

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**June 2, 1997 4:30 P.M.**

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

(a) Employee Recognition Month

(b) Juneteenth

**INVOCATION:** Pastor Jim Petersen, Westside Church of Christ

97-1861 1. ROLL CALL: **Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-1862 I. Approving gift of Old Federal Building Bell to Iowa State Fair Blue Ribbon Foundation, John Putney, Executive Director, in conjunction with Iowa State Fair renovation efforts. (Council Communication No. 97-285). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1863 II. Report from M.L. King Jr. Parkway Design and Review Value Engineering Task Force, regarding revised design of the East/West segment. **Moved by Flagg to receive, file and refer to the Plan and Zoning Commission, ML King, Jr. Parkway Citizen Committee, the IDOT, FHWA, City Manager, and others as necessary for a recommendation back to the City Council on June 23, 1997; include the concerns raised regarding the Des Moines Birthplace cabin in the study report. Motion Carried 7-0.**

97-1864 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1865 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

97-1866 4. Communication from Legal Department regarding June 2, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-1867 5. Court Avenue District Association, Susan Parry, President dba Court Avenue District Association, Court Avenue Bridge; New Application for 1 day event on 6-14-97 (With Beer Garden) - Application submitted 5-13-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1868 6. Des Moines Convention Corporation, Paul Breitbarth, Vice-President dba 1997 Convention Center Street Dance, Court Avenue Bridge; New Application for 1 day event on 6-22-97 (With Sunday Sales and Beer Garden) - Application submitted 5-16-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1869 7. Easter Seal Society of Iowa, Inc., Martha H. Wittkowski, President dba Heartland Brew Fest, Iowa State Fairgrounds, Varied Industries Building, 3000 East Grand; New Application for 5 day event on 6-20-97 thru 6-24-97 (With Sunday Sales) - Application submitted 5-14-97. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

97-1870 8. Norma J. Brodersen dba Hickman Pub, 2335 Hickman Road; New Application (With Sunday Sales) - Application submitted 3-3-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1871 9. Marilyn J. Johns dba C.B.'s II, 316 East 30th Street; Renewal - Expires 6-17-97 (With Sunday Sales) - Application submitted 5-8-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1872 10. PJ, Inc., James E. Daughenbaugh, President dba Carl's Place, 1620 Woodland Avenue; Renewal - Expires 6-5-97 (With Sunday Sales) - Application submitted 5-2-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1873 11. Civic Center of Greater Des Moines, Jim Willer, Chairman dba Civic Center of Greater Des Moines, 221 Walnut Street; Renewal - Expires 6-5-97 (With Sunday Sales) - Application submitted 5-6-97. **Moved by Phillips to adopt. Motion Carried 5-1. Nays: Daniels. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-1874 12. Wahnetta P. Knapp dba Connie's, 3839 Merle Hay Road; New Application (With Sunday Sales) - Application submitted 5-12-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1875 13. Chad Edwards & Santos Camper dba Cousin's Restaurant, 1501 SE 1st Street; Renewal - Expires 6-6-97 - Application submitted 5-13-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1876 14. TJJS, Inc., Terry J. Stanley, President dba The Dugout, 210 Indianola Road; New Application (With Sunday Sales and Beer Garden) - Application submitted 4-21-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1877 15. Gorvano's Inc., Dennis Van Garden, President dba Gorvano's Pizza, 6305 Southwest 9th Street; Renewal - Expires 6-17-97 (With Sunday Sales) - Application submitted 5-12-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

**WITHDRAWN**97-1878 16. Ida Mae Blackwell dba King of Hearts, 2830 6th Avenue; New Application (With Sunday Sales) - Application submitted 4-3-97.

