners. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1704 38. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Harl E. Deaton, 3217 Cleveland Avenue, and Paving or Curb Replacement waiver signed by Victoria F. Payseur for Drake University, 1220 24th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1705 39. Approving Private Construction Contract for Sanitary Sewer along south side of Hartford Avenue between Corell Contractor, Inc., Steve Corell, President-Contractors, and Central Recycling, Inc., Steve Corell, President-Owner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-1706 40. Offer to Purchase Real Estate and Warranty Deed in conjunction with 30th Street/31st Street Realignment at University Avenue, from E.L.M. Trust, 1201 31st St. - \$64,052. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

98-1707 41. Revised 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 Reveiz Farms, Inc., 4405 Pine Avenue - \$1,251,807. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

98-1708 42. Backslope and Property Adjustment Easement and Release, Warranty Deed and Future Title Work Compensation in conjunction with Iowa 65 (E. 14th St) and Guthrie Avenue Intersection Improvement, from Concetta Ann Sansone, 2203 E. 14th St. - \$2,066. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Flagg.**

98-1709 43. Temporary Easement for Construction, Warranty Deed, and Future Title Work Compensation in conjunction with Martin Luther King, Jr. Parkway (CBD Loop) Tuttle Street Paving, from Hubbell Realty Company, for various locations in vicinity of Tuttle Street - \$96,974. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1710 44. Backslope and Property Adjustment Easement and Release, Warranty Deed and Future Title Work Compensation in conjunction with 30th Street/31st Street Realignment at University Avenue, Kingman Avenue to Forest Avenue, from Gary L. Robinson, 1012 31st St. - \$702. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1711 45. Backslope and Property Adjustment Easement and Release and Temporary Easement Agreement-Temporary Vehicular Access in conjunction with 30th Street/31st Street Realignment at University Avenue, Kingman Avenue to Forest Avenue, from Lutheran Social Services of Iowa, 1130 31st Street - \$2,353. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1712 46. Approving Noise and Avigation Easements for three properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN 47. Approving Final Subdivision Plat entitled Grandview Terrace in vicinity of E. 30th and Sheridan Avenue developed by Bernard John Baker, III.

98-1713 48. Approving issuance of Replacement Quit Claim Deed in connection with vacated alley in vicinity of 3225 SW 12th Place to Robert D. and Pamala J. Clark - \$5.00. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-1714 49. Recommendation of Council Member Tom Vlassis, Ward I, for the appointment of James Favors to the Housing Appeals Board for a three-year term to expire March 16, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1715 50. Recommendation of At Large Council Member George E. Flagg for the reappointment of Lyla Dozier to the Neighborhood Revitalization Board for a three-year term to expire June 30, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1716 51. Communication from Pat Blunck, Chair, Greater Des Moines Sister City Commission requesting Council to declare the seats of Kristin Johnson, Des Moines Member and Darlene Blake, Des Moines Member, vacant. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

98-1717 52. Approving closure of the following City Streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**

(1) William and Nancy Haigh, 1723 38th Street, requesting permission to close 38th Street from Franklin to Washington, on Sunday, June 14, 1998 from 10:30 A.M. until 4:30 P.M. for a neighborhood block party.

(2) Molly Clause, 3829 Grand, requesting permission to close 39th Street from Grand to Driveway of the parking lot of Central Presbyterian Church on Sunday, June 14, 1998 from 8:00 A.M. until 12:00 Noon for a Summer Bible Adventure event.

(3) Linda R. Powers representing GLRC 414 E. 5th requesting permission to close E. 5th Street from Locust to Walnut on Friday June 19, 1998 from 8:00 P.M. until 11:00 P.M. for a street dance.

(4) Elizabeth Gregg Kennedy, 5001 Country Club Blvd., representing Waterbury/Country Club Block Party, requesting permission to close Country Club Blvd. from 49th to 51st, on Saturday, June 13, 1998 from 4:00 P.M. to 10:00 P.M. for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

98-1718 53. Regarding request from Kevin Burkett for vacation and conveyance of a portion of a north/south alley right-of-way in vicinity of 1148 12th Street, (City Plan Commission recommends DENIAL). **Moved by Vlassis to adopt denial. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-1719 54. On amendments to Traffic Code and Zoning Ordinance, to permit Community Development Dept. staff to write parking tickets for cars illegally parked in front yards, for violation of the Zoning Ordinance, (6-15-98). **Moved by Phillips to adopt; hearing will be held at the Des Moines Botanical Center, 909 East River Drive. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-1720 55. Approving payment of \$127,500 to John Kauzlarich for workers' compensation special case settlement subject to approval by the Iowa Industrial Commissioner for injury suffered in course of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

