

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 21, 1997 4:30 P.M.

INVOCATION: Pastor Tim Diebel, First Christian Church

97-2455 1. ROLL CALL: **Present: Ray, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-2456 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2457 3. APPROVING CONSENT AGENDA - items 3 through 86: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-2458 4. Communication from Legal Department regarding July 21, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-2459 5. Michael C. Young - Shih EE Young dba Tsing Tsao Chinese Fast Food, 2231 East University; Renewal - Expires 8-4-97 (With Sunday Sales) - Application submitted 7-3-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2460 6. Leslie Hong Nguyen dba Chinese Kitchen, 3422 M. L. King Pkwy; Renewal - Expires 7-27-97 (With Sunday Sales) - Application submitted 6-9-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "B" Beer Licenses (continued):

97-2461 7. Los Laureles, Inc., Eufrazio Mayorga, President dba Los Laureles, 1518 East Grand; Renewal - Expires 7-29-97 (With Sunday Sales) - Application submitted 6-4-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2462 8. Benoit Enterprises, Jack L. Benoit, dba Master Jack's, Iowa State Fairgrounds, 3000 East Grand; Renewal - Expires 8-5-1997 (With Sunday Sales and Beer Garden) - Application submitted 7-10-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2463 9. Society of Italian Americans, Inc., Thomas A. Renda, President dba Society of Italian Americans, 1801 Southwest McKinley; New (5) five day application for event to be held 7-31-97 thru 8-3-97 (With Sunday Sales and Beer Garden) - Application submitted 6-27-97. Subject

to submission of building inspections. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Beer Licenses

97-2464 10. Dell Oil Ltd., William D. Sawdey, President dba Dell Oil, 5800 Southwest 9th Street; Renewal - Expires 7-26-97 (With Sunday Sales) - Application submitted 6-26-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2465 11. H & A Mini Mart Corporation, Hardep Singh, President dba H & A Mini Mart, 1443 2nd Avenue; Renewal - Expired 7-11-97 (With Sunday Sales) - Application submitted 5-19-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2466 12. Thai Market, Inc., Sith Macvilay, President dba Thai Market, 411 1/2 East Grand; Renewal - Expires 8-8-97 (With Sunday Sales) - Application submitted 6-24-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "E" Beer Licenses

97-2467 13. Thede Enterprises, Inc., Ivan Thede, President dba Lee Town Foods, 2930 East University; Renewal - Expires 7-30-97 (With Sunday Sales) - Application submitted 6-9-97. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Class "C" Liquor Licenses

97-2468 14. D C Holding Co., Inc., Dave Crimmins, President dba Crimmins Cattle Co., 4901 Fleur Drive; Renewal - Expires 7-27-97 (With Sunday Sales) - Application submitted 6-26-97. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2469 15. AMF Bowling Centers, Inc., Douglas J. Stanard, President dba Fair Lanes Des Moines, 3839 East 14th Street; Renewal - Expires 8-16-97 (With Sunday Sales) - Application submitted 6-13-97. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2470 16. T & G, Inc., Eugene H. Versteegh, President dba Koffee Korner, 1030 East 9th Street; New Application submitted 6-4-97. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2471 17. La Pizza House, Inc., Russell E. Reel, President dba La Pizza House, 1013 Southeast 14th Street; Renewal - Expires 7-24-97. Application submitted 6-13-97. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2472 18. Raul's Taco House, Ltd., Raul F. Hernandez, President dba Raul's Taco House, 1541 East Grand; Renewal - Expires 8-3-97 (With Beer Garden) - Application submitted 6-26-97. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2473 19. The Karibian Corporation, M. Shawn Crahan, President dba The Safari, 2307 University; Renewal - Expired 7-2-97 - Application submitted 5-23-97. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

Authorizing

97-2474 20. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Daniels and McPherson.**

97-2475 21. City Clerk to issue Coin-Operated Amusement Machine License. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Beer Gardens

97-2476 22. Approving temporary extension of current beer garden for Cindy Gessman dba Okoboji Grill of South Des Moines, 200 Army Post Road for event to be held on July 22, 1997 (RAGBRAI) - Application submitted 7-11-97. Subject to submission of acceptable building and fire inspections. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Refunds

