

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

February 1, 1999 3:45 P.M.

99-274 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson and Vlassis.**

99-275 I. City Council interviews of finalists for Ward IV City Council Office: **Moved by Vlassis to receive, file and appoint Harold Belken. Motion Carried 6-0.**

99-276 (A) Communication from Harold Belken, submitting his resignation from the Zoning Board of Adjustment. **Moved by Vlassis to receive, file and accept resignation with appreciation for service. Motion Carried 6-0.**

99-277 II. Resolution to recess and reconvene at 4:30 P.M. **Moved by Vlassis to adopt. Motion Carried 6-0.**

INVOCATION: Father Peter Cade

Church of St. George Greek Orthodox

99-278 ROLL CALL: **Present: Daniels, Belken, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

98-279 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

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***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.**

99-280 3. APPROVING CONSENT AGENDA - items 3 through 49: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-281 4. Communication from Legal Department regarding February 1, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-282 5. Eugene Hiskey dba Rainbow Cleaning Machine, 4347 Merle Hay Road; Renewal - Expires 2-15-99 (With Sunday Sales) - Application submitted 1-18-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-283 6. Gary Kudrna dba Gary's Amoco, 4131 University; Renewal - Expires 2-14-99 (With Sunday Sales) - Application submitted 1-15-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-284 7. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet Plus #521, 2601 East Euclid; New Application (With Sunday Sales) - Application submitted 10-15-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

99-285 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #27, 1240 Keo; Renewal - Expires 2-19-99 (With Sunday Sales) - Application submitted 12-15-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-286 9. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go #18, 6501 Southeast 14th Street; Renewal - Expires 2-6-99 (With Sunday Sales) - Application submitted 12-14-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-287 10. Advanced Food Management Associated, Inc., Ken Yunkil Chung, President dba Chung's Restaurant, 901 East Euclid; Renewal - Expires 2-6-99 (With Sunday Sales) - Application submitted 1-14-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-288 11. Cooney Beverage Co., Inc., Brian J. Cooney, President dba Cooney's, 3719 Beaver Avenue; Renewal - Expires 2-12-99 (With Sunday Sales) - Application submitted 1-11-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-289 12. Guanaguato, Inc., Juan Ayala, President dba El Aguila Mexican Restaurant, 3600 Beaver Avenue; Renewal - Expires 2-19-99 (With Sunday Sales) - Application submitted 1-18-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

99-290 13. Faces, LTD, Craig L. Conkling, President dba Faces, 416 East Walnut; Renewal - Expires 2-19-99 (With Sunday Sales) - Application submitted 1-14-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-291 14. Stephanie Lynn Steckelberg dba Silver Slipper, 607 East 30th Street; New Application submitted 12-22-98. Recommendation of Vice Control Unit to **DENY**. **Moved by Vlassis to deny the license due to lack of financial responsibility, pursuant to Section 5 of**

the Des Moines Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 7-0.

99-292 15. Lee Dynasty Corporation Hsi Cheng Lee, President dba Yee Ho Garden, 520 Army Post Road; Renewal - Expires 2-8-99 (With Sunday Sales) - Application submitted 1-6-99. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

Authorizing

99-293 16. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-294 17. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Gamerrooms

99-295 18. Bill Hiskey dba U.S. Amusements dba Veteran's Auditorium, 833 - 5th Street for gameroom during the Wrestling and Basketball Tournaments beginning 2-20-99. Application submitted 1-21-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

99-296 19. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Transfers

99-297 20. Temporary transfer of Class "C" Beer-Wine License for Wynell Kisner, President dba Parents Without Partners, 100 East Euclid - Suite 153 to 100 East Euclid - Suite 103 for special event on 2-13 and 14, 1999. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-298 21. Temporary transfer of Class "C" Liquor License for The Rocket Inc., Craig Laws, Partner dba Winston's Pub & Grille, 601 Locust to Kirkwood Civic Center Hotel, 400 Walnut for Blues Festival on 2-20-99. Application submitted 1-27-99. Subject to submission of acceptable building, electrical, zoning and fire inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

