

SUMMARY OF DES MOINES CITY COUNCIL MEETING

September 22, 1997

97-3118 1. ROLL CALL:**Present: Ray, Daniels, Flagg, Hensley, McPherson. Absent: Phillips and Vlassis.**

*******CLOSED SESSION*******

3:30 P.M.

97-3119 I. (a) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3120 (b) Closed Session to discuss matters of pending litigation.

97-3121 (c) Terminate this closed session and reconvene in open session. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3122 (d) Approving payment of \$154,102.14 in settlement of claim for back pay and benefits, to Jerry O. Smith, and Charles Gribble, his attorney, and reinstatement of sick, holiday and vacation time, regarding termination of his position as fire captain with the Fire Department. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3123 (e) Motion to recess and reconvene at 4:30 P.M. **Moved by McPherson to adopt. Motion Carried 5-2.**

PROCLAMATIONS - 4:00 P.M.:

- (a) Alpha Delta Kappa Month
- (b) Constitution Week
- (c) Family Health & Fitness Day USA
- (d) Head Start Awareness Month
- (e) Italian Heritage Month
- (f) White Cane Safety Day

*******REGULAR SESSION*******

4:30 P.M.

INVOCATION: Father Tom Pfeffer

Visitation Catholic Church

97-3124 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3125 3. APPROVING CONSENT AGENDA - items 3 through 90: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

97-3126 4. Communication from Legal Department regarding September 22, 1997 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 5-2.**

Class "B" Beer Licenses

97-3127 5. Fall Foods, Inc., J. M. Harding Cudahy, President dba Godfather's Pizza, 4119 University Avenue; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-11-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3128 6. Fall Foods, Inc., J. M. Harding Cudahy, President dba Godfather's Pizza, 3022 SE 14th Street; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-11-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3129 7. Happy Joe's Pizza & Ice Cream Parlor, Inc., Lawrence J. Whitty, Chairman of the Board dba Happy Joe's, 1402 E. McKinley; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-20-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3130 8. Happy Joe's Pizza & Ice Cream Parlor, Inc., Lawrence J. Whitty, Chairman of the Board dba Happy Joe's, 1313 E. Euclid; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-20-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3131 9. Long John Silvers, Inc., John M. Cranor III, President dba Long John Silver's Seafood Shop, 4500 Fleur Drive; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-25-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3132 10. Long John Silvers, Inc., John M Cranor III, President dba Long John Silver's Seafood Shop, 3514 SE 14th Street; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-25-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Class "C" Beer Licenses

97-3133 11. Kwik Shop, Inc., Steve Mostrom, District Advisor dba Kwik Shop #538, 1930 Indianola Road; Renewal - Expires 10-2-97 (With Sunday Sales) - Application submitted 8-25-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Class "E" Beer Licenses

97-3134 12. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #500, 3700 Hubbell Avenue; Renewal - Expires 10-21-97 (With Sunday Sales) - Application submitted 8-4-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Class "B" Wine Licenses

97-3135 13. Des Moines Club, Donald Kemp, President dba Des Moines Club, 666 Grand Avenue; New Application - Application submitted 9-4-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Class "C" Beer-Wine Licenses

97-3136 14. Benchang Laungaram dba A Taste of Thailand, 215 E. Walnut Street; Renewal - Expires 10-22-97 (With Sunday Sales) - Application submitted 9-2-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3137 15. India Star, Inc., Mohan Singh, President dba India Star, 3620 Beaver Avenue; New Application (With Sunday Sales) - Application submitted 8-5-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Class "B" Liquor Licenses

97-3138 16. River Catering Company, Inc., John Q. Hammons, President dba Embassy Suites Hotel, 101 E. Locust Street; Renewal - Expires 9-26-97 (With Sunday Sales and Beer Garden) - Application submitted 8-26-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3139 17. Marriott Hotel Services, Inc., Todd Clist, President dba Des Moines Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 7-18-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Class "C" Liquor Licenses

97-3140 18. Fine Host Corporation, Richard E. Kerley, CEO dba Des Moines Convention Center, 501 Grand Avenue; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-21-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

WITHDRAWN97-3141 19. Donald J. Quinn dba Helen & Pat's, 209 Euclid Avenue;Renewal - Expires 9-30-97 - Application submitted 9-3-97.