97-2477 23. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

Transfers

97-2478 24. Approving temporary transfer of Class "C" Liquor License for Connie Derry dba Hideaway Lounge, 4845 Merle Hay Road to Blank Park, 7301 Southwest 9th Street for event to be held on 8-3-97 (Bob Marley Festival) - Application submitted 6-24-97. Subject to submission of acceptable building inspections. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

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

97-2479 (A) Frisbee Park/Valley Garden Storm Pump Stations, Cramer and Associates, Inc., \$2,346.50 is now due and remaining balance of \$129,517.25 is to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2480 (B) Union Park Playground Improvements, Johnson Concrete & Petroleum Const., Inc., \$1,689.43 is now due and remaining balance of \$5,675.99 is to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2481 (C) Asbestos Removal Guthrie Avenue Industrial Park Phase 3, Mid-Iowa Environmental Corporation, remaining balance of \$273.75 is to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2482 26. Resolution Ordering Construction of Sidewalk Ramps on Primary Highway Routes, (IDOT), Receiving of Bids, (8-5-97), and Setting Date of Hearing, (8-18-97), (Construction Estimate - \$56,378). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2483 27. Approving contract and bond for Des Moines Metropolitan Wastewater Reclamation Facility - Laboratory and Personnel Facilities Expansion, Weitz Company, Inc., (James P. Simmons, Pres, 800 2nd Avenue, DM), \$6,552,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2484 28. Approving contract and bond for 1997 Sanitary Sewer Repair Contract No. 2, Municipal Pipe Tool Co. Inc., (Steve Gearhart, Pres, Hudson, IA), \$32,515. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2485 29. Approving contract and bond for Johnson Court at E. Court Avenue Turn Lanes, (IDOT Project), Nuckolls Concrete Services, Inc., (Scott Temple, Pres, Johnston), \$170,397.90. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2486 30. Approving authorization to proceed on various library improvements included in the 1997-98 Capital Improvements Program. (Council Communication No. 97-379). **Moved by Hensley to adopt. Motion Carried 7-0.**

31. Approving Private Construction Contract for improvements within 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:

97-2487 (A) PCC Street Improvements of Dickman Road - \$64,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2488 (B) Storm Sewer Improvements along Dickman Road - \$3,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2489 32. Approving Private Construction Contract for construction of Type I Manhole located on West curb line of 6000 SE 14th Street (Menard's Store) between Corell Contractor, Inc., Steve Corell, President, Contractors, and Menard, Inc., John Menard, President, Owners - \$2,883.16. **Moved by Hensley to adopt. Motion Carried 7-0.**

33. Approving requests from the following for extension of time:

97-2490 (A) LA Company, Linda L. Wicker, Owner, Contractors, for Guthrie Avenue Industrial Park Demolition Phase 3, until August 15, 1997. **Moved by Hensley to receive, file and grant the extension of time until August 15, 1997. Motion Carried 7-0.**

97-2491 (B) Neumann Brothers, Inc., C. Arthur Wittmack, President, Contractors, for Des Moines Skywalk System Bridges 2C-2D; 2C-3C, for sixty (60) days. **Moved by Hensley to receive, file and grant the extension of time of sixty (60) days. Motion Carried 7-0.**

97-2492 (C) Neumann Brothers, Inc., C. Arthur Wittmack, President, Contractors, for Des Moines Skywalk System Bridge 1C-2C, for thirty (30) days. **Moved by Hensley to receive, file and grant the extension of time of thirty (30) days. Motion Carried 7-0.**

97-2493 (D) Corell Contractor, Inc., Steve Corell, President, Contractors, for Guthrie Avenue Industrial Park Phase 4, until August 18, 1997. **Moved by Hensley to receive, file and grant the extension of time until August 18, 1997. Motion Carried 7-0.**

97-2494 (E) Herberger Construction Co., Inc., Dean Herberger, President, Contractors, for Seventh Ward Ditch Improvements North of E. Hull Avenue Basin, until September 5, 1997. **Moved by Hensley to receive, file and grant the extension of time until September 5, 1997. Motion Carried 7-0.**