WITHDRAWN 99-299 22. Approving Supplemental No. 2 with Herbert/Lewis/ Kruse/Blunck, (Kirk V. Blunck, Pres.) in conjunction with Civic Center/Federal Building/Plaza Condominium Skywalk Connection for extra work - \$51,948.04. ([Council Communication No. 99-046](#))

99-300 23. Approving Agreement with Iowa Department of Transportation for Douglas Avenue Resurfacing from 34th Street to Beaver Avenue Project. ([Council Communication No. 99-040](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-301 24. Resolution Ordering Construction of Police Station Remodeling 1999-1999, Receiving of Bids, (2-23-99), and Setting Date of Hearing, (3-1-99), (Construction Estimate - \$555,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

25. Approving the following Contract and Bonds:

99-302 (A) Skywalk Bridges 2C-3C, 2C-2D, (Federal Building-Third, Court and Walnut), Sound Attenuation with Corn States Metal Fabricators, Inc. (Randall Golay, President, WDM) to furnish and install exterior sound attenuation, supporting structure and decorative screenwall panels - \$17,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-303 (B) Botanical Center Parking Lot Lighting with Wolin Electric, L.C. (Thomas Mass, President) for replacement of existing parking lot lighting poles and fixtures and sidewalk lighting bollards and addition of one fixture and lighting bollard - \$19,400. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-304 (C) South Side Trunk Relining with Insituform Technologies USA, Inc., (Anthony W. Hooper, President, Chesterfield, MO) for sanitary sewer SE 9th Street from E. Jackson Avenue to E. Hillside - \$240,102. **Moved by Flagg to adopt. Motion Carried 7-0.**

99-305 26. Request from Munro Construction Co., Patrick T. Munro, President, 2835 - 46th Street, Des Moines, for an extension of time until March 8, 1999 for Fire Station No. 10. **Moved by Vlassis to receive, file and grant the extension of time until March 8, 1999.**

99-306 27. Communications from various contractors requesting permission to sublet certain items on two public improvement projects (Park Avenue Widening at SW 56th Street and South Side Trunk Relining). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-307 28. Approving partial payments on five public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

99-308 (A) 1403-1407 Forest Avenue Demolition and Asbestos Removal, D & F Trucking, \$2,696.10 is now due and remaining balance of \$3,742.85 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-309 (B) Birdland Park Baseball Field, R.G. Elder & Son Co., \$323.47 is now due and remaining balance of \$5,568.77 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-310 (C) John Pat Dorrian Recreation Trail Improvements, Grimes Asphalt & Paving Corp., \$7,535.67 is now due and remaining balance of \$6,248.36 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-311 (D) Asbestos Removal -7th and Mulberry Parking Garage, Hazardous Materials Abatement Corp., \$4,315.85 is now due and remaining balance of \$227.15 to be paid at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-312 30. Warranty Deed and Compensation for Future Title Work in conjunction with US 69 (E. 14th St) & Guthrie Avenue Intersection Improvement, from Richard L. Johnson and Mary L. Johnson, 2322 E. 14th Street - \$550. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-313 31. Release of Official Check No. 686794294 from Magna Bank in the amount of \$13,038. plus interest from segregated account at Firststar Bank Iowa, Acct. No. 636026484 to Don Brown for completion of required sidewalk and erosion control improvements for SOUTHERN OAKS TOWNHOMES. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-314 32. Authorizing City Manager to acquire the necessary Right-of-Way for the 1998 Flood Storm Sewer Repair Contract 3. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-315 33. Permanent Easement for Storm Sewer Right-of-Way in conjunction with General Stormwater Utility, from Irene M. Golliday, 1241 Pleasantview Dr. - \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-316 34. Corrected Permanent Easement for Surface Water Flowage and for a Storm Water Inlet, Corrected Permanent Easement for Storm Sewer Right-of-Way in conjunction with SW 3rd Street Storm Sewer, Thornton Avenue to Rose Street, from Bill R. Danley and Tina A. Danley, 3611 SW 3rd Street - \$2,680. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-317 35. Release of Irrevocable Letter of Credit No. STB97-4070 from Brenton Bank in amount of \$20,032 as security for completion of required sidewalks improvements for PINE MEADOWS, SW 26th and Emma. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

