

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**DES MOINES CITY COUNCIL MEETING**

**February 22, 1999 4:30 P.M.**

**PHOTO SESSION - 3:30 P.M.**

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

Juvenile Arthritis Awareness Week

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

Maureen Korte--Storyteller

**INVOCATION:** Mike McPherson

Ward II Council Member

99-464 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

99-465 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

99-466 3. APPROVING CONSENT AGENDA - items 3 through 47: **Moved by McPherson to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS:**

Approving

99-467 4. Communication from Legal Department regarding February 22, 1999 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "C" Beer Licenses

99-468 5. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #10, 816 East Euclid; Renewal - Expires 3-30-99 (With Sunday Sales) - Application submitted 1-11-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

99-469 6. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #1, 3330 Martin Luther King; Renewal - Expires 3-9-99 (With Sunday Sales) - Application submitted 2-15-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-470 7. Ingersoll Liquor and Beverage Co., In Bo Jung, President dba Ingersoll Liquor and Beverage, 3500 Ingersoll; Renewal - Expires 2-28-99 (With Sunday Sales) - Application submitted 1-27-99. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

99-471 8. Merlin K. Linn dba Linn's, 3805 - 6th Avenue; Renewal - Expires 3-7-99 (With Sunday Sales) - Application submitted 2-1-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Beer/Wine Licenses

99-472 9. John Viars dba The Des Moines Playhouse, 831 - 42nd Street; New Application for 14 day license beginning 2-25 through 3-10-99 (With Sunday Sales) - Application submitted 2-12-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "C" Liquor Licenses

99-473 10. Fister Investments, Inc., Mark A. Nicola, President dba Murphy's, 6202 Douglas; Renewal - Expires 2-26-99 (With Sunday Sales) - Application submitted 1-6-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-474 11. Catherine Kile dba Sunrise Tap, 4155 Easton Blvd; New Application (With Sunday Sales) - Application submitted 1-21-99. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Class "E" Liquor Licenses

99-475 12. Ingersoll Liquor and Beverage Co., In Bo Jung, President dba Ingersoll Liquor and Beverage, 3500 Ingersoll - Renewal - Expires 2-28-99 - Application submitted 1-27-99. **Moved by McPherson to adopt. Motion Carried 6-1. Pass: Flag.**

#### Authorizing

99-476 13. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-477 14. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

#### Beer Gardens

99-478 15. Temporary Beer Garden for Michael Daughenbaugh dba Carl's Place, 1620 Woodland Avenue for one day special event on March 13, 1999 for St. Patrick's. Subject to

submission of acceptable electrical inspections. (Deferred from February 15, 1999 Council Meeting). **Moved by Hensley to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

16. Resolution Ordering Construction of the following:

99-479 (A) Elm & SW 7th Streets Sanitary Sewer Cleaning and Televising, Receiving of Bids, (3-9-99), and Setting Date of Hearing, (3-15-99), (Construction Estimate - \$208,635). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-480 (B) Savage Ballfield and Birdland Park East Drainage Improvements, Receiving of Bids, (3-9-99), and Setting Date of Hearing, (3-15-99), (Construction Estimate - \$75,492). **Moved by McPherson to adopt. Motion Carried 7-0.**

17. Approving contract and bond for the following:

99-481 (A) Laurel Hill Cemetery Gate with Lakeview Industries, Inc., (Steve Sonnenburg, Pres., WDM) for Decorative Cantilevered Sliding Gate - \$42,182.89. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-482 (B) Burke Park Shelter with Buchanan Builders, Inc. (Todd Buchanan, Pres., Urbandale) for renovation of existing shelter building and improvements to immediate surrounding area - \$111,825. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-483 (C) E. University Avenue Widening at E. 9th Street with Eco-Tech Contractors, Inc. (Ralph Gillotti, Pres, WDM) for reconstruction of pavement - \$649,335. **Moved by Coleman to adopt. Motion Carried 7-0.**