97-2495 34. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by 1 property owner, and paving or curb replacement program, waiver signed by 1 property owner, (see roll call for names). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2496 35. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2497 36. Approving partial payments on thirteen public improvement projects. (See Roll Call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-2498 37. Closing and Acceptance of Warranty Deed, Accept Counteroffer for 105-107 Astor Street in the Capitol East Neighborhood Urban Renewal Area, from Ardith Colleene Whitney. **Moved by Hensley to approve. Motion Carried 7-0.**

97-2499 38. Warranty Deed, in conjunction with Easter Lake Area Improvements, Priority 1, Phase 1 Southeast Annexation Master Plan, from MT Land and Development, L.C., property in the vicinity of Indianola Avenue and E. Army Post Road - \$137. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2500 39. Warranty Deed and miscellaneous documents, in conjunction with Easter Lake Area Improvements Priority 1, Phase 1, of the Southeast Annexation Master Plan, from Raymond and Mary Louise McElroy, vacant property in vicinity of Indianola Avenue and E. Army Post Road - \$28,098.20. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2501 40. Issuance of replacement deed for vacated right-of-way of E. 17th Court between

Jefferson and Washington, to Central Iowa Distribution Center, Inc., \$720. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2502 41. Approving Noise and Avigation Easements for five properties, in conjunction with the Airport Noise Compatibility Program, Phase II, Easement Purchase Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2503 42. Purchase of 2310 Littell Avenue, in conjunction with Runway 5/23 Extension and Army Post and Highway 28 Relocation, from Herbert A. and Delores F. Pierce - \$82,225.40. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2504 43. Approving Final Subdivision Plat Three Lakes Estates Plat 1, vicinity of 2500 East Army Post Road, south side, developed by Tim Erickson. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2505 44. Approving Final Subdivision Plat for Easter Lake Estates Plat 3, vicinity of SE 32nd South of Easter Lake Drive developed by Legacy Group. (Council Communication No. 97-388). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-2506 45. Approving recommendation of At Large Council Member Preston A. Daniels for appointment of Thomas G. Ross to the Des Moines International Airport Board for four-year term to expire June 30, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

46. Approving recommendations of Council Member Tom Vlassis, Ward I for reappointment of the following:

97-2507 (A) Eugene Olson, Building Code Board of Appeals for four-year term to expire April 2, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2508 (B) Shirley Reding, Greater Des Moines Sister City Commission for five-year term to expire April 28, 2002. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2509 (C) Loretta Ten Pas, Des Moines Access Advisory Board for four-year term to expire June 15, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2510 (D) Claudelee Tiedeman, Citizen Odor Board for three-year term to expire April 4, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2511 (E) Duane Van Hemert, Housing Appeals Board for three-year term to expire March 16, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2512 (F) James Windsor, III, to the Des Moines Traffic Safety Committee for three-year term to expire December 31, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2513 47. Recommendation by the Parks and Recreation Board for appointment of Jerry O'Rourke to the Strategic Planning Commission for a two-year term to expire December 31, 1999. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN 47A. Recommendation of Neighborhood Revitalization Board for appointment of Lyla Dozier and Lorenzo Jasso to the Strategic Planning Commission, two year term to expire December 31, 1999.

STREET CLOSINGS

97-2514 48. Approving closure of the following City streets: **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) Henry Rozenboom, 4126 53rd Street, requesting permission to close 53rd Street from Madison Avenue to Aurora Avenue on Saturday, August 2, 1997 from 5:00 until 11:00 P.M. for a neighborhood block party.

(2) Marta Boelling, 3119 47th Street, requesting permission to close 47th Street from Urbandale Avenue to Ovid Avenue on Sunday, August 3, 1997 from 5:00 until 9:00 P.M. for a neighborhood block party.

(3) Mr. and Mrs. Robert L. Thomas, 2804 46th Street, requesting permission to close 46th Street from New York Avenue to Beavercrest Avenue on Sunday, August 17, 1997, from 3:00 until 9:00 P.M. for a neighborhood block party.

(4) Karen Bason, 1419 Thompson Avenue, requesting permission to close Thompson Avenue from East 14th Street to Glenbrook Drive on Sunday, July 27, 1997 from 4:00 until 8:00 P.M. for a neighborhood block party.