97-3142 20. Purple Cow Players, Inc., Charles Carnes, Owner dba Ingersoll Dinner Theater, 3711 Ingersoll Avenue; Renewal - Expires 10-4-97 (With Sunday Sales) - Application submitted 9-4-97. **Moved by Hensley to adopt. Motion Carried 3-2-2. Nays: Daniels and McPherson.**

97-3143 21. Des Moines Chapter Izaak Walton League, Arlo McDowell, President dba Izaak Walton League, 4343 Valley Drive; Renewal - Expires 9-28-97 (With Sunday Sales and Beer Garden) - Application submitted 8-25-97. **Moved by Hensley to adopt. Motion Carried 3-2-2. Nays: Daniels and McPherson.**

97-3144 22. Kimber L. Graves dba Mr. Bill's Back Door Tavern, 2279 Hubbell Avenue; Renewal - Expires 9-24-97 - Application submitted 8-21-97. **Moved by Hensley to adopt. Motion Carried 3-2-2. Nays: Daniels and McPherson.**

97-3145 23. Olson Recreation, Inc., Donald Olson, President dba Merle Hay Lanes, 3800 Merle Hay Road; Renewal - Expires 9-28-97 (With Sunday Sales) - Application submitted 8-26-97. **Moved by Hensley to adopt. Motion Carried 3-2-2. Nays: Daniels and McPherson.**

97-3146 24. Betty Lloyd dba R & K Bar and Grill, 607 SE 30th Street; New Application - Application submitted 8-20-97. **Moved by Hensley to adopt. Motion Carried 3-2-2. Nays: Daniels and McPherson.**

97-3147 25. Cy Corporation, Inc., Si L. Scales, President dba Smokey's Triangle Tap, 2506 Post; Renewal - Expires 9-30-97 (With Sunday Sales) - Application submitted 8-26-97. **Moved by Hensley to adopt. Motion Carried 3-2-2. Nays: Daniels and McPherson.**

Class "E" Liquor Licenses

97-3148 26. Marriott Hotel Services, Inc., Todd Clist, President dba Des Moines Marriott Hotel, 700 Grand Avenue; Renewal - Expires 9-30-97 - Application submitted 7-18-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3149 27. Drake Liquor Store, Ltd., Robert Braune, President dba Drake Liquor Store, 2106 Forest Avenue; Renewal - Expires 10-1-97 - Application submitted 8-29-97. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

Authorizing

97-3150 28. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: McPherson.**

97-3151 29. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 5-2.**

Beer Gardens

97-3152 30. Approving temporary beer garden for Civic Center of Greater Des Moines, Jim Willer, Chairman dba Civic Center of Greater Des Moines, 221 Walnut for special event to be held on September 27, 1997 - Application submitted 9-10-97. Subject to submission of acceptable fire inspection. **Moved by Flagg to adopt. Motion Carried 4-2. Council Member Hensley declares a conflict of interest, and abstains from voting.**

97-3153 31. Approving temporary beer garden for Court Avenue Brewing Co., LLC, Angelo Gangae, President dba Court Avenue Brewing Company, 309 Court Avenue for special event to be held on October 4, 1997 - Application submitted 9-17-97. Subject to submission of acceptable building, electrical, zoning and fire inspections. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3154 32. Approving temporary beer garden for Drake University, Blair Stairs, Director of Food Services, dba Rathskeller, Olmsted Center, Drake Lounge, Sports & Recreation Center, Mainstay, 29th and Carpenter for special event to be held on October 10, 1997 to October 11, 1997 - Application submitted 9-10-97. Subject to submission of acceptable building, electrical and fire inspections. **Moved by Hensley to adopt. Motion Carried 5-2.**

Refunds

97-3155 33. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS

97-3156 34. Approving Intergovernmental 28E Agreement with Des Moines Water Works and Des Moines Airport, to share costs of constructing a new water main in relocated Army Post Road west of Fleur Drive. (Council Communication No. 97-473). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3157 35. Authorization to proceed on various Fire Department improvements included in the 1997-98 Capital Improvement Program. (Council Communication No. 97-468). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3158 36. Authorization to proceed on Equipment Maintenance Center Renovation, included in the 1997-98 Capital Improvement Program. (Council Communication No. 97-472). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3159 37. Authorizing City Manager to acquire necessary right-of-way and easements for St. Johns Road and Elmwood Drive Storm Sewer Projects included in the 1997-98 Capital Improvement Program. (Council Communication No. 97-466). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3160 38. Approving Professional Services Agreement with CH2M Hill, Inc., Ralph R. Peterson, President, for Phase I of Process Safety Management Study Project at the WRA