18. Approving completion and recommending acceptance of the following improvements for Easter Lake Estates Plat No. 1:

99-484 (A) Sanitary Sewer Improvements between McAninch Corporation, Contractor and Iowa Realty Company, Inc., Owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-485 (B) Storm Sewer Improvements between McAninch Corporation, Contractor and Iowa Realty Company, Inc., Owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-486 (C) Street Improvements between M. Peterson Company and Iowa Realty Company, Inc., Owners. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-487 19. Communications from various contractors requesting permission to sublet certain items on three public improvement projects (E. University Avenue Widening at E. 9th Street, Laurel Hill Cemetery Gate, and Burke Park Shelter). **Moved by McPherson to adopt. Motion Carried 7-0.**

99-488 20. Approving partial payments on three public improvement projects. (Call City Clerk's Office for listing). **Moved by McPherson to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

99-489 21. Authorizing Assessment Clerk to delete assessment on NAC-Sidewalk Replacement Schedule No. 1999-34 in the amount of \$214.34 which was charged to 1204 E. Thornton, it has been determined the property owner repaired the sidewalk in the fall, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-490 22. Authorizing Assessment Clerk to correct NAC-Emergency Control Assessment Schedule No. 1998-42, \$127.50 in charges were levied against 1108 26th Street and Community Development determined the property has changed ownership and charges will be pursued as a personal judgment. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-491 23. Authorizing Assessment Clerk to correct NAC-Emergency Order Assessment on Schedule 1998-47, delete \$110 charge to 1084 25th Street which has been paid. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

99-492 24. Offer to Purchase Real Estate and Acceptance, Warranty Deed

**WITHDRAWN** and Lease Agreement in conjunction with Martin Luther King, Jr. Parkway (CBD Loop), from Nichols Controls & Supply, Inc., 120 SW 6th Street and 123 SW 7th Street - \$200,000.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

99-493 25. Approving Recognized Neighborhood Status for "East Village". **Moved by Hensley to adopt, and recommend the Neighborhood Group work with East Des Moines Development Group. Motion Carried 5-1-1. Nays: Belken. Pass: McPherson. (Previous motion to DENY failed).**

99-494 (A) Communication from Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 5-1-1. Nays: Belken. Pass: McPherson.**

99-495 26. Approving appointment of Gary Lozano as a Regular Member to the MPO Transportation Technical Committee (TTC) to fill the unexpired term of Harold Smith. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-496 27. Reappointment of the following to the Strategic Planning Commission for a two-year term (commencing in 1998) to expire December 31, 2000: **Moved by McPherson to adopt. Motion Carried 7-0.**

Connie Cook, William Dikis, Lyla Dozier, Tom Ross, John Hausafus, Norm Jesse, Jeffrey Morgan, Marilyn Staples, Chris Van Meter, Dale VandeHaar, Gay Wilson and Martha Walden.

99-497 (A) Approving recommendation of Council Member Mike McPherson, for reappointment of Skip Moore; four-year term (commencing in 1998) expires December 31, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-498 (B) Approving recommendation of Council Member Chris Hensley, for reappointment of Sheldon Biber; four-year term (commencing in 1998) expires December 31, 2002. **Moved by McPherson to adopt. Motion Carried 7-0.**

## **CITY PLAN COMMISSION RECOMMENDATIONS**

99-499 28. Regarding Architectural Advisory Committee's recommendation for the Des Moines International Airport terminal building skywalk lobby. **Moved by McPherson to receive and file. Motion Carried 7-0.**

## **SETTING DATE OF HEARINGS**

99-500 29. On the Fourth Amendment to the restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, (Capitol Center West Urban Revitalization Area "D"), to encourage rehabilitation and expansion of existing Community Shopping Centers and construction within Downtown and Neighborhood Retail Districts, by amending minimum standards to qualify for tax abatement; and to encourage new construction, rehabilitation and reuse of existing structures in the Court Avenue Historic Area, (3-15-99). **Moved by Belken to adopt. Motion Carried 6-1. Absent: Coleman.**