49. Approving exception regarding length of time request from the following:

97-2515 (A) Patrick Daughenbaugh, representing Carl's Place, 1620 Woodland Avenue, request to close Woodland Avenue from Seventeenth Street to Mid-Block, Saturday, August 2, 1997 from 11:00 A.M. until 9:00 P.M. for class reunion. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2516 (B) Mary E. Campos, representing Our Lady of Guadalupe Chapel, 203 E. 16th Street, request to close Scott Avenue from SE 8th Street to SE 9th Street, Sunday, July 27, 1997 from 8:00 A.M. until 7:00 P.M. for church festival. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2517 (C) Randa LeJeune, representing Sherman Hill Association, 756 16th Street, request to close Center Street from 18th Street to 16th Street, Saturday, September 20, 1997 and Sunday, September 21, 1997 from 8:00 A.M. until 5:00 P.M. for antique car display in conjunction with Sherman Hill annual home tour. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2518 (D) Randa LeJeune, representing Sherman Hill Association, 756 16th Street, request to close Center Street from 18th Street to 16th Street, Saturday, September 27, 1997 and Sunday, September 28, 1997 from 8:00 A.M. until 5:00 P.M. for antique car display in conjunction with Sherman Hill annual walking tour. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2519 (E) Kenneth Hopper, representing Des Moines Symphony Association, 221 Walnut Street, request to close Third Street from Walnut Street to Locust Street, Saturday, September 27, 1997 from 5:00 P.M. until 12:00 Midnight for pre-concert dinner and post-concert reception. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

97-2520 50. Regarding request from Norwest Financial, for vacation and conveyance of the north/south alley between Eighth and Ninth Street. **Moved by Hensley to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

97-2521 51. Regarding request from Robert J. Conley, of Conaldo, Inc., to vacate and convey a portion of Davis Avenue right-of-way in the vicinity of 2301 SW Ninth Street. **Moved by Hensley to receive and file and to refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

97-2522 52. On vacation of the north/south and east/west alley rights-of-way in the block south of Railroad between SE 9th and SE 10th, (7-28-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2523 53. On disposition of excess Municipal Housing Agency properties, (vacant lots), to R.M. Madden Construction, Inc., \$21,000, (8-4-97). (Council Communication No. 97-384). **Moved by McPherson to adopt and stipulate that the appropriate Neighborhood Associations be notified of the hearing on these properties; that an outbuilding (storage shed or garage) be constructed for each housing unit; and that these to be owner-occupied units. Motion Carried 7-0.**

WITHDRAWN 54. On application from Eugene Churney to rezone property at 801 SW 63rd Street from "R1-60" (One Family, Low Density Residential) to a "C-1" (Neighborhood Commercial Retail), and to amend the Des Moines 2000 Land Use Plan for 801 SW 63rd Street by revising classification from Low Density Residential to Commercial, (8-4-97).

97-2524 55. On application from Paul Hedquist, Employee and Family Resources, to rezone 1449 Martin Luther King Jr. Parkway, from a "C-0" (Commercial Residential) to a "C-1" (Neighborhood Commercial Retail), (8-4-97). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Daniels declares a conflict of interest, and abstains from voting.**

97-2525 56. On application from Des Moines General Hospital to rezone property at 1022 Des Moines Street from "R-4" (Multiple Family Residential) to a "C-0" (Commercial Residential District), (8-4-97). **Moved by Hensley to receive and file. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-2526 57. Approving payment of \$8,474.77 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in representing City with respect to general financing issues for period January 17, 1995 - December 28, 1995. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2527 58. Approving payment of \$6,374.87 to Alhers, Cooney, Dorweiler, Haynie, Smith & Allbee P.C. in representing City with respect to general financing issues for period January 7, 1994 - January 6, 1995. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2528 59. Approving payment of \$28.50 to Nyemaster Law Firm for review of legal issues relating to City's employee benefit and health care benefit proposals. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2529 60. Approving payment of \$70,000 to Charles Tyler and his attorney Steven Jayne for workers' compensation claims, subject to the approval of the Industrial Commissioner for injuries suffered in course of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2530 61. Approving payment of \$38 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John LePorte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2531 62. Approving payment to Clarence A. Duke, Barbara J. and John D. Wilson, in conjunction with condemnation of property in the Guthrie Avenue Business Park, \$57,926.58--property settlement and \$40,642.36--attorney fees and expenses. (Council Communication No. 97-385). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2532 63. Approving payment of \$42.32 to John A. DeVierno of Wunder, Knight, Levine, Thelen & Forscey, P.L.L.C. for legal services in conjunction with Park and Ride Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2533 64. Approving payment of \$344.32 to Robert Jester 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 Hensley to approve payment. Motion Carried 7-0.**