#### Authorizing

97-1879 17. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

97-1880 18. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Beer Gardens

97-1881 19. Approving temporary beer garden for Chi-Chi's, Inc., Kathleen Sorensen, Asst. Secy. dba Chi-Chi's Mexican Restaurant, 1201 East Army Post Road, for 1 day event to be held on June 13, 1997 - Application submitted 5-16-97. Subject to submission of acceptable building and fire inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1882 20. Approving temporary extension of current beer garden for Nacho Mamma's, Inc., Richard Murillo, President dba Nacho Mamma's, 216 Court Avenue, for 2 day event to be held on June 13 and 14, 1997 - Application submitted 5-14-97. Subject to submission of acceptable building inspections. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1883 20I. Approving permanent beer garden for M & R Investments, Inc., Randall Bradley, President dba Sudsucker's, 1511 East Army Post Road, to coincide with Current Class "C" Liquor License - Application submitted 5-17-97. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### Refunds

97-1884 21. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **PUBLIC IMPROVEMENTS**

22. Approving items regarding the Easter Lake Retention Basins - Phase 1:

97-1885 (A) Resolution ordering construction--receiving of bids (6-24-97), and fixing date for hearing (7-7-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1886 (B) Professional Services Agreement with Snyder and Associates, for construction Services, not to exceed \$97,612. ([Council Communication No. 97-303](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1887 (C) Agreement with Erickson Development, for construction, operation, use and maintenance of Stormwater Impoundment Facilities, in conjunction with development of Three Lakes Estates Subdivision (south side of Army Post Road, approx. 1/2 mile east of Indianola Avenue--60 residential lots). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1888 (D) Accepting Offer to Donate Real Estate to the City, in conjunction with construction, (MT Land and Development L.C.--property west of the subdivision property). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1889 (E) Approving private contract for Storm Sewer Improvements for proposed Three Lakes Estates Plat 1 Development at E. Army Post Road and Three Lakes Parkway between Van Hauen & Associates, Inc., Mark Van Hauen, President, Contractors and Erickson Development, Inc., Tim Erickson, President, Owners. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1890 23. Approving Professional Services Agreement with Kirkham Michael and Ronald D. Less, for right-of-way acquisition services--Merle Hay Road Sanitary Sewer Project, not to exceed \$30,225. ([Council Communication No. 97-310](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1891 24. Communications from various contractors requesting permission to sublet certain items on two public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1892 25. Approving partial payments on six public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1893 26. Authorizing City Engineer to repair, replace or reconstruct sidewalks at 122 locations, (see roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1894 27. Authorizing City Engineer to proceed with Paving or Curb Replacement, waivers signed by two property owners, (see roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

97-1895 28. Approving Delinquent Sewer Rental and/or Solid Waste /Stormwater Utility Fees for the month of May, 1997, Schedule No. 1997-25, for certification to Polk County Treasurer (see roll call for various amounts). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1896 29. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental credits Schedule for May, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

97-1897 30. Approving Final Plat of Fort Des Moines Business Park, vicinity south of Army Post Road and east of SW 9th Street. ([Council Communication No. 97-302](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1898 31. Reconveyance of Urban Homestead Properties to the U.S. Department of Housing and Urban Development, 1817 Clark, and 1344 E. 13th. ([Council Communication No. 97-305](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1899 32. Temporary Easement for Construction, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/SE. 34th Street - Dean Avenue to Railroad Tracks, from Leon J. Johnsrud, 200 SE. 34th Street - \$179. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1900 33. Backslope and Property Adjustment Easement and Release and Warranty Deed, in conjunction with 1995 Paving Program No. 1 - E. 22nd Street, Dean Avenue to Maple Street, from Glen W. and Julie H. Binder, 2138 Lyon Street - \$1,183.60. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1901 34. Amended and Substituted Permanent Easement for Storm Sewer Right-of-Way, in conjunction with Airport Commerce Park Plat 1, from Airport Commerce Park, L.C., SW 22nd Street, South of Rittenhouse - \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1902 35. Amended and Substituted Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 28(63rd Street)/University Avenue Intersection Improvement, from William Arthur and June Margaret Landskron, 1129 63rd Street - \$350. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1903 36. Approving Underground Electric Line Easement in favor of MidAmerican Energy, covering property in the vicinity of SE Fifth and Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