98-1721 56. Regarding volunteer project to re-landscape and clean Fleur Drive Median between Des Moines International Airport and Raccoon River Bridge on June 10 in conjunction with Iowa Summit for Volunteerism. ([Council Communication No. 98-220](#)). **Moved by Coleman to receive and file. Motion Carried 7-0.**

98-1722 (A) City Council discussion regarding City's need to recruit qualified applicants for summer employment positions. **Moved by Vlassis to authorize the City Manager to hire nonresidents for part time employment during this Summer (through September, 1998). Motion Carried 4-3. Nays: Daniels, Coleman and Flagg.**

****Council considered Items 88 thru 96, 102A & B, 97, 98 and 103 next****

98-1723 57. Submitting out-of-state travel request for Harold Smith, David McDermott II, Joseph Oppe, William Wilkins, Eva Tindrell, Sue Luthens and William Davis ([Council Communication No. 98-218](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

98-1724 58. Submitting Monthly Financial Report for March, 1998. (Copy on file in City Clerk's Office). **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-1725 59. Communication from Downtown Partnership on behalf of the Des Moines Art Center requesting permission to hang banners downtown along Grand Avenue during the month of June marking the 50th Anniversary of the Art Center and inviting the public to visit the Art Center. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 7-0.**

98-1726 60. Communication from Downtown Partnership requesting permission to hang eleven banners on eight poles along Walnut Street between 3rd Street and 5th Avenue before July 1, for promotion of Downtown Farmers Market. **Moved by Vlassis to receive, file and approve banner design as submitted. Motion Carried 7-0.**

98-1727 61. Execution of Section 8 Existing Consolidated Annual Contributions Contract Renewal and Budget Authority for Project No. IA020CE6001. ([Council Communication No. 98-222](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

62. Receipt of the following documents:

98-1728 (A) 1993 Shelter Plus Care Program Evaluation. ([Council Communication No. 98-223](#)). **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Daniels.**

98-1729 (B) 1995 Public Housing Drug Elimination Program Close Out Report. ([Council Communication No. 98-224](#)). **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Daniels.**

98-1730 63. Submission of 1998 Public Housing Drug Elimination Grant Application to U.S. Department of Housing and Urban Development. ([Council Communication No. 98-225](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

64. The following agreements with Houghton Properties for Parcel No. 10A in the Guthrie Avenue Business Park Urban Renewal Area:

98-1731 (A) Easement Agreement for Driveway Access. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1732 (B) Minimum Assessment Agreement. ([Council Communication No. 98-236](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1733 65. Cops More Grant Application for Computer Aided Dispatch System and Narcotics Section Complaint and Case Management System. ([Council Communication No. 98-232](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1734 66. Communication from City Clerk submitting report on City Council meeting/meal expenses for May, 1998. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

67. Bids for the following:

98-1735 (A) Independent Salt Company, (Kanapolis, KS, M.D. Keener, President) for an annual purchase agreement for rock salt to be used by the Public Works Department (Street Maintenance), \$15,000. (Four bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1736 (B) Communication Innovators, Inc., (Pleasant Hill, IA, Stanley Glawe, President), State of Iowa Contract 97-025D (Municipal Code Section 2-86(c) for purchase of fiber optic upgrades between the Armory Building, Central Library and Polk County Administration Building to be used by the Information Technology Department, \$21,625. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1737 (C) Pigott, Inc., (3815 Ingersoll Avenue, Richard Pigott, President), State of Iowa Contract 1200H (Municipal Code Section 2-86(c) for purchase of Herman Miller Office furniture to be used by the Economic Development and Human Resources Departments, \$49,686.39. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1738 (D) Bid awarded to K.A. Steel Chemicals, Inc., (LeMont, IL, Robert Steel, President) for an annual agreement with two (2) renewal options for one-ton cylinders of liquid chlorine to be used by the Engineering Department (Wastewater Reclamation Facility), \$25,000. Bid from D.P.C. Industries, (Omaha, NE) deemed not responsible and bid rejected pursuant to Municipal Code Section 2-96. (Five bids mailed-five received--continued from 5-18-98).([Council Communication No. 98-237](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-1739 68. Authorizing Finance Director to draw warrants on registers of May 29, 1998 and June 5, 1998, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning June 1, 1998 and June 8, 1998, and the biweekly payroll due employees on May 22, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-1740 69. On rezoning of property at 5601 SE 14th, from C-2 (General Retail and Highway Oriented Commercial), and "R1-80" (One Family Residential) to "PUD" (Planned Unit Development), applicant--(Sembler Retail, Inc.,) requests that its application for rezoning be

withdrawn and this ordinance be rejected. **Moved by Vlassis that this ordinance fail, and be considered no further. Motion Carried 7-0.**

98-1741 70. Amending Chapter 17 of the Municipal Code regarding control of deer within the City limits. **Moved by Vlassis that this ordinance do now pass, [#13,608](#). Motion Carried 7-0.**

98-1742 71. On vacation of a portion of the North/South alley in vicinity of SE 28th and Maury Street. **Moved by Vlassis that this ordinance do now pass, [#13,609](#). Motion Carried 7-0.**

98-1743 72. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance do now pass, [#13,610](#). 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.