97-2534 65. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

97-2535 66. Submitting out-of-state travel request for Robert Boyd.(Council Communication No. 97-389). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2536 67. Submitting various traffic regulation changes. (See roll call for list). (Council Communication No. 97-381). **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

APPROVING

97-2537 68. Amendment one to Acquisition Rehabilitation and In-Fill New Construction HOME Project adding a lease/purchase program for qualified buyers and extending contract to April 30, 1998. (Council Communication No. 97-380). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2538 69. Release of Judgment Lien against 1716 Ninth Street, subject to acquisition rehabilitation program requirements. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2539 70. Subordination Agreement with Finova Technology, Inc., regarding additional financing for Diamond Animal Health, Inc., 2538 SE 43rd Street. (Council Communication No. 97-382). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2540 71. Approving Neighborhood Infrastructure Rehabilitation Program (NIRP) Project, amount not to exceed \$325,000 (CDBG) from Neighborhood Sidewalk Improvement Program (\$225,000) and Curb Replacement in Neighborhood Areas Project (\$100,000), for the period from January 1, to December 31, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2541 72. Work Program and Terms and Conditions for Community Development Block Grant (CDBG)--Snusville Redevelopment Project, Community Development Department not to exceed \$90,000 from 1997 (CDBG) funds, for a period from January 1, 1997, through June 30, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2542 73. Amendment No. 3 to the Low-Income Home Energy Assistance Program (LIHEAP), which reduces contract budget from \$1,541,491 to \$1,320,188. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2543 74. Work Program and Terms and Conditions for 1997 Neighborhood Conservation Services Project, Community Development Department not to exceed \$1,136,000 in 1997 Community Development Block Grant (CDBG) funds, and \$788,200 in 1997 HOME funds and \$70,000 of projected program income for the period from January 1, to December 31, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2544 75. Authorizing reallocation of \$210,160 of 1996 CDBG funds and allocation of \$260,000 from HOME Projected Program Income for the 1997 Neighborhood Conservation Services Acquisition/Rehabilitation Work Program, for the period from January 1, to December 31, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2545 76. Environmental Certification and Request for Release of Funds from HUD, for the Municipal Housing Agency's 1997 Comprehensive Grant Program. **Moved by Hensley to approve. Motion Carried 7-0.**

97-2546 77. Request from Marion Lucas, Manager, Iowa State Fair, requesting permission for a temporary easement for head-in parking along the north side of Dean Avenue from E. 31st Street to E. 34th Street, from August 4 thru August 17, 1997 and request for "NO PARKING" signs to be placed on area east of E. 34th Street (Gate 7). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2547 78. Resolution adopting corrected Ninth Supplement to Municipal Code, Zoning Ordinance, Chapter 2A. **Moved by Hensley to adopt. Motion Carried 7-0.**

79. Bids for the following:

97-2548 (A) Dewey Ford, Inc., (Mark Vukovich, President, 444 East Fourth Street) for eleven (11) compact sedans to be used by the Community Development Department, \$148,715.40. (Six bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2549 (B) D & K Turf Products, (Steve Krantz, President, 5191 NE 17th Street) for lawn chemicals to be used by the Park and Recreation Department (Grandview Golf Course), \$11,083.64. (Twelve bids mailed-twelve received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2550 (C) Stroh Corporation, (John F. Stenberg, President, 5000 Park Avenue) for replacement of generators at six pump stations and installation of alternate power sources at three pump stations to be used by the Engineering Department, \$290,013. (Fifteen bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2551 (D) Motorola Communications and Electronics, Inc., (John Smyth, Representative, Urbandale) for remote receivers and accessories to replace and upgrade existing Motorola remote receiver to be used by the Police Department, \$51,991.20. State of Iowa Contract 1199. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2552 (E) Olympic Wall Systems, Inc., (Les Waldow, President, 317 E. Court Avenue) for repair of fire-resistant covering at 5th and Keo Parking Garage for additional cost due to further deterioration, and authorizing a change order to existing contract for additional cost of \$2,456. Total repair cost - \$14,153. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2553 80. Report of Civil Service Commission submitting Entrance List for Assistant Civil Engineer, and Promotional Lists for Street Maintenance Worker and Engine Generator Specialist. **Moved by Hensley to receive and file. Motion Carried 7-0.**

