

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 5, 1998 4:30 P.M.

*******CLOSED SESSION*******
3:00 P.M.

98-3081 1. ROLL CALL: **Present: Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis. Absent: Daniels.**

98-3082 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 6-1.**

98-3083 (b) Closed Session to discuss matters of pending litigation.

98-3084 (c) Terminate this closed session and reconvene in open session. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3085 (d) Motion to recess and reconvene at 4:30 P.M. **Moved by Coleman to adopt. Motion Carried 6-1.**

PROCLAMATIONS - 4:00 P.M.:

- (a) National Javits - Wagner - O'Day Week
- (b) White Cane Safety Day
- (c) Des Moines' Week of Lapidary
- (d) Hunger Hike Sunday

CULTURAL CONNECTION - 4:15-4:30 P.M.:

Showcase of Local Arts

INVOCATION: Duane Gibson

First Baptist Church

98-3086 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 6-1.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

98-3087 3. APPROVING CONSENT AGENDA - items 3 through 61: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS:

Approving

98-3088 4. Communication from Legal Department regarding October 5, 1998 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

98-3089 5. Campbell's Concession Corporation, Calvin Campbell, President dba Campbell's Concession, 3000 E. Grand Avenue-Tourism Building; Renewal - Expires 10-23-98 (With Sunday Sales) - Application submitted 9-22-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3090 6. Campbell's Concession Corporation, Calvin Campbell, President dba Campbell's Concession, 3000 E. Grand Avenue - Pavilion Building; Renewal - Expires 10-23-98 (With Sunday Sales) - Application submitted 9-22-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3091 7. Hull Avenue Tavern Inc., Suzanne Stander Peglow, President dba Hull Avenue Tavern, 834 Hull Avenue; Renewal - Expires 10-09-98 - Application submitted 9-9-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

98-3092 8. Best Food Mart Inc., Manjit Singh Ghumman, President dba Best Food Mart, 4028 NE 14th Street; Renewal - Expires 10-13-98 (With Sunday Sales) - Application submitted 8-25-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3093 9. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1043, 2110 E. Guthrie; Renewal - Expires 10-13-98 (With Sunday Sales) - Application submitted 9-4-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3094 10. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1048, 4503 Fleur Drive; Renewal - Expires 10-13-98 (With Sunday Sales) - Application submitted 9-4-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3095 11. Kartar's Mini Mart, Inc., Harpal Singh, President dba Kartar's Mini Mart, 3761 E. University; Renewal - Expires 10-19-98 (With Sunday Sales) - Application submitted 9-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

98-3096 12. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #500, 3700 Hubbell; Renewal - Expires 10-21-98 (With Sunday Sales) - Application submitted 8-3-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "B" Wine Licenses

98-3097 13. Boesen The Florist, Inc., Thomas L. Boesen, President dba Boesen The Florist, 623 Grand Avenue; Renewal - Expires 10-17-98 - Application submitted 9-16-98. **Moved by McPherson to adopt. Motion Carried 5-1. Council Member Coleman declares a conflict of interest, and abstains from voting.**

Class "C" Beer-Wine Licenses

98-3098 14. Benchang Laungaram dba A Taste of Thailand, 215 E. Walnut Street; Renewal - Expires 10-22-98 (With Sunday Sales) - Application submitted 9-9-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3099 15. Jeremy Morrow dba Bistro 43, 4345 Hickman; Renewal - Expires 10-6-98 - Application submitted 9-3-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3100 16. Marlene Todd and Marsha Moen dba The Corner, 2724 Ingersoll Avenue; Renewal - Expires 10-14-98 - Application submitted 9-14-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3101 17. Robin's Nest Inc., Dan Smith, President dba Robin's Wood Oven Grill, 6401 SE 14th; Renewal - Expires 10-14-98 (With Sunday Sales) - Application submitted 9-22-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

98-3102 18. Blazing Saddle, Inc., Robert J. Eikleberry, President dba Blazing Saddle, 416 E. 5th Street; Renewal - Expires 10-23-98 (With Sunday Sales) - Application submitted 9-8-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3103 19. Drake Area Restaurant Corporation, R. Stephen Vilmain, Manager dba Drake Diner, 1111 25th Street; Renewal - Expires 10-18-98 (With Sunday Sales and Beer Garden) - Application submitted 9-18-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3104 20. Tonic, Inc., Anthony S. Trimmell, President dba Friends, 101 4th Street; Renewal - Expires 10-7-98 (With Beer Garden) - Application submitted 9-8-98. **Moved by McPherson to**

adopt. Motion Carried 6-1.

