

SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 16, 1997 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) AMATEUR RADIO WEEK
- (b) NATIONAL HOMEOWNERSHIP WEEK
- (c) PRINCIPAL JOAN ROBERTS DAY
- (d) TAXI CAB DRIVER APPRECIATION WEEK

INVOCATION: Tom Vlassis, Ward I Council Member

97-2010 1. ROLL CALL: **Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips, and Vlassis.**

97-2011 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Daniels to adopt. Motion Carried 7-0.**

97-2012 3. APPROVING CONSENT AGENDA - items 3 through 91: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-2013 4. Communication from Legal Department regarding June 16, 1997 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-2014 5. The Original Coney Island Corporation, Mitchell L. Long, President dba The Original Coney Island, 501 Locust - Suite 210; New Application submitted 5-14-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Beer Licenses

97-2015 6. James Krueger dba Easttown Amoco, 2850 East Euclid; Renewal - Expires 6-21-97 (With Sunday Sales) - Application submitted 5-21-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "E" Beer Licenses

97-2016 7. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 4121 Fleur Drive; Renewal - Expires 6-30-97 (With Sunday Sales) - Application submitted 5-23-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2017 8. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 6200 Southeast 14th Street; Renewal - Expires 6-30-97 (With Sunday Sales)--Application submitted 5-23-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2018 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Convenience Store #7, 1829 6th Avenue; Renewal - Expires 7-23-97 (With Sunday Sales) - Application submitted 5-19-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2019 10. Contemporary Industries Corporation Bruce E. Dawson, President dba 7-Eleven Store #303, 4164 Easton Blvd; Renewal - Expires 6-19-97 (With Sunday Sales) - Application submitted 5-12-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2020 11. Tait Foods, Inc., Robert Tait, President dba Tait's Foods, 4100 University; Renewal - Expires 7-8-97 (With Sunday Sales) - Application submitted 5-13-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Liquor Licenses

97-2021 12. Hilltop Lounge, Inc., Alex J. Tollari, President dba Hilltop Lounge; 2820 Hubbell; Renewal - Expires 6-29-97 - Application submitted 5-15-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2022 13. J. Scott Limited, J. O. Shaff, President dba J. Scott Limited, 303 Locust; New Application (With Sunday Sales) - Application submitted 5-13-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2023 14. Ida Mae Blackwell dba King of Hearts, 2830 6th Avenue; New Application (With Sunday Sales) - Application submitted 4-3-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2024 15. Leo's Lounge, Inc., Judy C. Leo, President dba Leo's Lounge, 1018 East 12th Street; Renewal - Expires 6-24-97 (With Sunday Sales) - Application submitted 5-19-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2025 16. Okoboji Grill of South Des Moines, Inc., William Leroy Gessmann, President dba Okoboji Bar & Grill, 200 Army Post Road; Renewal - Expires 6-19-97 (With Sunday Sales and Beer Garden) - Application submitted 5-19-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2026 17. Brooke Limited, Jason A. Haes, President dba The Place, 2505 Wedgewood; New Application (With Beer Garden) - Application submitted 5-27-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2027 18. J & V's, Inc., Vinton Alan Kono, President dba Time Out Sports Bar, 1101 Army Post Road; New Application (With Sunday Sales) - Application submitted 5-21-97. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

Class "E" Liquor Licenses

97-2028 19. Tait Foods, Inc., Robert Tait, President dba Tait's Foods, 4100 University; Renewal - Expires 6-17-97 - Application submitted 5-13-97. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Authorizing

97-2029 20. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2030 21. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

Beer Gardens

97-2031 22. Approving permanent beer garden for Raccoon River Brewing Co. LLC, E. Jeffrey Hunter, President dba Raccoon River Brewing Co., 200 - 10th Street - - **Removing** restrictions for limited hours of service. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

97-2032 23. Approving authorization to proceed on various park and recreation improvements included in the 1997-98 Capital Improvements Program. (Council Communication No. 97-326). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2033 24. Authorization to proceed on the Alternate Dispatch Site (Fire Station No. 1), included in the 97-98 Capital Improvement Program. (Council Communication No. 97-333). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2034 25. Approving application to Iowa Department of Transportation for Traffic Safety Funds to cover a portion of construction costs for University Avenue at 19th Street/Martin Luther King, Jr. Parkway Intersection, and Merle Hay Road Widening-Ovid Avenue to Douglas Avenue. (Council Communication No. 97-321). **Moved by Vlassis to adopt. City Manager to report on funding ratios. Motion Carried 7-0.**

26. Items regarding the Intermodal Transportation Facility, (Park & Ride):

97-2035 (A) Communication from Taylor Ball L.C.- Des Moines, advising of their willingness to guarantee Alternate No. 2, (includes finishing interior of the daycare building)--\$315,000.