97-1904 37. Approving recommendation of Mayor Robert D Ray, for appointment of Andre Merrett, 2925 Grand Avenue, No. 6, Mary Campos, 203 E. 16th Street and Derald Leaming, 513 Loomis Avenue, as new members to the Civil Service Commission. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1905 38. Approving recommendation of Mayor Robert D Ray, for appointment Joe Gene Miklus, 1325 SW Kenyon, as a new member to the Plumbing Board of Examiners. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1906 39. Approving recommendation of At Large Council Member George Flagg, for the appointment of Richard La Pole, 744 37th Street, to the Electrical Board of Examiners for two year term to expire April 5, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1907 39I. Communication from Cindy M. Axser, submitting her resignation from the Public Housing Board, effective immediately. **Moved by Hensley to receive, file and accept with deep regret. Motion Carried 7-0.**

## **STREET CLOSINGS**

40. Approving exception regarding length of time for the following:

97-1908 (A) Jim Spoerl, representing the Ingersoll Area Association, request to close Ingersoll Avenue from 17th Street to 18th Street from 8:00 A.M. to 8:00 P.M., Saturday, July 12, 1997 for a Street Fair. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1909 (B) Jack Carey, representing the City of Des Moines Park and Recreation Department, request to close Locust Street from 4th Street to 3rd Street, Walnut Street from 2nd Avenue to 4th Street, and 3rd Street from Locust Street to Walnut Street from 6:00 P.M. Friday, June 20, 1997 to 10:00 P.M. on Saturday, June 21, 1997 for Three on Three Basketball Tournament. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1910 (C) Paul Breitbarth, representing the Des Moines Jaycees, request to close Court Avenue from West 2nd Avenue to East 1st Street from 4:00 P.M. to 9:00 P.M. with closure from 12:00 Noon to 12:00 Midnight for setup and tear down, Sunday June 22, 1997 for street party for National Jaycees Convention. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1911 41. Approving closure of the following streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) William C. Connelly, 3030 40th Place, requesting permission to close 40th Place from Adams Street to Ashby Street on Saturday, June 7, 1997 from 3:00 P.M. to 10:00 P.M. for a neighborhood block party.

(2) Jean Nelson, 4004 John Lynde Road, requesting permission to close John Lynde Road from 42nd Street to 37th Street on Sunday, June 8, 1997 from 4:30 P.M. to 7:30 P.M. for a neighborhood block party.

(3) Jim Stevens, representing Nacho Mammias, requesting permission to close the South Parking Lane Only on Court Avenue from 3rd Street to the Alley at Mid-Block on Friday, June 13, 1997 from 6:00 P.M. to 12:00 Midnight for a Temporary Beer Garden for the Carp Festival.

(4) Susan Parry, representing the Court Avenue District Association, requesting permission to close Court Avenue from 4th Street to 1st Street on Saturday, June 14, 1997 from 12:00 Noon to 5:00 P.M. for an outdoor festival for the Court Avenue River Party, (CARP).

(5) Susan Parry, representing the Court Avenue District Association, requesting permission to close the Court Avenue Bridge from East 1st Street to 1st Street on Saturday, June 14, 1997 from 6:00 P.M. to 12:00 Midnight for the CARP Bridge Dance.

(6) Kristy Oswald, 2515 40th Place, requesting permission to close 40th Place from Holcomb Avenue to Sheridan Avenue on Saturday, June 21, 1997 from 6:00 P.M. to 11:00 P.M. for a neighborhood block party.

(7) Janet Cooper, 1532 45th Street, requesting permission to close 45th Street from 1412 45th Street to 1546 45th Street on Saturday, June 28, 1997 from 3:00 P.M. to 9:00 P.M. for a neighborhood block party.

(8) Connie Chenoweth, 2211 51st Street, requesting permission to close 51st Street from Hickman Road to Lincoln Avenue on Saturday, June 28, 1997 from 4:30 P.M. to 10:30 P.M. for a neighborhood block party.

(9) Kathleen Richardson, 3917 Maquoketa Drive, requesting permission to close Maquoketa Drive (Boulevard Street) from Forestdale Drive to Germania Drive on Friday, July 4, 1997 from 10:00 A.M. to 4:00 P.M. for a neighborhood Fourth of July party.