98-3105 21. G.T. Race Car Bar, Inc., John J. Limke, President dba G.T. Race Car Bar, 3013 Ingersoll Avenue; Renewal - Expires 10-12-98 (With Sunday Sales) - Application submitted 9-11-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3106 22. Betty and Joe Gosek dba Joe and Betty's Tap, 1225 E. 30th Street; Renewal 10-22-98- Expires (With Sunday Sales) - Application submitted 9-14-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3107 23. Loca, Inc., Kenneth D. Roush, President dba Kenny D's, 3925 E. 14th Street; Renewal - Expires 10-14-98 (With Sunday Sales) - Application submitted 9-8-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3108 24. Encounters, Inc., Veronica L. McCaughey, President dba McCoy's Pool & Pub, 3708 Beaver Avenue; Renewal - Expires 10-17-98 (With Sunday Sales) - Application submitted 9-17-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3109 25. Kimber L. Graves dba Mr. Bill's Back Door Tavern, 2279 Hubbell Avenue; Renewal - Expired 9-24-98 - Application submitted 9-23-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3110 26. Peggy Steen dba Peg's Place, 2400 E. Dean Avenue; Renewal - Expires 10-7-98 (With Sunday Sales) - Application submitted 9-24-98. **Moved by McPherson to adopt. Motion Carried 6-1.**

Beer Gardens

98-3111 27. Temporary Beer Garden for Peggy's Tavern, Inc., Michael Simpson dba Peggy's, 3020 Forest on Thursday, October 22, 1998 to Saturday, October 24, 1998 for Drake University Homecoming. Application submitted 9-24-98. Subject to submission of acceptable electrical inspection. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3112 28. Temporary Beer Garden for Blair Stairs dba Drake University, 29th and Carpenter on Friday, October 23, 1998 for Drake University Homecoming. Application submitted 9-24-98. Subject to submission of acceptable electrical and fire inspections. **Moved by McPherson to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Daniels.**

Refunds

98-3113 29. City Treasurer to issue refunds. **Moved by McPherson to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

30. Resolution Ordering Construction of the following:

98-3114 (A) Fire Station No. 1, (900 Mulberry Street) Apparatus Floor Replacement, Receiving of Bids, (10-20-98), and Setting Date of Hearing, (10-26-98), (Construction Estimate - \$125,000). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3115 (B) Laurel Hill Cemetery Gate, Receiving of Bids, (10-20-98), and Setting Date of Hearing, (10-26-98), (Construction Estimate - \$34,443). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3116 31. Communication from Eco-Tech Contractors, Inc. requesting permission to sublet certain items on the SE 14th Street & E. Diehl Avenue Intersection Improvements public improvement project. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3117 32. Approving partial payments on seven public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3118 33. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for 1997 Sidewalk Replacement Program, Johnson Concrete & Petroleum Construction Inc., \$8,723.77 due in 30 days. **Moved by McPherson to adopt. Motion Carried 6-1.**

34. Private Construction Contracts between McAninch Corporation, (Dwayne McAninch, President-Contractor) and Legacy Group, Ltd., (John C. Kline, President-Owner), for Easter Lake Pointe Subdivision Plats 2 & 3, located at Easter Lake Drive and SE 32nd Street, for the following:

98-3119 (A) Storm Sewer Improvements. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3120 (B) Sanitary Sewer Improvements. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3121 35. Authorizing City Engineer to proceed with sidewalk construction, wavier signed by one property owner, and paving or curb replacement, waiver signed by two property owners, (call City Clerk's office for list). **Moved by McPherson to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

98-3122 36. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility fees for the month of September, 1998, for Certification to Polk County Treasurer (call City Clerk's Officer for amounts). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3123 37. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for September, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3124 38. Authorizing Assessment Clerk to correct NAC-Emergency Order Assessment Schedule No. 1996-44, amount charged to 1136 12th Street, should be charged to 1016 Forest Ave. **Moved by McPherson to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