99-318 36. Recommendation of Mayor Preston Daniels, for appointment of City of Des Moines' Primary and Alternate Representatives on Metro Waste Authority Board - Council Member Chris Coleman-Primary and Council Member Tom Vlassis - Alternate. **Moved by Vlassis to adopt. Motion Carried 7-0.**

37. Approving the following resignations and appointments:

99-319 (A) Resignation of Joseph Schaefer from Strategic Planning Commission, effective immediately. **Moved by Vlassis to accept with appreciation for service. Motion Carried 7-0.**

99-320 (B) Appointment of Joseph Schaefer, 1319 23rd Street to City Plan Commission to fill unexpired term of Cindy Smith (to expire July 5, 2001). **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-321 38. On Amendment to the Annual Budget, for current fiscal year ending June 30, 1999, (3-1-99). **Moved by Flagg to adopt. Motion Carried 7-0.**

99-322 (A) On proposed Annual budget of fiscal year ending June 30, 2000. (3-1-99). **Moved by Flagg to adopt. Motion Carried 7-0.**

99-323 (B) Resolution specifying use of Tax Credit Reimbursement from State of Iowa. **Moved by Flagg to adopt. Motion Carried 7-0.**

99-324 39. On amendment to the Historic District Ordinance, to provide amendments to the State Historical Division for its review and recommendation prior to the City's adoption, (2-15-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-325 40. On Farm Lease at Case Lake Site, (North of Hartford, South of the River) to Darrell and Christine Lawrence, (approx. 133.5 acres), (2-15-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-326 41. Submitting out-of-state travel requests for Douglas Philip and Kathy Carter. ([Council Communication No. 99-038](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

99-327 42. Phase II/III Environmental Assessment Agreement for Proposed Des Moines Agribusiness Park with Lenz Environmental, Inc. to conduct soil and groundwater testing on certain properties. ([Council Communication No. 99-045](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**

99-328 43. New Image Technologies automated records management system manufactured by New Image Technologies (950 Office Park Road, WDM, Jerry Suther, General Manager) to be used by the Police Department. (Municipal Code Section 2-86(a)(6) single area-wide distributor and competitively bid, \$10,000.) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-329 44. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-330 45. Authorizing Finance Director to draw checks on check registers of February 5, 1999 and February 12, 1999, and the bills of the Des Moines Municipal Housing Agency for the

weeks beginning February 1, 1999 and February 8, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

99-331 46. Amending Chapter 20 of the Municipal Code, to add regulations for facility use and conduct at Birdland Marina. **Moved by Vlassis that this ordinance do now pass, [#13,679](#). Motion Carried 7-0.**

99-332 47. On proposed rezoning of 4301, 4609 and 4619 Grand, from R-3 (Multiple Family Residential), to Ltd. R-3. **Moved by Vlassis that this ordinance do now pass, [#13,680](#).**

ORDINANCES - SECOND CONSIDERATION

99-333 48. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(1) Change Yield Sign to Stop Sign - Martin Luther King Jr. Parkway and Center Street.

(2) Removal of Corner Clearance No Parking Restriction - North Side of Enos Avenue East of 15th Street.

(3) Changes to Municipal Code to Support Current Signing for No Parking Any Time - Both Sides of SW 34th Street from Watrous Avenue to McKinley Avenue.