Wastewater Treatment Plant. (Council Communication No. 97-471). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3161 39. Approving Agreement with U.S. Department of the Interior Geological Survey for funding operation of the City's six gaging stations along Walnut Creek, Four Mile Creek, Raccoon River, and Des Moines River. (Council Communication No. 97-465). **Moved by McPherson to adopt. Motion Carried 5-2.**

40. Approving Change Orders for the following:

97-3162 (A) Change Order No. 1 with The Weitz Company for construction of the WRA Laboratory and Personnel Facilities Expansion in an amount not to exceed \$14,626. (Council Communication No. 97-464). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3163 (B) Change Order No. 1 with Eco-Tech Contractors for additional work in conjunction with 1995 Paving Program No. 1, Contract No. 3 in an amount not to exceed \$54,870. (Council Communication No. 97-470). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3164 (C) Change Order No. 1 with Taylor Ball L.C. for additional work in conjunction with Intermodal Transportation Facility contract, not to exceed \$85,371. (Council Communication No. 97-469). **Moved by McPherson to adopt. Motion Carried 5-2.**

41. 1998 Paving Program:

97-3165 (A) Recommendation from City Manager. **Moved by Flagg to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 5-2.**

97-3166 (B) Preliminary resolution for construction. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3167 (C) Resolution fixing values of lots. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3168 (D) Adopting preliminary plat and schedule estimate of cost and proposed plans and specifications. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3169 (E) Proposed Resolution of necessity and notice to property owners of hearing (10-20-97). **Moved by Flagg to adopt. Motion Carried 5-2.**

42. Items regarding proposed paving of E. Virginia Avenue from SE 22nd Street to 249 feet East, for proposed school site:

97-3170 (A) Petition and Waiver from Dale C. and Ilene Belieu. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3171 (B) Petition and Waiver from Des Moines Independent School District. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3172 (C) Adopting Resolution of Necessity and Ordering Construction. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3173 43. Resolution Ordering Construction of Sanitary Sewer Repair at 3113 Southern Hills Drive, Receiving of Bids, (9-30-97), and Setting Date of Hearing, (10-6-97), (Construction Estimate - \$20,000). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3174 44. Authorization for acquisition for necessary right-of-way and easements in conjunction with the 30th/31st Street Improvements - Kingman to Forest. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3175 45. Authorizing City Engineer to repair, replace or reconstruct sidewalks at forty-one locations, (call City Clerk's office for listing). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3176 46. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by one property owner, and paving or curb replacement program, waivers signed by three property owners (call City Clerk's office for listing). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3177 47. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the SE 15th Street & Scott Avenue Storm Pumping Station Alternate Power, \$142.50 is now due and remaining balance of \$827.11 is to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3178 48. Communications from various contractors - Les'Mes Environmental Support, Inc., Cedar Valley Corporation, Eco-Tech Contractors, Inc., and Insituform Central, Inc. requesting permission to sublet certain items on four public improvement projects. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3179 49. Approving partial payments on twelve public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 5-2.**