Moved by Phillips to adopt. Motion Carried 7-0.

97-2036 (B) Approving Contract and Bond, (Taylor Ball L.C. - Des Moines, Richard Haas, Pres, WDM), \$15,517,000. **Moved by Phillips to adopt. Motion Carried 7-0.**

27. Approving items regarding the S.W. Seventh Street Bridge over Raccoon River Rehabilitation (IDOT Project) Council Communication No. 97-313):

97-2037 (A) Resolution on submission of bids and designating lowest responsible bidder as Cramer and Associates, Inc., (Delmer Cramer, Pres, 990 NE 44th Ave, DM), \$771,336.50.

Moved by Phillips to adopt. Motion Carried 7-0.

97-2038 (B) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2039 (C) Professional Services Supplemental Agreement No. 2 with Shuck-Britson, Inc., (Robert A. Britson, Pres, 2409 Grand Avenue, DM), for Phase III Review of construction, not to exceed \$45,815. **Moved by Phillips to adopt. Motion Carried 7-0.**

28. Resolution Ordering Construction of the following:

97-2040 (A) 1997 Sanitary Sewer Repair Contract No. 2, Receiving of Bids, (7-1-97), and Setting Date of Hearing, (7-7-97), (Construction Estimate - \$59,000). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2041 (B) Open Air Park Shelters, Receiving of Bids, (7-1-97), and Setting Date of Hearing, (7-7-97), (Construction Estimate - \$134,250). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2042 (C) Johnson Court At E. Court Avenue Turn Lane, Receiving of Bids, (7-1-97), and Setting Date of Hearing, (7-7-97), (Construction Estimate - \$175,709). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2043 (D) Martin Luther King Jr., Parkway Demolition Contract No. 1 East/West, Receiving of Bids, (7-1-97), and Setting Date of Hearing, (7-7-97), (Construction Estimate - \$275,000). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2044 29. Approving Addendum No. 1 to the Des Moines Metropolitan Wastewater Reclamation Facility - Laboratory and Personnel Facilities Expansion Project, changing bid date from June 17 to June 24. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2045 30. Approving Change Order No. 2 with Baker Mechanical, Inc., to change the original contract completion date from September 30, 1996 to June 30, 1997 in conjunction with the Digester Mixers and Primary Scum Modifications project at the WRA Wastewater Treatment

Facility. (Council Communication No. 97-324). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2046 31. Approving partial payments on fourteen (14) public improvement projects. (See roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2047 32. Communications from various contractors requesting permission to sublet certain items on five (5) public improvement projects. (See roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2048 33. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for Botanical Center Greenhouse Roof Replacement, United Greenhouse Systems, Inc., \$58,156.57 due now and \$3,060.87 to be paid at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2049 34. Approving Private Construction Contract for storm sewer, grading and paving improvements on Fleur Drive between McAninch Corporation, Dwayne McAninch, President, 6800 Lake Drive, Suite 125, West Des Moines, IA, Contractor and Airport Commerce Park, P.C., Gerard D. Neugent, President, 5000 Westown Parkway, Suite 100, West Des Moines, IA, Owners. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2050 34-I Authorizing City Engineer to proceed with Paving or Curb Replacement Program, waiver signed by David L. Ballantini, and Arnold W. and Debra S. Short, 2712 Columbia. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2051 35. Communication from Iowa Department of Transportation notifying of pavement patching project extending from the City's west corporation line easterly and northerly to the East I-35/80 Interchange on January 13, 1998. **Moved by Phillips to receive and file. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