(10) Rodney J. Ryan, 4808 Crestmoor Drive, requesting permission to close 48th Street at Belaire Road and 50th Street at Crestmoor Drive on Friday, July 4, 1997 from 10:00 A.M. to 12:00 Noon for a Children's Holiday Parade and neighborhood block party.

(11) River Hills Business Park, East 2nd Street, requesting permission to close East 2nd Street from Maple Street to Des Moines Street on Wednesday, July 16, 1997, from 11:30 A.M. to 1:00 P.M. for a Tenant Appreciation Picnic.

(12) James Kelley, 1306 47th Street, requesting permission to close the 1300 Block of 46th Street from Carpenter Street to Forest Avenue on Saturday, August 2, 1997 from 4:00 P.M. to 9:00 P.M. for a neighborhood block party.

(13) Vicki Hedlin, Executive Director, representing Des Moines Children's Choruses, Inc., requesting permission to close 3rd Street from Locust Street to Walnut Street on Saturday, July 5, 1997 from 9:30 P.M. to 11:30 P.M. for a party for the Des Moines International Children's Choral Festival.

## **SETTING DATE OF HEARINGS**

97-1912 42. On 19th Amendment to the Des Moines Urban Renewal Project No. 1 --River Hills Urban Renewal Plan, provides for revision of current setback standards of 75 feet for River Hills properties located east of Second Avenue on University, to a 25 foot setback standard, (7-7-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1913 43. On the Twenty-first Amendment to the Urban Revitalization Plan for the City-wide Urban Revitalization Area to expand the boundaries of the City-wide Urban Revitalization Plan to encompass the portion of the 1988 Southeast Annexation Area outside the Ewing Park Urban Revitalization Area. (6-16-97) **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1914 44. On proposed 31st Amendment to the Capitol Center Development Area Urban Renewal Project--provides for clarification of Plan language regarding public improvements to reflect the City can maintain, repair and undertake capital improvements to public improvements including public parking facilities, as part of the urban renewal plan activities, (7-7-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1915 45. Advertisement of Extension of Offering Period for Competing Redevelopment Proposals and Setting Date of Hearing on City's intent to enter into an agreement to Purchase

land for Private Redevelopment with Fred Nesbit Distributing Company, and Fitz-Gold LLC, (7-7-97). ([Council Communication No. 97-293](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

97-1916 46. On vacation of the North/South alley right-of-way in the vicinity of 309 Court Avenue, (previous actions contained an error in the legal description), (6-16-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1917 47. On Supplement No. 17 to the FAA Master Site Lease, to allow installation of navigation aids to qualify Runway 31R as a Category II Instrument Runway, (6-16-97). ([Council Communication No. 97-300](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

97-1918 48. Approving payment of \$5,250 to Theresa Rosa Lee Brown for settlement of property damage resulting from an automobile accident, and payment to Enterprise Car Rental upon receipt of invoice. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1919 49. Approving payment of \$15,871.20 to Craig L. Forney for workers' compensation claim, subject to the approval of the Industrial Commissioner for injuries suffered during course of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1920 50. Approving payment of \$6,874.50 to Harold Belieu and his attorney, Joel Bittner for workers' compensation claim for injuries during the scope of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1921 51. Approving payment of \$50,000 to Lester G. Parker for workers' compensation claim subject to the approval of special case settlement by the Iowa Industrial Commissioner for injury incurred during course of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1922 52. Approving payment in amount of \$38 to Nyemaster, Goode, McLaughlin, Voigts, West, Hansell & O'Brien for services relating to personnel matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **APPROVING**

97-1923 53. Contract for use of Drake Stadium on June 7, 1997 for Hershey Track Meet and addendum for insurance coverage. ([Council Communication No. 97-289](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1924 54. Contract with Midwest Watercross Tours for use of Gray's Lake Park to host 1997 National Jet Ski Races on July 5 and 6, 1997. ([Council Communication No. 97-298](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**



97-1925 55. Request For Proposals (RFP) from actuarial firms to determine cost of conducting actuarial study of City's unfunded reserve requirements for self-insurance program. ([Council Communication No. 97-297](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