LAND/PROPERTY TRANSACTIONS

97-3180 50. Condemnation Commissioners' award of \$2,015 plus Sheriff's fees and jury expenses in conjunction with Fleur Drive Paving - Army Post Road to County Line Road - Army Post Road to 3400' South, to D. W. Newcomer's Sons, Inc. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3181 51. Condemnation Commissioners' award, plus Sheriff's fees and jury expenses, \$378,509.45, in conjunction with Army Post Road/ Highway 28 Relocation and Runway 5/23 Extension, to Army Post Development, L.C. (Council Communication No. 97-486). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3182 52. Condemnation Commissioners' award, plus Sheriff's fees and jury expenses, \$311,040.08, in conjunction with Army Post/ Highway 28 Relocation and Runway 5/23 Extension - SW 30th and Littell, to Hurd Real Estate Services, Inc. (Council Communication No. 97-487). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3183 53. Offer to Purchase, and two Special Warranty Deeds, in conjunction with Southeast Diagonal Connector Project, from David A. Williamson, Brian Haws and James D. Fetters, Jr, 645 SE 26th Court - \$1,462.60. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3184 54. Purchase of 1604 6th Avenue, in conjunction with Sixth Avenue Revitalization Plan, Sixth Avenue Urban Renewal Area, from Joseph M. Coppola, Jr., and Christopher Coppola - \$18,000. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3185 55. Purchase of 1606 6th Avenue, in conjunction with Sixth Avenue Revitalization Avenue, from 1606 6th Ave., Inc. - \$17,000. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3186 56. Approving special warranty deed for portion of Disposition Parcel No. 20B (Houghton Properties-1771 Guthrie Avenue)/Guthrie Avenue Business Park Urban Renewal Area. (Council Communication No. 97-476). **Moved by McPherson to approve. Motion Carried 5-2.**

97-3187 57. Approving Noise and Avigation Easements for six properties, in conjunction with the Airport Noise Compatibility Program, Phase II (Resale Assurance Program). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3188 58. Approving Noise and Avigation Easements for ten properties, in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by McPherson to adopt. Motion Carried 5-2.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-3189 59. Modification of conditions for the reclassification of the Woodland Heights Neighborhood to charter status, to extend NFC lending to additional areas and allow an additional six months of lending until 3-31-98. (Council Communication No. 97-467). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3190 60. Communication from Brian E. Johnson submitting his resignation from the Housing Appeals Board, effective immediately. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 5-2.**

97-3191 (A) Approving recommendation of At Large Council Member George E. Flagg for appointment of David R. Minor to the Housing Appeals Board to fill unexpired term of Brian Johnson to expire March 16, 2000. **Moved by McPherson to adopt. Motion Carried 5-2.**

STREET CLOSINGS

97-3192 61. Approving closure of the following city streets: **Moved by McPherson to adopt. Motion Carried 5-2.**

(1) Ken Boatwright, representing the Highland Park Economic Development Commission, 515 Euclid Avenue, requesting permission to close Sixth Avenue from Clinton Avenue to Euclid Avenue on Saturday, September 27, 1997 from 9:30 A.M. until 1:30 P.M. for a historical walking tour of Sixth and Euclid buildings.

(2) Melody Nelson, 1012 - 39th Street, requesting permission to close 39th Street from Kingman Boulevard to School Street on Sunday, September 23, 1997 from 4:30 until 9:00 P.M. for a neighborhood block party and parade.

(3) Kate Pham, representing Drake University's Homecoming Committee, 1227 34th Street, requesting permission to close 34th Street from 1315 - 34th Street to 1320 - 34th Street and 1219 - 34th Street to 1335 - 34th Street on Thursday, September 27, 1997 from 6:00 until 10:00 P.M. for a street party in conjunction with Drake's Homecoming Week.

CITY PLAN COMMISSION RECOMMENDATIONS

97-3193 62. Regarding request from Sleepy Hollow Sports Park, for renaming of Dean Avenue to Sleepy Hollow Drive, east of Williams to the East City Limits, (Plan and Zoning Commission recommends denial). **Moved by McPherson to receive and adopt. Motion Carried 5-2.**

SETTING DATE OF HEARINGS

97-3194 63. On amendment to the Zoning Ordinance regarding increasing the minimum percentage of street facade opening from single-family homes from 5% to 15%, (10-6-97). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3195 64. On application from Matthew Dittmer, to rezone property at 624-35th Street from "R1-60" (One-Family, Low Density Residential), to a "C-0" (Commercial-Residential District), and to find application in conformance with the Des Moines 2000 Land Use Plan, (10-6-97). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3196 65. On proposed 1998 HUD Consolidated Plan, which combines planning and submission process for Community Development Block Grant (CDBG) HOME Investment Partnership Program (HOME) and Emergency Shelter Grant (ESG) funds, (11-17-97). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3197 (A) Communication from Bob King, Chair of the Neighborhood Revitalization Board, transmitting funding recommendations and the third year update for the 1998 Consolidated Plan. **Moved by Hensley to receive and file and refer to City Manager. Motion Carried 5-2.**