ORDINANCES - SECOND CONSIDERATION

98-1744 73. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (1) Convert Parking Meter 12-407 to Handicapped Parking Meter.
- (2) Corner Clearance-West Side of York Street South of University Avenue.
- (3) Corner Clearance-South Side of Garfield Avenue West of E. 37th Ct. and West Side of E. 37th Ct. South of Garfield Avenue.

98-1745 74. Amending Section 2-362.05 of the Municipal Code amending language to read penalty for violation of Airport Regulations would be misdemeanor or municipal infraction. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-1746 75. Amending Chapter 23 of the Municipal Code regarding regulation and management of private use of public rights-of-way, and to further defer consideration until 7-27-98. **Moved by Vlassis that this ordinance be deferred for further consideration until the regular City Council meeting on July 27, 1998. Motion Carried 7-0.**

98-1747 76. Amending Chapter 26 of the Municipal Code regarding licensing of communication systems within public right-of-way, and to further defer consideration until 7-27-98. **Moved by Vlassis that this ordinance be deferred for further consideration until the regular City Council meeting on July 27, 1998. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

98-1748 77. Communication from Neighborhood Revitalization Board Chair, regarding official action to formally name the Board. **Moved by Coleman to receive and file. Motion Carried 6-1. Absent: Daniels.**

98-1749 (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

98-1750 78. Adding and enacting Section 7-6.01 of the Municipal Code regarding removal of animal waste. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

98-1751 79. Amending Chapter 21 of the Municipal Code regarding waste haulers. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

98-1752 80. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

(1) No Parking-South Side of Urbandale Avenue East and West of Westover Boulevard.

(2) Loading Zone-East Side of Fourth Street North of Vine Street.

(3) One-Sided Parking Restriction-South Side of Hackley Avenue from Fleur Drive to S.W. 19th Street and East Side of S.W. 19th Street from Hackley Avenue to McKinley Avenue.

(4) Parking Restriction and Corner Clearance-East Side of Ohio Street South of College Avenue.

(5) Corner Clearance-South Side of Sherrick Avenue West of 67th Street.

(6) One-Sided Parking Restriction-Scott Avenue Between S.E. 30th and Raccoon Street.

(7) Permanent Traffic Signals-Intersection of S.E. 30th and Scott Avenue.

(8) Parking Changes-East Ninth Street Between Filmore Street and Roosevelt Avenue.

COUNCIL REQUESTS

98-1753 81. From Council Member Gene Phillips to speak regarding speeding at Southeast 17th and Pleasantview Drive. **Moved by Phillips to receive, file, and refer to City Manager and Traffic Safety for an immediate resolution and report back to Council on June 15. Motion Carried 5-2. Absent: Daniels and Coleman.**

98-1754 82. From Council Member George Flagg to discuss trapping of wild animals in the City. **Moved by Flagg to receive, file, and refer to Legal for preparation of proper legislation to permit trapping as recommended in June 1 communication from Corporation Counsel. Motion Carried 6-1. Absent: Daniels.**

98-1755 83. From Council Member George Flagg regarding use and elimination of parking meters. **Moved by Flagg to receive, file, and refer to City Manager and Traffic Division for review and recommendation. Motion Carried 6-1. Absent: Daniels.**

98-1756 84. Written request of Council Member George Flagg to discuss the City's moratorium on billboards. **Moved by Flagg to receive, file and refer to Legal. Motion Carried 6-1. Absent: Daniels.**

98-1757 (A) Discussion regarding vacation and conveyance of alley between 19th and M.L. King Jr. Parkway, in vicinity of Ingersoll Avenue. **Moved by Flagg to receive, file, discuss and convey to City Plan Commission that the Council has no interest in vacating the property until such time as our needs are determined for ML King Jr. Parkway, consideration is given to appropriate Neighborhood Associations, a reasonable price is established, and any other concerns are addressed. Motion Carried 5-2. Absent: Daniels and McPherson.**