97-1926 56. Project Management Services Agreement with MidAmerican Energy Company for the administration of the Energy Efficient Affordable Housing Rehabilitation Program - 1997 Project from April 1, 1997 through December 31, 1997 for an amount not to exceed \$88,700. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1927 57. Primary lead agency contract with Des Moines Area Community College (DMACC) to negotiate three subcontracts with Iowa Comprehensive Human Service (ICHS), Next Step Self-Sufficiency Collaboration and Des Moines Chamber of Commerce to administer outreach, training and employment programs. ([Council Communication No. 97-296](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1928 58. Letter of Support for AccessAir Holding Inc.--Physical Infrastructure Assistance Program Application, to Iowa Department of Economic Development. ([Council Communication No. 97-309](#)). **Moved by Hensley to approve. Motion Carried 6-1. Pass: Flagg.**

97-1929 59. Preliminary approval of Des Moines Action Loan--\$102,000, to Scott Street Enterprises, 500 E. Scott Street. ([Council Communication No. 97-308](#)). **Moved by Hensley to approve. Motion Carried 6-1. Pass: Flagg.**

60. Bids for the following:

97-1930 (A) Automatic Systems, Co., (Ames, Gary Kraus, President) for components to relocate controls for digesters to be used by the Engineering Department (Wastewater Reclamation Facility), \$16,729.50. (Six bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1931 (B) Aggregate Equipment and Supply, (5137 NW 2nd Street, Steve Micheletti, President) for a four-station sand bag filling machine to be used by the Public Works Department (Sewer Division), \$16,096. (Five bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1932 (C) Mid-Land Equipment Company, (Ankeny, Gery Haag, President) for Industrial Tractor with backhoe to be used by the Public Works Department, \$115,847. (Ten bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1933 (D) Thrasher Service Corporation, (3012 E. 14th Street, Jim Thrasher, President) for relocation of water service stop boxes for use in Public Works Department curb replacement program, \$13,326. (Fourteen bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1934 (E) Tri-State West, Inc., (Grimes, Hugh Stafford, President for a 72" triplex tee and collar mower to be used by the Park and Recreation Department (Grandview Golf Course),

\$11,542. (Nine bids mailed-two received). ([Council Communication No. 97-288](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1935 (F) ARAMARK Uniform Services, (2500 Delaware Avenue, Graham Duffield, President) for uniform rental for personnel in Public Works Department (Solid Waste). (Four bids mailed-one received). (See roll call for price breakdown and specifications). ([Council Communication No. 97-292](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Flagg and Hensley.**

97-1936 60. (G) Big Bear Turf, Inc., (Granger, IA., Dave Wilson, President) for a three-wheeled utility truck to be used by the Park and Recreation Department (Waveland Golf Course), \$10,600. (Five bids mailed-one received). ([Council Communication No. 97-287](#)). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Flagg and Hensley.**

97-1937 61. Report of Civil Service Commission submitting Promotional List for Parks Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**

97-1938 62. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1939 63. Authorizing Finance Director to draw warrants on registers of June 6, 1997 and June 13, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning June 2, 1997 and June 9, 1997, and the biweekly payroll due employees on June 6, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

97-1940 64. 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 Hensley that this ordinance do now pass, #13,484. Motion Carried 7-0.**

97-1941 65. On amendments to the Zoning Ordinance regarding special event signage. **Moved by Hensley that this ordinance do now pass, #13,485. Motion Carried 7-0.**

97-1942 66. On amendments to the Zoning Ordinance regarding open space requirements in "PBP" (Planned Business Park Districts). **Moved by Hensley that this ordinance do now pass, #13,486. Motion Carried 7-0.**

97-1943 67. Amending Chapter 27 of the Municipal Code to designate handicapped parking in front of 1153 24th Street. **Moved by Hensley that this ordinance do now pass, #13,487. Motion Carried 7-0.**

#### **ORDINANCES - SECOND CONSIDERATION**

97-1944 68. On rezoning of 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 Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-1945 69. 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 Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-1946 70. Establishing the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-1947 (A) Final consideration of ordinance above. **Moved by Hensley 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, [#13,488](#). Motion Carried 7-0.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