97-3198 66. On sale of city property in the vicinity of SE 22nd and Virginia, to the Des Moines Independent Community School District, \$242,000, pursuant to Chapter 28E Agreement, (10-6-97). **Moved by McPherson to adopt. Motion Carried 5-2.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-3199 67. Approving ratifying action supporting to Iowa League of Cities toward cost of filing litigation to resolve telecommunications issues of law concerning rights-of-way of municipalities - \$10,000. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3200 68. Approving payment of \$1,745.50 to Hopkins & Huebner, P.C. for representation of Officer Michael Craig in case of Jane Taylor vs. Michael Craig, et al. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3201 69. Approving payment of \$10,000 as full and complete payment upon subrogation interests the City has in Betty Ellsworth's medical expenses, and to waive the remainder of the same, and to execute whatever documents are necessary. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3202 70. Approving payment of \$9,125.10 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services rendered to the City on a variety of ICA-related issues including Polk County funding and audit report. **Moved by McPherson to adopt. Motion Carried 4-1-2. Pass: Flagg.**

97-3203 71. Approving payment of \$175.50 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for resolution of certain environmental matters in conjunction with the COTA Industries property at 5512 S.E. 14th Street. **Moved by McPherson to adopt. Motion Carried 5-2.**

CITY MANAGER COMMUNICATIONS

97-3204 72. Submitting various traffic regulation changes as follows, (Council Communication No. 97-463): **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-2.**

(1) Request for Corner Clearance--South Side of Center Street West of Thirty-third Street.

(2) Request for Speed Reduction--Easter Lake Drive Between Indianola Avenue and Southeast Thirty-sixth Street.

(3) Request for Parking Restriction and Traffic Control--Fifty-ninth Street and Boston Avenue.

(4) Request for Four-Way Stop Control--Southeast Twenty-second Street and Park Avenue.

(5) Request for Removal of Parking Restriction--North Side of East Wall Avenue East of Jordan Drive.

97-3205 73. Regarding removal of school crossing guards at the noon crossing period. (Council Communication No. 97-462). **Moved by McPherson to approve. Motion Carried 5-2.**

97-3206 74. Submitting out-of-state travel requests for Robert Crouse, and Larry Davey. (Council Communication No. 97-458). **Moved by McPherson to adopt. Motion Carried 5-2.**

APPROVING

97-3207 75. City Manager's Monthly Financial Report for June, 1997, (on file in the City Clerk's Office). **Moved by McPherson to receive and file. Motion Carried 5-2.**

97-3208 76. Authorizing the Mayor, to sign Federal Communications Commission (FCC) Form 329 filing a complaint on behalf of Des Moines subscribers against Heritage Cablevision, Inc., dba TCI of Central Iowa (TCI), concerning rate increase. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3209 77. Request from Joan Roberts, Principal of North High School submitting banner design for twenty-four (24) banners to be displayed from electric poles on four streets surrounding North High School (Sheridan, Sixth Avenue, Holcomb Avenue and Second Avenue) beginning on Saturday, October 4 and remaining in place for four weeks (to include North High Homecoming). **Moved by McPherson to receive, file and approve the banner design as submitted. Motion Carried 5-2.**

97-3210 78. Submitting application to IDOT for Congestion Mitigation and Air Quality Program funds for proposed Indianola Avenue Connector project. (Council Communication No. 97-460). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3211 79. Renewal of Agreements with Southern Golf, Inc., for operation of clubhouse concessions, pro shop and management of A.H. Blank Golf Course, one-year term to expire November 30, 1998. (Council Communication No. 97-481). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3212 80. Community Services Block Grant (CSBG) 97-07-CJ, third quarter report for April 1 through June 30, 1997. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3213 81. Housing Counseling Grant Agreement from U. S. Department of Housing and Urban Development (HUD) to provide comprehensive housing counseling services to eligible clients - \$7,500. **Moved by McPherson to adopt. Motion Carried 5-2.**