97-2554 81. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2555 82. Authorizing Finance Director to draw warrants on registers of July 25, 1997 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning July 21, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

97-2556 83. Amending Section 27-2680 of the Municipal Code regarding "No Parking Any Time" on E. Virginia Avenue between SE 20th and SE 22nd Street. **Moved by Hensley that this ordinance do now pass, [#13,506](#). Motion Carried 7-0.**

97-2557 84. Establishing the grade for E. 34th/SE 34th Street - Dean Avenue south to Railroad Tracks. **Moved by Hensley that this ordinance do now pass, [#13,507](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

97-2558 85. On vacation of East/West alley right-of-way in the vicinity of 303 SE 34th Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-2559 86. On vacation of a portion of street right-of-way in the vicinity of E. 19th Street and Mattern Avenue. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Extra Item 2, Item 107 and Hearing Items 90 thru 98 next****

ORDINANCES - FIRST CONSIDERATION

97-2560 87. On rezoning property at 4139 Mattern Avenue, from "U-1" (Flood Plain District) to a "R1-60" (One Family Low Density Residential), (requires 6 votes). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-2561 (A) Final consideration of above ordinance. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,508](#). Motion Carried 7-0.**

97-2562 88. Amending Chapter 2 of the Municipal Code regarding contracts exempt from bidding. (Council Communication No. 97-392). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-2563 89. Submitting traffic regulation change for parking prohibition on Sixth Avenue from north of the Des Moines River to south of Euclid. (Council Communication No. 97-390). **Moved**

by McPherson to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-1. Absent: Vlassis.

97-2564 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

97-2565 (B) Final consideration of ordinance above, (waiver requested by Traffic Department), requires 6 votes. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,509](#). Motion Carried 6-1. Absent: Vlassis.**

****Council considered items 99 thru end of agenda next****

HEARINGS (Opened at 5:37 P.M.) (Items 90 thru 98)

97-2566 90. On Two-year Lease Agreement with Crescent Chevrolet for a 1997 Blazer to be used by the Police Department, \$10,680, (High Intensity Drug Trafficking Area Grant funds). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2567 91. On application from David D. Nelson, Attorney for Des Moines Obedience Training Club, Inc., to rezone property at 1423 Army Post, from "R1-60" (One Family Low Density Residential) to a "C-2" (General Retail and Highway Oriented Commercial), City Plan Commission recommends denial. **Moved by Vlassis to adopt. Rezoning denied. Motion Carried 7-0.**

97-2568 92. On Beaverdale Recreational Trail, (IDOT Project): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

97-2569 93. On 1995 Paving Program No. 1, Contract No. 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (Steve Gillotti, Pres, WDM), \$669,575. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2570 94. On 1997 Stormwater Intake Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, Pres 2407 SW 9th, DM), \$75,647. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2571 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2572 95. On Sherman Hill Historic Lighting - Phase 1 (IDOT Project): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2573 96. On Des Moines & Raccoon River Levees Tree Removal: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as United Contractors, Inc., (Gary B. Sandquist, Pres., Johnston,) \$34,500. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2574 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-2575 97. On Harmon Park Tennis Court Subdrain: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, Pres, Clive), \$21,300. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2576 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2577 98. On E. University Avenue Beautification - Fairground Edge (IDOT Project): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:45 P.M. * *

****Council considered items 87 thru 89 next****

CITY MANAGER RECOMMENDATIONS

99. Communication from City Manager regarding Flood Protection for the following:

97-2578 (A) Walnut Creek. (Council Communication No. 97-394). **Moved by Flagg to adopt. City Manager to include project in Capital Improvements Program for implementation, seeking funds as appropriate, from the Army Corps, and others; and to implement setting priorities for a long-term plan. Motion Carried 7-0.**

97-2579 (B) City-Wide needs. (Council Communication No. 97-395). **Moved by Flagg to adopt. City Manager to include project in Capital Improvements Program for implementation, seeking funds as appropriate, from the Army Corps, and others; and to implement setting priorities for a long-term plan. Motion Carried 7-0.**

APPROVING

97-2580 100. Petitions submitted to establish the Sherman Hill Historic Street Lighting Self Supported Municipal Improvement District (SSMID) - Phase 2. **Moved by Hensley to receive**

and file and refer to the City Planning Commission. Motion Carried 7-0.