97-2052 36. Resolution levying Assessments for costs of Nuisance Abatement-NAC (Emergency Orders) Community Development, Schedule No. 1997-52, and providing for payment. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2053 37. Resolution Levying Assessments for costs of Nuisance Abatement-NAC (Tree Removal), Schedule No. 1997-53, and providing for payment. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2054 38. Authorizing Assessment Clerk to correct NAC-Emergency Orders Assessment Schedule No. 1997-51, in which \$565.53 was charged to 3418 Clark Street and property owner has made a \$100 payment. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2055 39. Authorizing Assessment Clerk to correct Sidewalk Repair/Replacement Assessment Schedule No. 1997-48, \$202.85 was charged to 2010 30th Street and was paid in full by property

owner. **Moved by Phillips to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-2056 40. Approving Release of City Liens against Polk County Tax Sale Properties at 806 Walker, 917 E. 12th Street, and 1208 Fremont, to clear title objection, (see roll call for amounts). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2057 41. Temporary Easements for Construction and Consent and Subordination of Lease as to Temporary Easement for Construction by Lessee, in conjunction with 1995 Paving Program No. 1 - E. 34th St/SE 34th Street - Dean Avenue to Railroad tracks from, Ronald and Juanita J. Lovlyn, 500 SE 34th Street - \$96, Debbie Allen, 500 SE 34th Street - \$25, Ronald and Juanita J. Lovilyn, vacant land on 34th Street - \$368, and Don Bacon, vacant land on 34th Street - \$300. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2058 42. Backslope and Property Adjustment Easement and Release and Warranty Deed, in conjunction with 1995 Paving Program No. 1 - E. 34th Street/SE 34th Street - Dean Avenue to Railroad Tracks, from James L. Hale, 113 SE 34th Street - \$708. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2059 43. Purchase of 2304 Littell Avenue, from Richard D. and Marylyn Ahlberg, in conjunction with Airport Noise Compatibility Program Phase I - \$86,209.80. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2060 44. Approving Noise and Avigation Easements for five properties, in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2061 45. Approving Cancellation of Lease Agreement with Quiktrip Corporation for excess City-owned property in vicinity of SW 9th Street and Bell Avenue. **Moved by Phillips to adopt. Motion Carried 7-0.**

WITHDRAWN 46. Accepting Letter of Credit in amount of \$83,157 covering estimated cost of stabilizing site in the event grading and soil erosion measures are not met in accordance with the approved Grading Plan for the "PUD" Conceptual plan entitled Druid Hill Townhomes in vicinity of 2815 Fleur developed by Clarke Companies, Ltd.

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-2062 47. Communication from Philip Poorman, Staff of Historic District Commission, advising of oral resignation of Anita Walker Jensen, effective immediately. **Moved by Phillips to receive, file and declare the seat vacant. Motion Carried 7-0.**

STREET CLOSINGS

97-2063 48. Approving closure of the following city streets: **Moved by Phillips to adopt. Motion Carried 7-0.**

(1) Susan Swehal, 3706 SE 19th Street, requesting permission to close SE 19th Street from Rose to Maish on Saturday, June 21, 1997 from 4:00 to 9:00 P.M. for a neighborhood block party.

(2) Ron Redman, representing the Foundation for Iowa Jaycees Charities, P.O. Box 983, Newton, Iowa requesting permission to close Third Street from Locust Street to Walnut Street on Thursday, June 26, 1997 from 9:30 A.M. to 3:30 P.M. for the Des Moines Jaycees Cow Chip Bingo.

(3) Preston Muhammad, representing the Torchlight Foundation, 2105 Forest Avenue, requesting permission to close 21st Street from Forest Avenue to the alleyway at 1404 21st Street on Saturday, June 28, 1997 from 3:30 to 8:30 P.M. for a community block party and peace jam.

(4) Betty Septer, 800 E. 24th Street, requesting permission to close Maple Street from 800 East 24th Street to 803 East 23rd Court on Saturday, June 28, 1997 from 3:00 to 9:00 P.M. for a neighborhood fish fry.

(5) Grace Walker, 626 46th Street, requesting permission to close 46th Street from Ingersoll Avenue to Woodland Avenue on Saturday, June 28, 1997 from 4:00 to 8:00 P.M. for a neighborhood block party.

(6) Deb Burger, representing the Downtown Partnership, Inc., requesting permission to close Elm Street from SW 3rd to SW 2nd, SW 1st Street from Elm Street to Market Street on Sunday, June 29, 1997 from 11:00 A.M. to 2:00 P.M. to promote "All American Sunday" family event.