82. Amendments to the following contracts:

97-3214 (A) Polk County Child Net contract adding \$380,000 for child care subsidy disbursement for children whose families participate in the EC Employment Consortium program. (Council Communication No. 97-484). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3215 (B) HOME, Inc. contract adding \$50,000 for additional specialized training and extending the project period from October 1, 1997 to October 1, 1998. (Council Communication No. 97-485). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3216 83. Accepting \$500 grant from Iowa Department of Public Health, to provide ten \$50 scholarships for Enterprise Community Middle School youth, to pay for summer school program. (Council Communication No. 97-483). **Moved by McPherson to adopt. Motion Carried 5-2.**

WITHDRAWN97-3217 84. Subordination Agreement with Norwest Business Credit, Inc. relating to additional financing for Diamond Animal Health, Inc.(Council Communication No. 97-478)

85. Bids for the following:

97-3218 (A) American Home Improvement, (3408 Broadway, Deloris Mienke, President) for roof replacement of park shelters at MacRae and Union Parks to be used by the Parks Department, \$28,428. (Nine bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3219 (B) Pomeroy Computer Resources, (1408 Locust, Rick Feaster, President) for Novell Netware upgrades and licenses to be used by City Departments, \$21,059. (Seven bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3220 (C) Kimberly Press LTD, (10776 Aurora Avenue, Chuck Kisskle, President) for printing of City Services Guide, \$27,321. (Fourteen bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3221 (D) Doug Berglund Construction, Co., (Johnston, IA, Doug Berglund, President) for roof replacement of Beaverdale Park Shelter to be used by the Parks Department, \$10,481. (Nine bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3222 (E) Ardick Equipment Co., (Johnston, IA, Jack C. Miles, President) for 900 10' sign posts - \$11,160. Traffic & Parking Control Co., Inc., (Wauwatosa, WI, Rick Bergholz, President) for 900 3' sleeves - \$6,300 to be used by the Traffic and Transportation Department. (Six bids mailed-three received). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3223 (F) GCI Castings, Inc., (Shawnee Mission, KS, Rick Rose, President - \$2,500, Neenah Foundry Co., (Neenah, WI, John Hildebrandt, President) - \$11,650, and \$1,830, and Utility Equipment Co., (Des Moines, R. C. Cory President) - \$17,850 for various sized manhole castings to be used by the Public Works Department (Sewer Division). (Five bids mailed-four received). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3224 (G) Compuware Corporation, (Farmington Hills, MI, Joseph A. Nathan, President) for File/Management conversion software package for year 2000 conversion to be used by the Finance Department (Data Processing), \$32,130. (Six bids mailed-two received). (Council Communication No. 97-479). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3225 86. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3226 87. Report of Civil Service Commission submitting Entrance Lists for Plant Mechanic, Assistant Planner, Animal Handler, Animal Control Officer, Senior Public Safety Dispatcher, and Promotional List for Animal Control Field Supervisor. **Moved by McPherson to receive and file. Motion Carried 5-2.**

97-3227 88. Authorizing Finance Director to draw warrants listed on the warrant registers of September 26, 1997 and October 3, 1997; and the bills of the Des Moines Municipal Housing Agency for the weeks beginning September 22, 1997 and September 29, 1997, and biweekly payroll due employees on September 26, 1997. **Moved by McPherson to adopt. Motion Carried 5-2.**

ORDINANCES - FINAL CONSIDERATION

97-3228 89. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: **Moved by McPherson that this ordinance do now pass, [#13,528](#). Motion Carried 5-2.**

- (1) Request for Reversal of Parking Restriction--Loomis Avenue from S.W. Ninth Street to S.W. 12th Street
- (2) Petition for Traffic Controls--Walker Street from East 15th Street to East 18th Street
- (3) Request for Traffic Control--North Valley Drive at 56th Street
- (4) Request to Remove Two-Hour Parking Restriction--24th Street South of University Avenue

ORDINANCES - SECOND CONSIDERATION

97-3229 90. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: **Moved by McPherson that this ordinance be considered and given second vote for passage.**

- (1) Request for Extension of Existing Corner Clearance--North Side of Thornton West of South Union
- (2) Request for Extension of Existing Parking Restriction--South Side of Bell West of South Union
- (3) Request for Reduction in Corner Clearance--West Side of Eighth Street South of Franklin Avenue to Hickman Road
- (4) Request for Corner Clearance--East Side of 41st South of Germania Drive
- (5) Request for Removal of Commercial Loading Zone and Installation of Two Ten-Hour Meters--West Side of E. Third North of E. Walnut Street