99-334 49. Amending Chapter 27 of the Municipal Code regarding parking on Cherry Street--for fire department use. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

COMMUNICATIONS/REPORTS

99-335 50. City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by Flagg to receive and file report. The City will host a Legislative Reception on March 8. Motion Carried 7-0.**

99-336 51. Receipt of Communication from Human Resources Director regarding new job classification - Laboratory Analyst II, Range 22A, Municipal Employees Association. ([Council Communication No. 99-042](#)) **Moved by Coleman to receive and file. Motion Carried 6-1. Pass: Flagg.**

****Council considered Items 54 through 57 next****

HEARINGS (Opened at 5:31 P.M.) (Items 52 thru 53)

99-337 52. On vacation and conveyance of the East/West alley in vicinity of 2503 High Street, to Ronald Johnson and Kevin Shelby, \$50 plus costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

99-338 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-339 53. On sale of City-owned lot, in vicinity of 615 SE 4th, to Frank and Edith Brunia, \$5,000. **Moved by Belken to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:33 P.M. * *

****Council considered Items 58 through end of agenda next****

APPROVING

99-340 54. First Amendment with Eastgate Plaza, LLC. to allow Redeveloper an extension of time to complete the project (East 14th and Euclid). ([Council Communication No. 99-041](#)) **Moved by McPherson to adopt. Motion Carried 7-0.**

99-341 55. (A) Communication from City Clerk informing Council that petitions have been filed to request an election to fill the City Council office in Ward IV. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-342 (B) Resolution calling Special Election to fill vacant Office of Ward IV City Council Member for May 4, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-343 56. Supplemental Agreement No. 1 for Professional Services to revise Gray's Lake Park Master Plan with RDG Crose Gardner Shukert, Inc. (Jon F. Crose, Partner) - \$34,000. ([Council Communication No. 99-043](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-344 57. Recreation Infrastructure Grant Agreement with the Iowa Department of Natural Resources for Inter Urban Trail, Phase II. ([Council Communication No. 99-044](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-345 (A) Resolution Ordering Construction of Beaverdale Recreational Trail Phase II, joint project with IDOT, and Setting Date of Hearing, (2-22-99), (Construction Estimate - \$350,795). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-346 58. Resolution for nomination of the Teachout Building, 500-502 E. Locust to the National Register of Historic Places. ([Council Communication No. 99-039](#)) **Moved by Belken to adopt. Motion Carried 7-0.**

99-347 59. Resolution for adoption of fence guidelines by Historic District Commission for Historic Neighborhoods. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Coleman. Pass: Vlassis.**

99-348 60. Submission of Federal Emergency Management Agency (FEMA) Grant Application; \$300,000 to underwrite Project Impact Planning and Hazard Mitigation Activities. ([Council Communication No. 99-037](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

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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.

99-349 1. Request of Council Member George Flagg, to discuss bonded debt of taxing entities in Polk County. SPONSOR: Flagg. **Moved by Flagg to receive and file. Motion Carried 7-0.**

99-350 2. Oral request of Mayor Daniels, to discuss 2-year extension of waiver of residency requirement, for hiring of Casual and Seasonal Employees. SPONSOR: Mayor Daniels. **Moved by McPherson to receive. file and discuss; approve a two-year extension of a waiver of residency requirements for hiring of casual and seasonal employees, with the understanding that priority will be given to City residents. Motion Carried 7-0.**

99-351 3. Oral request of Council Member Chris Hensley, to allow the City to participate in a mailer for first time home buyers, to be distributed in Des Moines Water Works billings in conjunction with Citizens for Community Improvement (CCI). SPONSOR: Hensley. **Moved by Hensley to approve. Motion Carried 7-0.**

99-352 4. Approving purchase of pumping service for Central Place wet wells, from Hydro Klean, \$11,000, non-competitive procurement, Wastewater Reclamation Facility (WRA). SPONSOR: Vlassis. ([Council Communication No. 99-047](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

February 1, 1999

99-353 MOTION TO CONVENE. **Moved by McPherson that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

99-354 1. Release of demolition cost reserve held under claim number 14L66276 regarding property known as 2710 Cleveland owned by Karen and Roger Norris. **Moved by McPherson to adopt. Motion Carried 7-0.**

99-355 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 5:59 P.M. Motion Carried 7-0.**