(7) Judith Olson, 654 36th Street, requesting permission to close 36th Street from Woodland Avenue to Pleasant Street on Sunday, June 29, 1997 from 4:00 to 10:00 P.M. for a neighborhood block party.

(8) Carol Hasting, Union Park Baptist Church, 821 Arthur requesting permission to close Arthur from East 9th Street to East 8th Street on Sunday, June 29, 1997 from 4:30 to 8:00 P.M. for Hog Roast.

48. (9) Dan Dusenbery, 2511 Kenway Drive, requesting permission to close Kenway Drive from Beavercrest Drive to Maryland Pike on Saturday July 5, 1997 from 4:00 to 10:00 P.M. for a neighborhood block party.

CITY PLAN COMMISSION RECOMMENDATIONS

97-2064 49. Regarding request from City of Des Moines Economic Development Division, for vacation and conveyance of Mattern Avenue and E. 19th Street rights-of-way. **Moved by Phillips to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-2065 50. Regarding request from Dave Alexander, Big Boy Motorsports East, for vacation and conveyance of Vermont Street right-of-way in the vicinity of Vermont & Indiana Avenue. **Moved by Phillips to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-2066 51. Regarding request from Michelle Fast, to purchase two City parcels in the vicinity of E. 40th and Four Mile Drive. **Moved by Phillips to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

97-2067 52. On application from Ivan Faux, to rezone property at 4139 Mattern Avenue, from "U-1" (Flood Plain District) to a "R1-60" (One Family Low Density Residential) and to find this in conformance with the Des Moines 2000 Land Use Plan, (7-7-97), City Plan Commission recommends DENIAL. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2068 53. On application from Jay R. Roy, to rezone property at 4401 Hickman Road, from "C-1" (Neighborhood Retail Commercial) to a Limited "C-1A" (Neighborhood Commercial Reuse District), and to find this in conformance with the Des Moines 2000 Land Use Plan, (7-7-97). **Moved by Phillips to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-2069 54. Approving payment of \$6,862 to Rodney Henderson for workers' compensation claim, subject to approval of the Industrial Commissioner for occupational hearing loss during course of his employment. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2070 55. Approving payment of \$122.39 to Jane McAllister of Ahlers Law Firm for resolution of environmental matters in conjunction with the development of the Kiwanis Nature Island at Riverview Park. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2071 56. Approving payment of \$270 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee Law Firm for resolution of issues associated with acquisition of environmentally contaminated properties for Martin Luther King, Jr. Parkway Project. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2072 57. Approving payment of \$1,066.96 to Ensz and Jester, P.C. for representation of William Hansen in case of Robert B. DePugh v. William Hansen, et al. in the U. S. District Court for the Western District of Missouri. **Moved by Phillips to approve payment. Motion Carried 7-0.**

97-2073 58. Approving payment of \$525.39 to John A. DeVerno of Wunder, Diefenderfer, Cannon & Thelen for legal services in conjunction with the Park and Ride Project. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2074 59. Approving payment of \$2,645 to Ahlers, Cooney, Dorweiler, Haynie, Smith &

Allbee, P.C. for bond counsel services to the City in conjunction with review and preparation of sewer connection charges. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2075 60. Approving payment of \$1,111.50 to Nyemaster Law Firm for review of legal issues relating to the City's employee benefit and health care benefit proposals. **Moved by Phillips to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

97-2076 61. Communication from City Manager submitted Parking Restrictions and Pavement Marking Changes at intersection of Beaver Avenue and Madison Avenue. (Council Communication No. 97-319). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

97-2077 62. Communication from City Manager regarding traffic regulation change for consideration of a Request for Two-Sided Parking Restriction - East Virginia Avenue between SE 20th and SE 22nd Streets. (Council Communication No. 97-320). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

97-2078 63. Submitting out-of-state travel requests for Joseph W. Oppe, Rita Townsend, Velma Turner, William Davis, William Wilkins, Douglas B. Nichols, David McDermott, Sharon Schinkel, and Harold E. Smith. (Council Communication No. 97-312). **Moved by Phillips to adopt. Motion Carried 7-0.**