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

ORDINANCES - FIRST CONSIDERATION

97-3230 91. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

(1) Request for Corner Clearance--South Side of Allison Avenue East of Forty-fourth Street

(2) Request for Handicapped Parking--South Side of City Hall

(3) Request for Extension of Parking Restriction--East Side of Cambridge Street from East Sheridan Avenue to North of Hull Avenue

(4) Request for Loading Zone--East Side of Southeast Third Street North of Market Street

****Council considered Items 97 through 99 next****

HEARINGS (Opened at 5:44 P.M.) (Items 92 thru 96)

97-3231 92. On application from Catherine Carson to rezone property at 7301 Fleur Drive from "R1-80" (One-Family Residential) and "R-5" (Mobile Home Residential) to a Limited "C-2" (General Retail and Highway-Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3232 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

97-3233 93. On 2100 Block of Woodland Avenue Excavation of Lead Bearing Soil: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Les'Mes Environmental Support Inc., (Richard Burhans, Pres., Truro, IA), \$27,980. (Council Communication No. 97-474). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3234 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3235 94. On Police Station Step Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Western Waterproofing Inc., (Bill Bishop, President, WDM), \$99,241. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3236 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3237 95. On Blank Park Zoo Cats Exhibit Demolition and Site Utilities: 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), \$258,585. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3238 (A) Approving contract and bond. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3239 96. On SW Fifth Street Bridge Rehabilitation - IDOT Project: Resolution approving plans, specifications, form of contract documents, Engineer's estimate of costs, (Bids to be received on 9-23-97). **Moved by Flagg to adopt. Motion Carried 5-2.**

* * END HEARINGS at 6:03 P.M. * *

****Council considered Item 100 through end of agenda next****

CITY MANAGER RECOMMENDATIONS

97. Communications from the following regarding the Gateway West Project:

97-3240 (A) Architectural Advisory Committee. **Moved by Hensley to receive and file and refer to City Manager. Motion Carried 5-2.**

97-3241 (1) Plan and Zoning Commission. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3242 (B) Urban Renewal Board. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3243 (C) Park Board. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3244 (D) Library Board. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3245 (E) Historic District Commission. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3246 (F) Skywalk Commission. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3247 (G) Neighborhood Revitalization Board. **Moved by Hensley to receive and file and refer to the City Manager. Motion Carried 5-2.**

97-3248 (H) City Manager Interim Report. (Council Communication No. 97-457). **Moved by Hensley to defer action and refer to City Manager for additional study and recommendation, including financing and environmental analysis. Motion Carried 5-2.**

APPROVING

97-3249 98. Recommendation of Metro I-235 Citizens' Design Committee and additional staff recommendations to Des Moines Metropolitan Planning Organization for concurrence and submittal to Iowa Department of Transportation for Final Environmental Impact Statement. (Council Communication No. 97-461). **Moved by Hensley to adopt. Motion Carried 5-2.**

97-3250 99. From Library Director, requesting consideration of funding in the proposed Capital Improvement Program (CIP) for 1998-99, for an Iowa Communications Network (ICN) classroom facility at the East Side Library. **Moved by McPherson to refer this matter to the city Manager for consideration in the proposed CIP for FY 1998-99. Motion Carried 5-2.**

****Council considered Hearing Items 92 through 96 next****

97-3251 100. Accepting gift from Laurel Hill Neighborhood Association and approving acquisition of land at 3407 Dean Avenue for a neighborhood park. (Council Communication No. 97-482). **Moved by McPherson to adopt. Motion Carried 5-2.**

97-3252 101. Recommendation from Parks and Recreation Department regarding property adjacent to St. Ambrose Cemetery. (Council Communication No. 97-475). **Moved by Hensley to receive, file and adopt recommendation to not purchase the property adjacent to St. Ambrose Cemetery. Motion Carried 5-2.**

97-3253 102. Negotiated Sale Method for issuance of Airport Revenue Bonds and approval of Request for Qualifications (RFQ) for selection of Senior Managing Underwriter. (Council Communication No. 97-480). **Moved by Hensley to adopt. City Manager and Legal to report further on questions raised by Council Member Flagg. Motion Carried 4-1-2. Pass: Flagg.**