98-3125 39. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion, from Janette L. Damante, 2615 Littell Ave. - \$90,553. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3126 40. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion (Haverhill), from Landis L. Butcher and Norma L. Butcher, 6571 SW 30th Street - \$134,058. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3127 41. Offer to Purchase, Rental Agreement and Warranty Deed for property located at 508 Market Street, from T. M. Franklin Cownie, in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass - \$725,000. **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-3128 42. Appointment recommendation from At Large Council Member George E. Flagg for William Steven Wedeking to the Des Moines Access Advisory Board to fill the unexpired term of Ben Allers to expire June 15, 1999. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3129 43. Reappointment recommendation from Council Member Mike McPherson, Ward II, for Arlo Monthei to the Des Moines Access Advisory Board for a 4-year term to expire June 15, 2002. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3130 44. Resignation of André Merrett from the Civil Service Commission effective immediately. **Moved by McPherson to receive, file and accept the resignation, with appreciation for service. Motion Carried 6-1.**

STREET CLOSINGS

98-3131 45. Approving closure of the following City Streets. **Moved by McPherson to adopt. Motion Carried 6-1.**

(1) Colleen Dooley, 3909 Hillcrest Drive, requesting permission to close Hillcrest Drive from 3915 Brinkwood to 3821 Hillcrest, on Saturday, October 24, 1998 from 12:00 Noon until 6:00 P.M. for a block party.

(2) Cindy Blobaum, 1210 37th Street, requesting permission to close 37th Street (University to Carpenter Avenue) from Carpenter (37th to dead end west of 37th), on Sunday, October 11, 1998 from 3:30 P.M. until 7:30 P.M. for a block party.

(3) The New Mix 100.3 KMXD, 1801 Grand Avenue, requesting permission to close Court Avenue Bridge, north parking plus north travel lane only, on Thursday, October 15, 1998 from 5:30 A.M. until 9:00 A.M. for a block party.

(4) Italian-American Cultural Center, Chris Coppola, 1961 Indianola Avenue, requesting permission to close West 4th Street from Walnut to Court Avenue, on Monday, October 12, 1998 from 10:00 A.M. until 2:00 P.M. for a block party.

98-3132 (A) Approving exception regarding length of time for request to close various streets in the vicinity of Lincoln High School, for band competition, on Saturday, October 16, 1998 from 8 A.M. to 6 P.M. **Moved by McPherson to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

98-3133 46. On sale and conveyance of alley right-of-way at 1544 Stewart Street, to Michael D. Thomas, \$50 plus costs, (10-19-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3134 47. On application from Chris Pose, attorney for Youth Emergency Services & Shelter, Inc., to rezone property at 918 SE 11th Street, from Ltd. "C-1" (Neighborhood Retail Commercial) to a Revised Ltd. "C-1" (10-19-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

WITHDRAWN98-3135 48. On application from LeRoy Forrest, to rezone property at 4932 Urbandale Avenue, from "R1-60" (One Family Low Density Residential) to an "R-2" (One and Two Family Residential), (10-19-98).

98-3136 49. On Third Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area, to allow expansion of Airport Commerce Park (10-19-98). **Moved by McPherson to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-3137 50. Approving payment of \$771.87 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al., 4-96-CV-80860. **Moved by McPherson to approve payment. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

98-3138 51. Communication from City Manager submitting out-of-state travel requests for David Ruopp, Carolyn Taylor, Diane Goldsbury, Kelly Willis and Richard Jones. ([Council Communication No. 98-448](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

APPROVING

98-3139 52. Agreement for appointment of Successor Trustee with First Trust National Association for Limited Obligation Revenue Refunding Bonds (Des Moines Parking Associates Iowa Methodist Medical Center Project). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3140 53. Contract with Governor's Traffic Safety Bureau for in-car video camera system for Police Department - \$4,000. ([Council Communication No. 98-450](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3141 54. Application for an Iowa Community Cultural Grant for the Music Under the Stars 1999 concert series. ([Council Communication No. 98-455](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