99-501 30. On proposed Sixth Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area Urban Renewal Project, to amend acquisition, disposition and public improvements maps to provide for acquisition and disposition of land for the proposed Court Avenue Entertainment Center, (3-15-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-502 31. On Proposed 32nd Amendment to the Urban Renewal Plan for the Capitol Center Development Area Urban Renewal Project, to amend acquisition and disposition maps, to provide for acquisition and disposition of land for the proposed Court Avenue Entertainment Center, (3-15-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

**\*Council considered Extra Item 1 next\*\***

99-503 32. On vacation and conveyance of the East/West alley right-of-way between E. 14th and E. 16th Street, between Milton and Guthrie, to Robert and Tracy Edwards, \$25, (3-1-99). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

99-504 33. Approving payment of \$83,750 to David L. Cox, former City employee for special case settlement of workers' compensation claim, subject to approval of the Workers' Compensation Commissioner. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-505 34. Approving payment of \$3,117.50 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Drew Burham, Judy Bradshaw, Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-506 35. Approving payment of \$2,133 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson, et al. v. City of Des Moines, et al. **Moved by McPherson to adopt. Motion Carried 7-0.**

### **CITY MANAGER COMMUNICATIONS**

99-507 36. Submitting out-of-state travel requests for Michael Armstrong, Ronald Wakeham, and Debra Richardson. ([Council Communication No. 99-064](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

99-508 37. Submitting various traffic regulation changes as follows, ([Council Communication No. 99-063](#)). **Moved by McPherson to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Commercial Loading Zone--West Side of 6th Avenue South of Douglas Avenue.

(2) Corner Clearance Parking Restriction--West Side of Cambridge Street North of Sheridan Avenue.

### **APPROVING**

99-509 38. Tax Abatement applications for additional value added by improvements made during 1998, (220 applications on file in Clerk's Office). ([Council Communication No. 99-062](#)) **Moved by McPherson to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest, and abstains from voting.**

99-510 39. Resolution denying application for Tax Abatement (O'Reilly Auto Parts property at 2927 S.E. 14th Street); improvements do not qualify under City-wide Urban Revitalization Plan. **Moved by Belken to adopt denial of application. Motion Carried 6-1. Pass: Flagg.**

99-511 40. Bids for the following:

(A) Bid awarded to Danko Emergency Equipment, (Synder, NE., Daniel Kreikemeier, President) for annual agreement with two (2) twelve month renewal options for fire personnel clothing to be used by the Fire Department, \$10,463. Bid from Fire Guard, L.L.C., (Omaha, NE) did not meet specifications, therefore non-responsive. (Sixteen bids mailed-two received. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-512 (B) Perma-Sign, (Ocala, FL, Patricia Harward, President) for 53 cemetery block signs and 86 cemetery sections signs to be used by the Park and Recreation Department, (Glendale Cemetery), \$45,350. (Six bids mailed-three received)-see agenda item 48. [\(Council Communication No. 99-068\)](#) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-513 41. Sole Source purchase and installation of Siebe 8000 Alarm Monitoring System for municipal buildings from Baker Group (B.J. Baker III, Pres.) - \$33,570. [\(Council Communication No. 99-067\)](#) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-514 42. Report of Civil Service Commission submitting promotional list for Building Maintenance Supervisor. **Moved by McPherson to receive and file. Motion Carried 7-0.**

99-515 43. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-516 44. Authorizing Finance Director to draw checks on register of February 26, 1999, and the bills of the Des Moines Municipal Housing Agency for the week beginning February 22, 1999, and the biweekly payroll due employees on February 26, 1999. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

99-517 45. On vacation of the East/West alley in vicinity of 2503 High Street. **Moved by McPherson that this ordinance do now pass, [#13,683](#). Motion Carried 7-0.**

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

99-518 46. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) No Parking Restrictions in vicinity of Stitzell Electric, 101-107 12th Street.

(2) No Parking Restrictions adjacent to the West Driveway of 4004 Grand Avenue.

(3) Changes to Municipal Code to support current signing for Caulder Circle.