APPROVING

64. NUMBER NOT USED.

97-2079 65. Intergovernmental 28E Agreement with Polk County and the Iowa Department of Transportation (IDOT), for RISE Grant Funding--improvement to Iowa Highway 5 and Iowa Highway 28. (Council Communication No. 97-334). **Moved by Phillips to adopt. Motion Carried 7-0.**

66. Agreements concerning Sherman Hill Historic Street Lighting System for the following:

97-2080 (A) Sherman Hill Association, Inc. for maintenance of the System. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2081 (B) Sherman Hill Association, Inc., Iowa Methodist Medical Center, and Hoyt Sherman Place Foundation, tax-exempt property owners, for annual payment in lieu of taxes for support of the System. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2082 67. Railroad Economic Development Project Application (RISE) for financial assistance to State of Iowa to assist in development of railroad spur as part of proposed office/distribution facility and truck maintenance building to be built by The Fred Nesbit

Distributing Company, Inc., and Fitz-Gold, L.L.C., (Fred, Michael and John Nesbit, Mary Fitzgibbons and Nancy McGoldrick, owners)--Guthrie Avenue Business Park. (Council Communication No. 97-314). **Moved by McPherson to approve. Motion Carried 7-0.**

97-2083 68. Subordination Agreement to Norwest Equipment Finance, Inc. relating to new computer equipment for Accent Tag and Label Inc. **Moved by Phillips to approve. Motion Carried 7-0.**

97-2084 69. Preliminary approval of a \$200,000 Des Moines Action Loan, to Mercury Plastic Engineering, Inc., (Garrick, Robert and Pat Doebele, owners), 2100 Delaware Avenue. (Council Communication No. 97-318). **Moved by Phillips to approve. Motion Carried 7-0.**

97-2085 70. Consent of Assignment of Lease Agreement for tenant space in Grand Avenue Parking Garage with Raymond A. Serra to Randy A. Peel. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2086 71. Application for Local Law Enforcement Block Grant Program, to fund procurement of equipment and technology, directly related to the support of basic law enforcement functions, \$307,084, (\$30,708--City's share). (Council Communication No. 97-327). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2087 72. Reallocation of Loan Proceeds from Issuance of Airport Revenue Capital Loan Notes--maximum of \$450,000 originally allocated to Utility Relocation Project be used for financing the Category II Centerline Lighting Project. (Council Communication No. 97-330). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2088 73. Terminating previous Intergovernmental 28E Agreement and replacing with new 28E Agreement with the Iowa Air Nation Guard (IANG), regarding replacement of the Aircraft Arresting System, to separate IANG portion of the bid, and rebid the projects separately. (Council Communication No. 97-331). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2089 74. Contract with Polk County Child Net for the Enterprise

WITHDRAWN Community Child Care Subsidy Administration project, \$20,000 funding from Social Services Block Grant (SSBG)--EC Employment Consortium Program (Council Communication No. 97-315)

97-2090 75. Contract with Des Moines Area Community College (DMACC) for

WITHDRAWN the EC Employment Consortium (ECEC) project to negotiate three subcontracts to administer outreach, training, and employment programs, \$424,608 in funding from Social Services Block Grant (SSBG). (Council Communication No. 97-316)

97-2091 76. Approving contract with Human Services Coordinating Board (HSCB) for Safe Haven project, \$65,000 in funds to come from Weed and Seed program. (Council Communication No. 97-317). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2092 77. Communication from Ingersoll Area Association, Inc. submitting banner design requesting approval and permission to display two banners across Ingersoll to promote First Annual "Street Fair" on July 12, 1997. **Moved by Phillips to approve request and banner design submitted. Motion Carried 7-0.**

97-2093 78. Communication from Des Moines Water Works submitting Audit Statements for the 1996 calendar year. **Moved by Hensley to receive and file. City Manager to report on status of payment in lieu of taxes (PILOT) by first meeting in July. Motion Carried 7-0.**

97-2094 79. Ninth Supplement to Municipal Code of the City of Des Moines, Iowa, 1991, consisting of restated Chapter 2A, reflecting amendments made to Zoning Ordinance. **Moved by Phillips to adopt. Motion Carried 7-0.**