71. Amending Chapter 15 of the Municipal Code regarding the following items for the Simon Estes Amphitheater:

97-1948 (A) Vendor Fees. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1949 (B) Adding Amphitheater to the list of park and recreational facilities--temporary concession fees. ([Council Communication No. 97-290](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1950 72. Amending Chapter 2 of the Municipal Code regarding duties of the City Manager, to execute temporary easements and temporary backslope and property adjustment easements, to secure access to private property or property owned by governmental entities--provided compensation not to exceed \$1,000. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

#### **INFORMAL HEARINGS (Opened at 5:30 P.M.) (Items 73 and 74)**

97-1951 73. Final reading of amended ordinance rezoning Ingersoll Avenue corridor between Martin Luther King Jr. Parkway and 40th Street to the "NPC" Neighborhood Pedestrian Commercial District - - **ORDINANCE AMENDED TO MAKE FINDING THAT PROPERTIES LOCATED EAST OF 28TH STREET ARE UNIQUE SO AS TO ALLOW CONSIDERATION OF DEVIATION FROM SITE PLAN DESIGN GUIDELINES.**

**Moved by Flagg that this ordinance, as amended subsequent to the second reading to find that all the properties east of 28th Street are unique, do now pass, #13,489. Motion Carried 7-0.**

97-1952 (A) First reading of ordinance amending the site plan regulations applicable to the "NPC" District, and directing the City Plan and Zoning Commission to consider and report on amendment to the "NPC" District zoning regulations to enlarge the allowed size of signs to that allowed in the "C-2" District. **Moved by Flagg that this ordinance be considered and given first vote for passage and that the City Plan and Zoning Commission be directed to consider and report on an amendment to the Zoning Ordinance to amend the "NPC" District signage regulations to increase the size of the allowed signage to that allowed in the "C-2" District, and to specifically allow monument signs (but not pole signs). Motion Carried 7-0.**

97-1953 73. (B) Waiver of readings and final passage ordinance amending the site plan regulations. **Moved by Flagg 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, #13,490. Motion Carried 7-0.**

97-1954 74. On Proposed 1998 Residential Street Paving Program: **Moved by Phillips to adopt, as amended. Motion Carried 7-0.**

ADOPTED (A) Birch Lane from SW 12th to SW 14th. **To be paved 21 feet wide.**

97-1955 (1) Communications in objection. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

ADOPTED (B) E. Clinton from E. 31st Street to E. 33rd Street

97-1956 (1) Communication in objection. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

97-1957 (2) Communication and petition previously received, requesting paving of E. Clinton Avenue from E. 31st Street to E. 33rd Street. **Moved by McPherson to receive and file. Motion Carried 7-0.**

ADOPTED 74. (C) E. Kenyon Avenue from 200' E. of SE 9th to SE 14th. **To be placed on hold for 120 days.**

ADOPTED (D) Guthrie Avenue from E. 29th to E. 31st.

97-1958 (1) Communication in objection. **Moved by McPherson to receive and file. Motion Carried 7-0.**

ADOPTED (E) Seneca Avenue from 11th Street to 12th Street

97-1959 (1) Petition in objection. **Moved by McPherson to receive and file. Motion Carried 7-0.**

DELETE (F) Thornton Avenue from SW 24th to SW 26th

97-1960 (1) Communication and petition in objection. **Moved by Hensley to receive and file. Motion Carried 7-0.**

DELETE (G) SW 10th Street from Carrie Avenue to Elder Lane

97-1961 (1) Petition and communications in objection. **Moved by Hensley to receive and file. Motion Carried 7-0.**

ADOPTED (H) 14th Street from Clark to College. **To be placed in Intermediate Paving.**

97-1962 (1) Communication in objection. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

ADOPTED (I) E. 25th Street from Dean to Capital

97-1963 (1) Communication in objection. **Moved by Phillips to receive and file. Motion Carried 7-0.**