98-1758 85. Request from Council Member Mike McPherson, to discuss letter from Mr. and Mrs. Dewey Burrows, 3753 Indianapolis Avenue, regarding dog tie-up and treatment of animals. **Moved by McPherson to receive, file and discuss. City Legal will continue to monitor the property for compliance, keeping the Burrows family advised. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATIONS/REPORTS

98-1759 86. From Gerald LaBlanc, 8912 - 46th Avenue, NE, Altoona, to speak regarding Gold Star Monument. **Moved by Phillips to receive, file and grant the request to speak. Motion Carried 6-1. Absent: Daniels.**

98-1760 87. From Kevin Johnson, 2847 Indianola, #4, to speak regarding City development with low-cost housing, downtown development and housing codes. **Moved by Phillips to receive, file and grant the request to speak; refer to City Manager and staff to coordinate a resolution. Motion Carried 6-1. Absent: Daniels.**

****Council considered Item 99 through end of the agenda next****

HEARINGS (Opened at 5:40 P.M.) (Items 88 thru 96)

98-1761 88. On Resolution of Necessity for Asphalt Stabilization Schedule No. 1998-38, continued from 5-18-98. **Moved by Phillips to adopt the schedule as amended May 18, 1998, with the deletions as set out with all other objections filed having been fully considered and hereby overruled. Motion Carried 7-0.**

APPROVE (A) Astor Street from Scott Avenue to Maury Street.

98-1762 89. On Resolution of Necessity for Asphalt Stabilization Schedule No. 1998-37, continued from 5-18-98. **Moved by McPherson to further amend as set out below and adopt, and with all other objections filed having been fully considered and are hereby overruled. Motion Carried 7-0.**

DELETE (A) E. 33rd Street from 75' south of north line of 2333 E. 33rd to North line of 2409 E. 33rd.

98-1763 90. On Plans, Specifications, and Estimate of Costs for Asphalt Stabilization Schedule No. 1998-39. **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVE (A) S.W. 2nd St. from 231' North of Dunham to Columbus

DELETE (B) Druid Hill Drive from Bell to Casady Drive

98-1764 (1) Communication in objection. **Moved by Hensley to receive and file. Motion Carried 7-0.**

APPROVE (C) 11th Street from Franklin to North line of 1919 Franklin Avenue

APPROVE (D) 18th Street from Lincoln Avenue to Franklin

CONTINUE (E) Franklin Avenue from 30th Street to 50' E. of west line of 2905 Franklin Avenue

98-1765 (1) Communication from Jeanne Abbott, 1825 30th Street regarding Asphalt stabilization on Franklin Avenue. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

APPROVE (F) Muskogee Avenue from 59th to 60th

DELETE (G) North Valley Drive from 56th Street to South line of 204 North Valley Drive.

98-1766 (1) Petition in objection. **Moved by Hensley to receive and file. Motion Carried 7-0.**

APPROVE (H) North Valley Drive from 59th to 300' north.

98-1767 (I) Adopting Resolution of Necessity. **Moved by McPherson to adopt; delete Druid Hill Drive, Bell to Cassady and North Valley Drive, 56th to South of 204 North Valley Drive; continue Franklin, 30th to 2905 Franklin to 6-15-98. Motion Carried 7-0.**

****Mayor Daniels left the meeting at 6:05 P.M.****

98-1768 91. On Birdland Park Baseball Field: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as R. G. Elder & Son Co., (Jared R. Elder, Pres., 5088 E. University, DM), \$102,592.29. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1769 (A) Approving contract and bond. ([Council Communication No. 98-227](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1770 92. On Woodland Park: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as R. G. Elder & Son Co, (Jared R. Elder, Pres., 5088 E. University, DM), \$225,294.99. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1771 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1772 93. On Sec Taylor Stadium Irrigation: Resolution closing hearing and recommending the project be rebid on June 9, 1998, (no bids received). **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and Phillips**

98-1773 (A) Resolution Ordering Construction on Sec Taylor Stadium Irrigation, Receiving of Bids, (6-9-98), and Setting Date of Hearing, (6-15-98). (Construction Estimate - \$25,000). ([Council Communication No. 98-216](#)). **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Flagg. Absent: Daniels and Phillips.**

98-1774 94. On Asbestos Removal - 1403-1407 Forest Avenue: Resolution closing the hearing, (one bid received-over estimate). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1775 (A) Resolution Ordering Construction of the 1403-1407 Forest Avenue Demolition and Asbestos Removal, Receiving of Bids, (6-16-98), and Setting Date of Hearing, (6-22-98). (Construction Estimate - \$58,400). ([Council Communication No. 98-231](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1776 95. On Hearing Officer's decision regarding vicious animal impound appeal of Jimmy Gardner McVay, 1824 Maple Ave. **Moved by McPherson to uphold declaration. Motion Carried 6-1. Absent: Daniels.**