80. Bids for the following:

97-2095 (A) Herman M. Brown, (100 Sheridan Avenue, Scott Packard, Executive Vice President) for a folding Gooseneck lowboy Trailer to be used by the Engineering Department (Wastewater Reclamation Facility), \$26,733, (eighteen bids mailed-three received). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2096 (B) Mid-Land Equipment Company, (Ankeny, IA, Gery Haag, President) for a wheel tractor with boom mower, mid-mounted mower and rear mount mower to be used by the Public Works Department (Street Maintenance), \$58,800. (nine bids mailed-two received). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2097 (C) Herman Miller Open Office landscape partitions and furniture from Pigott, Inc., (3815 Ingersoll Avenue, Richard Pigott, President) to be used in the Community Development Department (Administration Planning and Economic Development), State of Iowa competitively bid Contract 1200H, at a total cost of \$11,655.05. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2098 (D) Seventy-five (75) digital cellular telephones and accessories from Voicestream Wireless, (Urbandale, IA) to be used in the Police Department (Criminal Investigation), State of Iowa competitively bid Contract 2429A, at a total cost of \$19,811.25. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2099 (E) Fry & Associates, Inc., (North Kansas City, MO., Bill Fry, President) for folding picnic tables, replacement tops and benches to be used by the Park and Recreation Department, \$12,100. (Seven bids mailed-one received).(Council Communication No. 97-329). **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

97-2100 (F) American Home Improvement, (3408 Broadway, Delores Mienke, President) for shelter house roof replacement at Sheridan Park to be used by the Park and Recreation Department, \$11,380.16. (Eight bids mailed-one received). (Council Communication No. 97-328). **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Flagg.**

97-2102 81. Bid submitted by Audio Art Systems, for sound and light services for City sponsored music events-\$11,100. Eight bids mailed, two received. (Council Communication No. 97-311). **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2103 82. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-2104 83. Report of Civil Service Commission submitting Promotional Lists for Senior Police Officer and Deputy Fire Marshal. **Moved by Phillips to receive and file. Motion Carried 7-0.**

97-2105 84. Authorizing Finance Director to draw warrants on registers of June 20, 1997 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning June 16, 1997, and the biweekly payroll due employees on June 20, 1997. **Moved by Phillips to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

97-2106 85. 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 Phillips that this ordinance do now pass, [#13,492](#). Motion Carried 7-0.**

97-2107 86. 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 Phillips that this ordinance do now pass, [#13,493](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

97-2108 87. Creation of a Permanent Nineteen-member Strategic Planning Commission, (appointments to be made at the July 7 meeting). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Vlassis.**

97-2109 88. 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). **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-2110 89. 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--compensation not to exceed \$1,000. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

97-2111 90. Amending Chapter 15 of the Municipal Code adding the Simon Estes Amphitheater to the list of park and recreational facilities--temporary concession fees. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-2112 (A) Final consideration of ordinance above, (waiver requested by Parks Department). **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, #13,494. Motion Carried 7-0.**

97-2113 91. Amending Chapter 15 of the Municipal Code regarding the Simon Estes Amphitheater Vendor Fees. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-2114 (A) Final consideration of ordinance above, (waiver requested by Parks Department). **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, #13,495. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

97-2115 92. Providing for abolition of the Office of City Assessor, for the City of Des Moines, abolition of the Conference Board, Examining Board and Board of Review for the Office of City Assessor, terminating terms of the offices, requesting a ten-member County Assessor Board of Review, and authorizing transfer of operations to the Office of County Assessor for Polk County, (effective 7-1-97). **Moved by McPherson that this ordinance be considered and given first vote for passage and the City Clerk is hereby authorized and directed to promptly notify in writing the Conference Board for the Office of the County Assessor for Polk County and all affected taxing districts of this ordinance to abolish the Office of City Assessor for the City of Des Moines effective July 1, 1997. Motion Carried 7-0.**

****Council considered Item 100 next****

HEARINGS (Opened at 5:37 P.M.) (Items 93 thru 99)

93. Items regarding 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:

97-2116 (A) Recommendation from City Plan Commission. **Moved by Hensley to receive and file. Motion Carried 6-1. Nays: Flagg.**

97-2117 (B) Hearing on rezoning, (continued from June 2, 1997). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Flagg.**