97-3254 103. Economic Development Loan from Des Moines Action Loan Fund to NationJob, Inc. 601 SW 9th, (Ralph Hejlik, Pres. West Des Moines) for further economic development of Riverpoint Capitol-Center Development Area Urban Renewal Project - \$45,000. (Council Communication No. 97-477). **Moved by Flagg to approve. Motion Carried 5-2.**

COUNCIL REQUESTS

97-3255 104. From Council Member at Large Preston Daniels, to discuss ticketing procedures for Handicap Parking Violations. **Moved by Daniels to discuss and refer to City Manager and Legal for report on issues raised. Motion Carried 5-2.**

97-3256 105. From Council Member Gene Phillips, Ward IV, presenting a proposed Des Moines Ag Zone Good Neighbor Plan, and Good Neighbor Agreement. **Moved by Daniels to receive, file, discuss and refer to City Manager, Legal and the Neighborhood Revitalization Board (NRB) and City Plan Commission, for review and recommendation, including a proposed agreement and suggestions for committee structure to implement the proposal. Motion Carried 5-2.**

97-3257 106. From Council Member Mike McPherson, Ward II, regarding request from George Thomas, AC Technicians, 2544 E. University regarding illegal dumping on private property.

Moved by McPherson to discuss and refer to City Manager to convey the appropriate information to Mr. Thomas. Motion Carried 5-2.

97-3258 107. From Council Member Mike McPherson, Ward II, to speak regarding a four-way stop sign at intersection of North Union and Sheridan. **Moved by McPherson to discuss, and refer to city Manager and Traffic Safety Committee for review and recommendation. Motion Carried 4-3. Absent: Daniels, Phillips and Vlassis.**

COMMUNICATIONS/REPORTS

97-3259 108. From Marylyn Bruce, 833 Walker, Des Moines, to speak regarding posting signs on utility poles. **No Motion Made. City Manager will continue to work with Mid American Energy, Legal and staff to resolve this issue.**

97-3260 109. From Terri Cole, P.O. Box 41282, Des Moines, to speak regarding intersection at 31st and Crocker. **No Motion Made. City Engineer will direct installation of additional signalheads in the next two to three weeks.**

97-3261 110. From Lawrence White, 1000-24th Street #13, Des Moines, to speak regarding various issues. **No Motion Made. Mr. White spoke to the Council.**

97-3262 111. From Frank Bailey, Chesterfield Neighborhood Association, to speak regarding debris on west side of Dean's Lake. **No Motion Made. City Manager and Public Works Administrator will address concerns raised, working toward reaching a resolution.**

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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.

97-3263 1. Communication from Council Member Mike McPherson regarding a proposed change in Des Moines Fire Chief requirements, which stipulates you must be a Captain, with 5 years experience in active fire suppression. SPONSOR: McPherson. **Moved by McPherson to reduce the requirements to state you must be a Captain with four (4) years experience. Motion Failed. 2-3-2. Yeas: Flagg and McPherson. Nays: Ray, Daniels and Hensley. Absent: Phillips and Vlassis. Pursuant to City Council Rule No. 33A, Council Member Flagg directed the City Clerk to place this item on the next Council Agenda, 10-6-97.**

A G E N D A

BOARD OF HEALTH

September 22, 1997

97-3264 MOTION TO CONVENE. **Moved by Flagg that the City Council Adjourn and Convene as a Board of Health. Motion Carried 5-2.**

AUTHORIZING

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

97-3265 (A) 1607 Dean, vacant, Titleholder: Steven Brassfield; Legal Interest Holders: Richard Carr, Susan Carr, Kevin R. Kay, ATTN: Brian R. Kay, Custodian. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3266 (B) 2517 40th, vacant, Titleholders: James A. Tuttle, Theresa E. Tuttle. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3267 2. Release of demolition cost reserve held under claim number 02-084333 regarding property known as 1353 - 7th owned by William DeVall. **Moved by Flagg to adopt. Motion Carried 5-2.**

97-3268 MOTION TO ADJOURN. **Moved by Flagg to adjourn at 8:20 P.M.**