98-1777 96. On Hearing Officer's decision regarding vicious animal impound appeal of Mark Schibner, 3908 E. 28th Street. **Moved by McPherson to reverse declaration; provided the Schibners pay all boarding fees, license and vaccination fees, and all costs incurred by the other dog owner (Brown) for injuries to their dog; said proof of payment of all fees to be provided to Sgt. Huberty at Animal Control prior to release of the dog to the Schibners. Motion Carried 6-1. Absent: Daniels.**

* * END HEARINGS at 6:30 P.M. * *

****Council considered Items 62 through 87 next****

APPROVING

98-1778 97. Intergovernmental 28E Agreement with Corporation for Economic Development in Des Moines to act as agent of City for Economic Development Financing Incentive Program. ([Council Communication No. 98-234](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels.**

98-1779 (A) Special presentation by Small Business Administration, of the 1998 Iowa Financial Services Advocate of the Year Award, to Terry N. Vorbrich with the City's Economic Development Office. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Daniels.**

98-1780 98. Acceptance of Grants from Prairie Meadows Race Track and Casino for Greater Des Moines Softball Park (\$75,000) and Senior Recreation (\$20,000). ([Council Communication No. 98-228](#)). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1781 99. Submission of Community Economic Betterment Account (CEBA) Application in amount of \$50,000 and preliminary approval to city loan of \$50,000 to assist Des Moines Production Plating Co., Inc. for purchase of existing business. ([Council Communication No. 98-235](#)). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels.**

98-1782 100. Sale of \$19,400,000 in General Obligation Bonds, Series 1998D. ([Council Communication No. 98-221](#)). (Council Communication No. 98-238). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1783 101. Authorization of reallocation of loan proceeds from Airport Revenue Capital Loan Notes from Parking Revenue Control Equipment to Interim Parking Modifications - \$150,000. ([Council Communication No. 98-233](#)). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

102. Applications from Revolution Outdoor Advertising, Inc., for relief from the moratorium on billboards:

98-1784 (A) Application No. 1. **Moved by Flagg to adopt denial. Motion Carried 6-1. Absent: Daniels.**

98-1785 (B) Application No. 2. **Moved by Flagg to adopt denial. Motion Carried 6-1. Absent: Daniels.**

98-1786 103. Recommended options for continuation of Curb-it Program (Curbside Recycling). ([Council Communication No. 98-215](#)). **Moved by Coleman to adopt receipt of report and defer final action to June 15, with additional input from staff. Motion Carried 5-1-1. Nays: Flagg. Absent Daniels.**

104. The following regarding Continuum of Care for the Homeless:

98-1787 (A) Continuum of Care Strategic Plan for the Homeless as amended and submission to U.S. Department of Housing and Urban Development. **Moved by Hensley to defer to 6-15-98. Motion Carried 6-1. Absent: Daniels.**

98-1788 (B) Resolution of Agreement for Continuum of Care Partnership. ([Council Communication No. 98-219](#)). **Moved by Hensley to defer to 6-15-98. Motion Carried 6-1. Absent: Daniels.**

98-1789 (C) Communication from Robert L. King, Chair of Neighborhood Revitalization Board, recommending adoption of Continuum of Care as amended by the Board. **Moved by Hensley to defer to 6-15-98. Motion Carried 6-1. Absent: Daniels.**

98-1790 105. Update on proposed annexation for areas northeast, southeast and south of the current City boundaries. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Daniels.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to

warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

98-1791 1. (A) Approving exception regarding length of time request from 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue, request to close Court Avenue in front of 208 Court Avenue, from 5:00 P.M. until 11:00 P.M. on Friday, June 12, 1998 and Saturday, June 13, 1998. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1792 (B) Approving Temporary Beer Garden for 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue for event to be held on June 12 and June 13, 1998 - Application submitted 5-28-98. Subject to acceptable Building, Electrical, Zoning and Fire Inspections. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

98-1793 (C) Approving Temporary Beer Garden for 215 Group L.C., Scott Formaro, President dba Gilligan's, 208 Court Avenue for event to be held on June 5,6,7, 1998 - Application submitted 5-28-98. Subject to acceptable Building, Electrical, Zoning and Fire Inspections. SPONSOR: Hensley. (Street Closure was approved on May 18, 1998). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels**

98-1794 MOTION TO ADJOURN. Moved by Hensley to adjourn at 9:00 P.M. **Motion Carried 6-1. Absent: Daniels .**