55. Bids for the following:

98-3142 (A) Computerland, (611 E. 2nd Street, Wayne Clure, President) for fourteen (14) Ethernet Switches to be used by the Information Technology Department, \$23,296. (Four bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3143 (B) Bids awarded to Matre Ammunition, Inc., (Seven Mile, OH, Elaine Matre, President) for items 1 & 2 and Gil Hebard Guns, (Knoxville, IL, Gil Hebard, President) for items 3 & 4 for ammunition to be used by the Police Department (Academy). Bid from Matre Arms and Ammunition did not meet specifications for items 3 & 4, therefore non-compliant, \$17,186.40. (Tens bids mailed-five received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3144 (C) O'Halloran International, Inc., (1780 East Sheridan, Jim O'Halloran, President) for three (3) 39,000 GVW single axle trucks with spreader boxes and snow plows to be used by the Public Works Department (Street Maintenance), \$178,098. (Eleven bids mailed-two received). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3145 (D) Motorola Communications and Electronics, Inc., (Urbandale, IA), State of Iowa Contract 1199F (Municipal Code Section 2-86(c) for mobile radio equipment to be used by the Fire Department, \$54,028.75. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3146 (E) Alfa Laval Separation, for WRF Sharples Rotating assembly to be used by the Engineering Department (Wastewater Reclamation Facility) for an operational emergency pursuant to Municipal Code Section 2-88(b), \$115,417. ([Council Communication 98-460](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3147 (F) Zimmer & Francescon, for Fairbanks Morse 24 inch (A8211) Single state bowl assembly including retrofit modifications to be used by the Engineering Department (Wastewater Reclamation Facility) for an operational emergency pursuant to Municipal Code Section 2-88(b), \$14,378. ([Council Communication 98-461](#)). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3148 56. Authorizing Finance Director to draw warrants on register of October 9, 1998, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning October 5, 1998 and October 12, 1998. **Moved by McPherson to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

98-3149 57. Amending Chapter 7 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance do now pass, [#13,645](#). Motion Carried 6-1.**

- (1) Handicapped Parking Only in Public Border Area Parking Inset in from of 2121 Grand Avenue.
- (2) Corner Clearance on East side of 57th Street south of Aurora Avenue.
- (3) Truck Route Designation-Searle Street from Avenue F.M. Hubbell to State Street.

98-3150 58. Amending Chapter 27 of the Municipal regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance do now pass, [#13,646](#). Motion Carried 6-1.**

- (1) Four-Way Stop, 11th Street and Seneca Avenue.
- (2) Four-Way Stop, SE 34th Street and Evergreen Avenue.
- (3) Short-Term metered parking in vicinity of Hotel Fort Des Moines.

ORDINANCES - SECOND CONSIDERATION

98-3151 59. On rezoning of property at 505 E. Euclid from "R1-60" (One Family Low Density Residential) to "C-0" (Commercial-Residential). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Coleman. Absent: Daniels.**

98-3152 60. Amending Chapter 21 of the Municipal Code regarding adjustments to basic sewer charge, demand charge and customer service charge. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

98-3153 61. Amending Chapter 21 of the Municipal Code providing adjustments to stormwater management charge, and providing for increase in charge effective December 1, 1998. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

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

ORDINANCES - FIRST CONSIDERATION

98-3154 62. Amending Chapter 27 of the Municipal Code submitting various traffic regulation changes as follows, (retains four-way stops at E. Ninth and Arthur and at E. 12th and Washington). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

- (1) Corner Clearance No Parking Restrictions on 22nd and 23rd Streets South of Forest Avenue and North of University Avenue.
- (2) Loading Zone--South Side of Des Moines Street west of East 6th Street.
- (3) Four-Way Stop--E. 9th St and Guthrie Avenue.
- (4) Four-Way Stop--E. 9th Street and East Washington Avenue.
- (5) Various Corner Clearance No Parking Restrictions by the Highland Park Community Action Association.
- (6) Corner Clearance No Parking Restrictions--57th and Aurora and 29th and Brattleboro.
- (7) Parking Restriction Adjustments Due to Recent Sidewalk Replacement--North Side of Locust Street in the vicinity of Fourth Street and Fifth Avenue.
- (8) Establish Traffic Regulations for the New Relocated Army Post Road and Extension of S.W. 28th Street.