99-519 47. Amending Chapter 2 of the Municipal Code regarding amendment to the Historic District Ordinance, regarding appointments to the Commission. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

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

99-520 48. Amending Chapter 15 of the Municipal Code regarding signs, notices, and advertisements in public cemeteries. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-521 (A) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,684](#). Motion Carried 7-0.**

99-522 49. Amending Chapter 2 of the Municipal Code regarding fees for copies and abstracts of Police Department records. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-523 50. Amending Chapter 8 of the Municipal Code, adopting the National Electrical Code, 1999 Edition. ([Council Communication No. 99-069](#)). **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

## **COUNCIL REQUESTS**

99-524 51. From Council Member George Flagg regarding reimbursement of expenses to City Council Members. **Moved by Flagg to receive, file and refer to Compensation Committee to review expense reimbursements for Council Members; and refer to City Legal Department to prepare proper legislation to amend Section 2-17 of the Municipal Code to include both in and out-of-town expenses. Motion Carried 7-0. (Council Member Vlassis votes NO on the portion of the motion regarding Code amendment).**

99-525 52. From Council Member George Flagg to discuss City Council rules No. 32 and 34 regarding motions by Council Members and the Mayor. **Moved by Flagg to discuss and eliminate Council Rule No. 34. Motion Carried 7-0.**

## **COMMUNICATIONS/REPORTS**

99-526 53. From Lee Knutson, 4214 University requesting permission to speak regarding conflict of interest in business community and possible solution for Urban Sprawl. **Moved by Vlassis to receive and file comments. Motion Carried 6-1. Absent: McPherson.**

99-527 54. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by Hensley to receive and file the attached report. Motion Carried 6-1. Absent: McPherson**

**\*Council considered items 58 thru end of agenda next\*\***

## **INFORMAL HEARINGS (Opened at 6:44 P.M.) (Item 55)**



99-528 55. On the amendment to the Current City Budget and the Budget Estimate for fiscal year ending June 30, 2000. **Moved by Hensley to receive, file and refer comments to the City Manager. Motion Carried 6-1. Absent: Vlassis.**

99-529 (A) Communication from Strategic Planning Commission regarding City of Des Moines Fiscal Year 2000 Capital Improvement and Operating Budgets. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Vlassis.**

\* \* END INFORMAL HEARINGS at 6:55 P.M. \* \*

#### **HEARINGS (Opened at 6:55 P.M.) (Items 56 thru 57)**

99-530 56. On Building Official's determination that structure at 1400 E. 9th Street constitutes a public nuisance. ([Council Communication No. 99-071](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-531 57. On Beaverdale Recreational Trail Phase 2--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.**

\* \* END HEARINGS at 7:02 P.M. \* \*

**\*\*Council considered Items 32, 36 and 39 next\*\***

#### **APPROVING**

99-532 58. First Supplement to agreement with Sherman Hill Association, Inc. to permit placement of decorative light poles on pedestals installed by Association. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

99-533 59. Grant Application for Polk County Housing Trust Fund for funding Home Improvement Loan Program. **Moved by Hensley to defer. Refer to City Manager for review of funding alternatives. Motion Carried 7-0.**

60. NUMBER NOT USED.

99-534 61. Execution of Federal Aviation Administration Grant 27 for funding of 1999 phase of Runway 5 extension and road relocation project. ([Council Communication No. 99-065](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-535 62. Consultant Selection - Carl Walker, Inc. (Carl Walker, Pres., Glendale Heights, IL) for Downtown Parking System Study - \$200,000. ([Council Communication No. 99-070](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

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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.**

99-536 1. Setting Date of Hearing on Proposed First Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Project, (3-15-99). SPONSOR: Belken **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and Belken.**

99-537 (A) Requesting Council approval for acquisition by negotiation or condemnation of a 166 acre parcel in the Des Moines Agribusiness Park, SE Agribusiness Urban Renewal Area. SPONSOR: Belken ([Council Communication No. 99-072](#)). **Moved by Coleman to adopt. Staff to provide progress reports at each Council Meeting, schedule a public hearing before any final action is taken and keep Neighborhood Associations informed. Motion Carried 5-2. Nays: Flagg and Belken.**

**\*Council considered Hearing Items next\*\***

99-538 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:51 P.M. Motion Carried 7-0.**