ADOPTED (J) E. 27th Court from Cleveland to Easton Blvd

ADOPTED (K) E. 32nd Street from E. University to Cleveland

97-1964 (1) Communication in objection. **Moved by McPherson to receive and file. Motion Carried 7-0.**

#### **HEARINGS (Opened at 5:50 P.M.) (Items 75 thru 87)**

75. Authorizing various actions regarding the Intermodal Transportation Facility:

97-1965 (A) Resolution Approving Submission of Bids. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1966 (B) Filing a Formal Protest of the Award by Penn-Co Construction, Inc. **Moved by Hensley to receive and file. Motion Carried 7-0.**

97-1967 (C) Resolution of Formal Protest, Designation of Lowest Responsible - Responsive Bidder, and Selection of Add-Alternates. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1968 (D) Approving MidAmerican Energy Company Agreement for Overhead Primary Relocation required by the Intermodal Transportation Facility. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1969 (E) Approving MidAmerican Energy Company Agreement to provide underground electric service for the Intermodal Transportation Facility. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1970 (F) Approving Supplemental Agreement with Herbert Lewis Kruse Blunck--Bid and Construction Phase Services. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1971 (G) Hearing on Loan Agreement with Polk County, to borrow funds, payable from net revenues of the Municipal Parking System Enterprise. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1972 (H) Resolution to approve and enter into Loan Agreement with Polk County, at designated loan amount of \$5,565,000. [\(Council Communication No. 97-307\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1973 76. On award of Agreement for Gift and News Concession at the Airport, to Paradies Shops, Dick Dickson, Corporate President, 5950 Fulton Industrial Blvd., Atlanta, GA 30336. [\(Council Communication No. 97-299\)](#). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1974 77. On award of Agreement for Food and Beverage Concession at the Airport, to St. Clair Development Corporation d/b/a Creative Croissants, Sayed Ali, President and Owner, 6335 Ferris Square, Suite G, San Diego, CA 92121. [\(Council Communication No. 97-301\)](#). **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

97-1975 78. 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. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flag.**

97-1976 79. 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 18 townhome units, (continued from May 19, 1997). **Continue hearing to June 16, 1997, following review by City Plan Commission on June 5. Moved by Hensley to continue consideration to June 16, 1997 at 5:30 P.M. Motion Carried 7-0.**

**WITHDRAWN** (A) First consideration of ordinance above.

**WITHDRAWN** (B) Final consideration of ordinance above, (waiver requested by applicant).

97-1977 80. Recommendation from City Plan Commission, regarding amendment to the Des Moines 2000 Land Use Plan, by revising classification of property in the vicinity of SE 28th and Maury, from Medium Density Residential to Industrial. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-1978 (A) 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). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-1979 (B) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1980 81. 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. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-1981 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1982 81. (B) Final consideration of ordinance above, (Waiver requested by Des Moines General Hospital). **Moved by Phillips that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,491. Motion Carried 7-0.**

97-1983 82. 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. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1984 83. On sale of property in the vicinity of 2411 E. 36th Street, to Charlene Mae Simmons, \$5,000. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1985 84. On SW Seventh Street Bridge over Raccoon River Rehabilitation (IDOT Project): Resolution approving plans, specifications, form of contract documents, Engineer's estimate of costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1986 85. On 1997 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as P.G. Construction, Inc., (Keith Purdy, Pres., Ankeny), \$149,179. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1987 (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1988 86. On 1997 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction Inc., (Robert L. Johnson, Pres, 107 Arthur Ave., DM), \$101,700. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1989 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-1990 87. On Hearing Officer's decision regarding vehicle impound appeal of Bronson Soumas, 2941 Logan Avenue. **Moved by Vlassis to receive, file and uphold the decision of the**

**Hearing Officer and find that there was probable cause to impound vehicle. Motion Carried 7-0.**

\* \* END HEARINGS at 6:20 P.M. \* \*

## **APPROVING**

97-1991 88. Review of east side of Walnut Creek north and south of Grand Avenue, by U.S. Army Corps of Engineers to determine if flood protection is cost effective. **Moved by Flagg to receive and file. City Manager to return with a recommendation in four to six weeks. Motion Carried 7-0.**