98-3155 (A) Final consideration of ordinance above. **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, [#13,647](#). Motion Carried 6-1.**

98-3156 63. Amending various chapters of the Municipal Code regarding Civil Violations and Penalties; increase in fines and update to comply with Iowa Code. ([Council Communication No. 98-458](#)). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-3157 (A) Final consideration of ordinance above, (waiver requested by Community Development Department), requires 6 votes. **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, [#13,648](#). Motion Carried 6-1.**

98-3158 (B) City Council discussion regarding the recent code change to allow issue of tickets to cars parked in resident's front yards. **Moved by McPherson to request the City Manager to regularly report to Council on number of citations issued, addresses, and a general update on how the program is working. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

98-3159 64. From Mohamad W. Khan, 43 Constitution Blvd., to speak regarding Muslim Cemetery located at Glendale Cemetery and the customs, rules and regulations of Muslim burial. **Moved by McPherson to receive, file and grant the request to speak; refer to Cemetery Committee of the Park Board to resolve this issue at the earliest possible date. Motion Carried 6-1.**

98-3160 65. From Mark R. White, 2926 SE 5th, and Joseph M. Harrison, 306 E. Bell, Indianola Hills Neighborhood Representatives, to speak regarding appreciation to Gene Phillips and John Bellizzi during their SCRUB day. **Moved by Hensley to receive, file and grant the request to speak. Motion Carried 5-1.**

98-3161 66. Communication and petition from Nick and Lylea Critelli, 5816 N. Waterbury, regarding reinstallation of footbridge that connects North Waterbury to Waterbury Circle. **Moved by Hensley to receive and file; refer to City Manager for review and recommendation, working with the Neighborhood Association. Motion Carried 6-1.**

98-3162 67. From Lawrence Allen White, 2422 Drake Park Ave., requesting to speak regarding various issues. **No vote taken. Mr. White spoke to the Council.**

HEARINGS (Opened at 5:36 P.M.) (Items 68 thru 73)

98-3163 68. On application from William J. Lillis and David I. Hansen, attorney for RAS Properties, L.C., to rezone property at 1108 SE 30th Street, from "R-3" (Multiple Family Residential) to Ltd. "M-2" (Heavy Industrial) **Moved by Phillips to adopt. Motion Carried 6-1.**

98-3164 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-3165 (B) Final consideration of ordinance above, (waiver requested by Applicant), requires 6 votes. **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, [#13,649](#). Motion Carried 6-1.**

98-3166 69. On sale and conveyance of portion of the vacated North/South alley right-of-way south of Thornton Avenue between S.W. Second and S.W. Third, to Raymond E. and Lenora R. Fisher--\$25, and Ron and Natalie Stimple, \$50. **Moved by Phillips to adopt. Motion Carried 6-1.**

98-3167 70. On 1998 Flood Storm Sewer Repair Contract No. 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, President, Clive, IA), \$160,000. ([Council Communication No. 98-454](#)). **Moved by McPherson to adopt. Motion Carried 5-1-1. Nays: Coleman. Absent: Daniels.**

98-3168 71. On Waveland Golf Course Storm 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., 2408 SW 9th St, DM), \$67,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

98-3169 72. On Cemetery Storm Sewers Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (R.S. Gillotti, President, WDM), \$79,900. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3170 73. On Blank Park Zoo Fencing of Fort Des Moines Property: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Des Moines Steel FenceCo., Inc., (Douglas A. Ayers, President, Johnston), \$54,780. **Moved by Phillips to adopt. Motion Carried 6-1.**

98-3171 (A) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 6-1.**

98-3172 73-I On vacation and conveyance of north/south alley right-of-way between SE 4th and SE 5th, south of E. Court Avenue, to Charold Realty Co, \$1,673 plus costs, (continued from 9-28-98). **Moved by Flagg to adopt. Motion Carried 6-1.**

98-3173 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

98-3174 (B) Final consideration of ordinance above. **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, [#13,650](#). Motion Carried 6-1.**