97-2118 (C) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

97-2119 (D) Final consideration of ordinance above, (waiver requested by applicant). **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, [#13,496](#). Motion Carried 6-1. Nays: Flagg.**

97-2120 (E) Communication from Council Member George Flagg. **Moved by Flagg to receive and file. Motion Carried 7-0.**

97-2121 (F) Petition of Consent and Letter from Doris Knauer regarding rezoning request. **Moved by Hensley to receive and file. Motion Carried 6-1. Nays: Flagg.**

97-2122 94. On vacation of the North/South alley right-of-way in the vicinity of 309 Court Avenue, (Court Avenue Brewing Outdoor Service Area) (previous actions contained an error in the legal description). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2123 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-2124 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#13,497](#). Motion Carried 7-0.**

97-2125 95. 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. (Council Communication No. 97-332). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2126 96. 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, (includes Three Lakes Estates, 2500 block of E. Army Post Road). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-2127 97. On Botanical Center Mechanical Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Wolin & Associates, Inc., (David R. Stroh, Pres, 600 SW 7th Street Suite P, DM), \$82,500. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

97-2128 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

97-2129 98. On Greenwood Park Shelter Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Breiholz Construction Company, (David J. Ward, President, 202 Des Moines Street, DM), \$51,700. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

97-2130 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

97-2131 99. On Guthrie Avenue Industrial Park Phase 4: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, 1805 Euclid, DM), \$16,990 **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

97-2132 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

* * END HEARINGS at 6:45 P.M. * *

****Council considered Item 101 through end of agenda next****

APPROVING

100. The following concerning 1998 Consolidated Plan for U.S. Dept. of Housing and Urban Development Programs (HUD):

97-2133 (A) Ranked priorities as recommended by the Des Moines Action Board (DMAB) and Neighborhood Advisory Board (NAB) for the development of the Plan and to authorize issuing RFP's. (Council Communication No. 97-325). **Moved by Vlassis to adopt. Review of town meeting process is to be one of the new "Citizen Board's" issues for study.**

97-2134 (B) Communication from DMAB and NAB Chairpersons regarding priority and funding criteria recommendations. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

****Council considered Hearing Items 93 through 99 next****

97-2135 101. Continuation of Task Force on Distressed Neighborhoods beyond June 23, 1997 proposed consolidation of Des Moines Advisory Board (DMAB) and Neighborhood Advisory Board (NAB); disband effective 12-31-97. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2136 102. Revisions to City of Des Moines Neighborhood Recognition Policy to provide additional clarity and consistency with original intent of policy, (continued from June 2, 1997). (Council Communication No. 97-295 of 6-2-97). **Moved by Vlassis to adopt. Motion Carried**

6-1. Nays: Daniels.

97-2137 103. Contract Supplemental No. 1 for Martin Luther King, Jr. Parkway Value Engineering Study, with L-Z Associates, Inc., (Howard B. Greenfield, Vice President), Rockville, Maryland to perform additional services, \$10,300. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2138 104. Recommendation of City Council Subcommittee regarding selection of Fidelity, as Third Party Administrator for City of Des Moines Plan 60 Deferred Compensation Plan, (continued from June 2, 1997). **Moved by Phillips to adopt. Motion Carried 4-2. Nays: Flagg and McPherson. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-2139 105. Contract with Baker Support Services, Inc., Daniel W. McDonald, President, for Fleet Management and Maintenance. (Council Communication No. 97-323). **Moved by McPherson to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

97-2140 106. Request from Council Member Christine Hensley to discuss Midwest Rail Initiative. **Moved by Hensley to receive and file. Motion Carried 7-0.**

97-2141 (A) Resolution supporting study and implementation of Rail Service from Chicago, Wyanet, Quad Cities, Iowa City, Des Moines and Omaha. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN97-2142 107. Oral request by Council Member Tom Vlassis to discuss fund raising activities for the Police Band, Legal Limit.

COMMUNICATIONS/REPORTS

97-2143 108. Request from Vicki Thompson to speak regarding Chesterfield Neighborhood Association being a recognized neighborhood. **Moved by Phillips to receive, file and grant the request to speak; refer to Neighborhood Advisory Board and staff for implementation. Motion Carried 7-0.**

97-2144 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:33 P.M. Motion Carried 7-0.**