97-1992 89. Creation of a Permanent Nineteen-member Strategic Planning Commission, (appointments to be made at the July 7 meeting). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-1993 (A) First consideration of ordinance above. ([Council Communication No. 97-286](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-1994 90. Revisions to City of Des Moines Neighborhood Recognition Policy to provide additional clarity and consistency with original intent of policy. ([Council Communication No. 97-295](#)). **Moved by Vlassis to defer consideration to next Council meeting (6-16-97). Motion Carried 7-0.**

97-1995 90-I Recommendation from City Manager that Staff be directed to draft amendment to the Riverpoint/ Capitol Center 2 and Sixth Avenue Urban Renewal Plans, for review, to provide for use of Tax Increment Financing (TIF) in the Sixth Avenue Corridor. ([Council Communication No. 97-311](#)). **Moved by Vlassis to receive, file and approve. Motion Carried 7-0.**

97-1996 91. Contract for Professional Services with KPMG Peat Marwick LLP, for auditing services for the Wastewater Reclamation Authority, not to exceed \$48,890. ([Council Communication No. 97-294](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-1997 92. Recommendation of City Council Subcommittee regarding selection of Third Party Administrator for City of Des Moines Plan 60 Deferred Compensation Plan. **Moved by Flagg to defer consideration of the two finalist (Fidelity and ICMA-RC) to 6-16-97. Council requests information regarding licensing ability of one applicant, signature vote of employee RFP Committee, specific charge to RFP Committee and Council Sub-Committee; and a suggested term of agreement and renewals for final selection. Motion Carried 7-0.**

97-1998 93. Creation of new job classification of Deputy Building Official, Range 30A of Supervisory, Professional, and Management (SPM). ([Council Communication No. 97-291](#)). **Moved by Daniels to adopt. Motion Carried 6-1. Nays: Flagg.**



97-1999 94. Appointment of Kevin Riper as City Treasurer, effective June 2, 1997. ([Council Communication No. 97-306](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **COUNCIL REQUESTS**

97-2000 95. Oral request from Council Member At Large Daniels to discuss City regulations regarding back flow valves. **Moved by Vlassis to discuss and, refer to City Manager for review and recommendation. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS**

97-2001 96. From Des Moines Action Board and Logan Citizen Services Task Force requesting City Assistance regarding condition of railroad crossings bordering the Logan Area. **Moved by McPherson to receive, file and refer to City Manager to prepare a communication from the Council to the railroads regarding the condition of the various crossings. 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.**

97-2002 1. Oral request of Council Member Tom Vlassis to discuss the City's rules and regulations regarding disposal of demolition debris. SPONSOR: Vlassis. **Moved by Vlassis to receive, file and discuss; refer to City Manager and Legal for review and recommendation. Motion Carried 7-0.**

97-2003 2. Request of Council Member At Large George E. Flagg to discuss communication from Access Advisory Board regarding City Hall being up to Americans with Disabilities Act (ADA) standards. SPONSOR: Flagg. **Moved by Flagg to receive, file and discuss; refer to City Manager for review and recommendation. Motion Carried 7-0.**

## **A G E N D A**

### **BOARD OF HEALTH**

**June 2, 1997**

97-2004 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

## **COMMUNICATION**

97-2005 1. Communication regarding demolition cost reserve escrowed for 1720 Capitol. **Moved by McPherson to receive and file. Motion Carried 7-0.**

## **AUTHORIZING**

97-2006 2. Court authority to abate the public nuisance at 1615 Mondamin (vacant)  
TITLEHOLDER/LANDLORD: Thomas Harvey. **Moved by McPherson to adopt. Motion Carried 7-0.**

3. Release of demolition cost reserve for the following:

97-2007 (A) Claim number 14K58505 regarding property at 1227 - 15th Pl., owned by Emmitt and Mary B. Johnson. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2008 (B) Claim number 02-084325 regarding property at 1319 Hull, owned by Alan and Lisa Bean. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2009 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 9:15 P.M. Motion Carried 7-0.**