* * END HEARINGS at 5:52 P.M. * *

APPROVING

98-3175 74. Authorizing City Manager to proceed with Request for Proposals for a Parking System Study. ([Council Communication No. 98-453](#)). **Moved by Hensley to adopt. Motion Carried 4-2-1. Nays: Coleman and Flagg. Absent: Daniels.**

75. Organizational and contractual issues related to conclusion of Phase 1 and early

implementation of Phase 2 of new financial/accounting and payroll/human resources application software (PeopleSoft):

98-3176 (A) Reorganization of Human Resources Department. [\(Council Communication No. 98-459\)](#) **Moved by Coleman to receive and file. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

98-3177 (B) Amendment to Agreement for information management services with Carrera Consulting Group (Margaret Carrera, President, Sacramento, CA), for Phase 1 of the project, \$200,000; Agreement for information management services with Carrera Consulting Group for Phase 2 of the project, \$1,547,000; and Contract with Modern Solutions Incorporated (Mike Lang, President, Clive), for consulting services to assist with PeopleSoft application software implementation, \$13,984. [\(Council Communication No. 98-457\)](#). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

98-3178 76. Submitting the 1997-98 Public Library of Des Moines (PLDM) Annual Report. [\(Council Communication No. 98-449\)](#). **Moved by Hensley to receive and file. Motion Carried 6-1.**

98-3179 77. Lease Agreement with Boys and Girls Club of Central Iowa for use of space at the Logan Community Center for improved services. [\(Council Communication No. 98-456\)](#). **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3180 78. Agreement for Professional Services with MCM Group International and Zoo Foundation to perform a Blank Park Zoo Expansion Economic Impact Study for proposed construction of Web of Life Interpretive Center. [\(Council Communication No. 98-451\)](#). **Moved by Hensley to adopt. Motion Carried 6-1.**

98-3181 79. Grant Application to IDOT, for Transportation Enhancement funds, for streetscape improvements along E. Locust Street from the Des Moines River to Pennsylvania Avenue. [\(Council Communication 98-452\)](#). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Flagg. Absent: Daniels.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

98-3182 1. Approving bid from Corell Contractors, Inc., (Steve Corell, President, 1805 Euclid, DM), for impervious clay soil for the 6th and Holcomb and E. 42nd and E. Washington levee

projects, \$6.95 per cubic yard. SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3183 2. Communication from Capitol East Neighborhood Association, requesting to hang permanent neighborhood banners within the boundaries of the designated neighborhood. (Deferred from September 28 meeting). SPONSOR: Phillips. **Moved by Phillips to receive, file and approve for six months, with understanding the Association will reapply under new policy at that time. Motion Carried 6-1.**

98-3184 3. Approving Change Order No. 1 with The Underground Company, (Duane Burkhardt, President, 2407 SW 9th Street), for additional work in conjunction with 1997 Sanitary Sewer Contract No. 1, not to exceed \$23,000. SPONSOR: Hensley. ([Council Communication No. 98-464](#)) **Moved by Phillips to adopt. Motion Carried 6-1.**

98-3185 4. Communication from City Manager regarding reorganization of Information Technology Department and new position classifications. ([Council Communication 98-462](#)). **Moved by Hensley to defer action to 10-19-98. Motion Carried 6-1.**

98-3186 (a) Approving City Manager's recommendation regarding Information Technology's Severance Program, ([Council Communication No. 98-463](#)). **Moved by Hensley to defer action to 10-19-98. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

October 5, 1998

98-3187 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

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

98-3188 (A) 960 22nd (vacant); Titleholder: Primo Acquisitions, I, L.L.C.; and 962 22nd (vacant); Titleholders: Robert Benjamin Pace, Clara G. a/k/a Clere Gene Pace; Geannie R. Pace; Legal Interest Holder: Tax 7, Hammond Properties, L.L.C. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3189 (B) 1809 24th Dr. (vacant); Titleholders: Joseph W. Johnson, Darlene J. Johnson; Contract Buyer: Beverly J. Adamson; Legal Interest Holder: Destiny 98-G. **Moved by McPherson to adopt. Motion Carried 6-1.**

98-3190 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:08 P.M. Motion Carried 6-1.**