97-2581 101. Selection of RDG Crose Gardner Shukert, Inc., to conduct market feasibility study and develop a master plan for Gray's Lake Park. (Council Communication No. 97-383). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2582 102. Agreement with Fidelity Management Trust Company, for services as third-party administrator of the City Plan 60 Deferred Compensation Plan. **Moved by Flagg to adopt. Motion Carried 5-1. Council Member Hensley declares a conflict of interest, and abstains from voting. Absent: Daniels.**

97-2583 103. Residential Rental Agreement for Pioneer Park residence with Peggy and Harry Hewitt. (Council Communication No. 97-393). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2584 104. Offer to Buy Real Estate under Intergovernmental 28E Agreement with Independent School District and Seller's Acceptance for property at SE 22nd and Virginia Avenue, Dale and Ilene Belieu, Owners - \$242,000. (Council Communication No. 97-391). **Moved by Phillips to adopt. Motion Carried 6-0. Council Member McPherson declares a conflict of interest, and abstains from voting.**

97-2585 105. Ratifying application for \$100,000 Grant from Region VII - U.S. Environmental Protection Agency's Brownfields Economic Redevelopment Initiative Program, for site assessment work and related planning for the proposed Agribusiness Park. Council Communication No. 97-386). **Moved by Phillips to approve. Motion Carried 7-0.**

97-2586 106. Application to State of Iowa, for Enterprise Zone Certifications for proposed Agribusiness Enterprise Zone and for Enterprise Community Zone. (Council Communication No. 97-387). **Moved by Phillips to approve. Motion Carried 7-0.**

COUNCIL REQUESTS

97-2587 107. From Council Member George Flagg, to speak regarding placement of unipole on Martin Luther King Jr. Parkway. **Moved by Flagg to receive, file and discuss. Motion Carried 7-0.**

97-2588 108. Oral request of Council Member Tom Vlassis, requesting approval to attend National League of Cities Steering Committee meeting in Myrtle Beach, North Carolina, September 18-21, 1997. **Moved by McPherson to approve. Motion Carried 7-0.**

97-2589 109. From Council Member Tom Vlassis, to allow Charlene Taylor to speak regarding volunteerism. **Moved by Vlassis to receive, file and grant the request to speak. Motion Carried 7-0.**

* * * * *

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.

97-2590 1. Recommendation of Council Member Chris Hensley, for appointment of Gloria Yolando Cano to the Human Rights Commission, three year term to expire April 4, 2000. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-2591 2. Request from Council Member Chris Hensley, to discuss update on Deer Task Force. SPONSOR: Hensley. **Moved by Hensley to receive, file and discuss. Motion Carried 7-0.**

97-2592 3. Approving Class "C" Liquor License for Southern Golf, Inc., Ned F. Chiodo, President dba A.H. Blank Golf Course, 808 County Line Road; (With Sunday Sales and Beer Garden); New Application submitted 7-18-97. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: McPherson.**

97-2593 4. Approving appointment of new representative, Council Member Gene Phillips and third alternate representative, Public Works Director John Bellizzi to WRA Management Agency. **Moved by Hensley to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

July 21, 1997

97-2594 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:

97-2595 (A) 2406 Lyon, vacant, Titleholder: FirStar Bank Iowa f/k/a Valley National Bank; Legal Interest Holder: Valley National Bank n/k/a FirStar Bank Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2596 (B) 1427 23rd, vacant, Titleholder: Steven R. Stegall a/k/a Stephen R. Stegall and Sharon Stegall. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2597 2. Release of demolition cost reserve held under claim number 6224954 regarding property known as 4825 SW 6th owned by Charles Storm. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-2598 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:20 P.M.**