

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 23, 1998 4:30 P.M.

INVOCATION: Pastor Douglas Holmgren

Christ Lutheran Church

98-485 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-486 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-0.**

98-487 3. APPROVING CONSENT AGENDA - items 3 through 48: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

98-488 4. Communication from Legal Department regarding February 23, 1998 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-0.**

Class "C" Beer Licenses

98-489 5. Kwik Shop, Inc., Steve Mostrom, District Manager dba Kwik Shop #524, 4140 Park Avenue; Renewal - Expires 3-19-98 (With Sunday Sales) - Application submitted 1-26-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-490 6. Phrasimmaly Philavanh dba New Oriental Food Store, 515 East Grand; Renewal - Expires 4-6-98 - Application submitted 2-5-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "E" Beer Licenses

98-491 7. Hy Vee, Inc., Ronald D. Pearson, President dba Hy Vee #1, 3330 M. L. King Parkway; Renewal - Expires 3-9-98 (With Sunday Sales) - Application submitted 2-5-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-492 8. QuikTrip Corporation, Chester Cadieux, President dba Quiktrip #544, 3941 Southeast 14th Street; Renewal - Expires 4-9-98 (With Sunday Sales) - Application submitted 2-3-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-493 9. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #559, 5701 Fleur

Drive; Renewal - Expires 4-18-98 (With Sunday Sales) - Application submitted 2-3-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Liquor Licenses

98-494 10. Apple South, Inc., Thomas Earl Dupree, Jr., Chairman dba Applebee's, 6301 Southeast 14th Street; Renewal - Expires 3-19-98 (With Sunday Sales) - Application submitted 1-26-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-495 11. PHC Corporation, Peggy Ann Cooper, President dba Top of the Hill, 5521 Southeast 14th Street; Renewal - Expires 3-3-98 (With Sunday Sales) - Application submitted 1-29-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

Authorizing

98-496 12. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-0.**

Beer Gardens

WITHDRAWN

98-497 13. Approving temporary beer garden application from Tim Flanagan dba Tim Flanagan's Restaurant & Lounge, 2100 Ingersoll; Application submitted 1-30-98 for event to be held March 16 through March 18, 1998.

PUBLIC IMPROVEMENTS

14. Resolution Ordering Construction of the following:

98-498 (A) City Council Chamber Renovations, Receiving of Bids, (3-10-98), and Setting Date of Hearing, (3-16-98), (Construction Estimate - \$90,000), to include authorization to proceed and referral to Architectural Advisory Committee. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Flagg.**

98-499 (B) Union Park Shelter Improvements, Receiving of Bids, (3-10-98), and Setting Date of Hearing, (3-16-98), (Construction Estimate - \$73,100). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-500 15. Ordering Construction of 1995 Paving Program No. 1, Contract No. 4--receiving bids (3-10-98) and setting date of hearing (3-16-98). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-501 (A) First consideration of ordinance repealing Ordinance No. 7672, and re-establishing the grade of E. 22nd Street from Des Moines Street to Lyon Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-502 16. Approving Change Order No. 31 with Taylor Ball L.C. for additional work in conjunction with the Intermodal Transportation Facility Contract in an amount not to exceed \$25,841. ([Council Communication No. 98-065](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-503 17. Approving Schedule of Service Cut Restoration Charges for street restoration work performed by the Public Works Department. ([Council Communication No. 98-068](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-504 18. Communications from various contractors requesting permission to sublet certain items on two public improvement projects--SW 30th Street Sanitary Relief Sewer and SW 5th Street Bridge Rehabilitation. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-505 19. Report of Chief Civil Engineer showing construction progress, amount due and funding availability of the Boiler Replacement at Fire Station No. 1, \$2,902 remaining balance is now due and payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-506 20. Authorizing City Engineer to proceed with Paving or Curb Replacement Program, waiver signed by Allan P. and Cynthia L. Latcham, 539 Waterbury Circle. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-507 21. Approving partial payment on one (Southeast Airport Trunk Sanitary Sewer, Phase 1) public improvement project. **Moved by Hensley to adopt. Motion Carried 6-0.**

SPECIAL ASSESSMENTS

98-508 22. Resolution Levying Assessments for Costs of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 1998-35 and providing for payment. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-509 23. Resolution Levying Assessments for costs of Nuisance Abatement (Public Works)-Drive Approach and Sidewalk Replacement Schedule No. 1998-36, and providing for payment. **Moved by Hensley to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

98-510 24. Approving Noise and Avigation Easements for three properties in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-511 25. Temporary Easement for Construction in conjunction with Merle Hay Road Sanitary Sewer, from Merit Westchester Square Investors, 5528 Meredith Drive - \$25. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-512 26. Permanent Easement for Traffic Signal and Street Lighting Systems in conjunction with Fleur Drive Traffic Signal System Upgrading, from The Wakonda Club, 3915 Fleur Drive - \$236. **Moved by Hensley to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-513 27. Attendance reports for 1997 City of Des Moines Boards and Commission and overview tabulation for Mayor and Council's Review. **Moved by Hensley to receive, file and request Board and Commission Chairs to address any excessive absences, and make a recommendation in writing to the City Council. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

98-514 28. On proposal from Edmon Triplett, Sr., for purchase of property at 1226 11th Street, (former Cityview Plaza Urban Renewal Area), for use as a sideyard, and to set sale price, (3-2-98). ([Council Communication No. 98-063](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-515 29. Approving payment of \$28.50 to Nyemaster Law Firm for review of legal issues relating to the City's employee benefit and health care benefit proposals. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-516 30. Approving payment of \$1,234.96 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. **Moved by Hensley to approve payment. Motion Carried 6-0.**

98-517 31. Approving outside legal services from Anne Clark from Hopkins and Huebner in the amount of \$95 per hour to represent Ken Huntley in case of Terry Kemp v. City of Des Moines and Ken Huntley for action now pending in Federal District Court. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-518 32. Approving payment of \$6,231.75 to Frank Scovel, Jr. for settlement of worker's compensation for injuries suffered during the course of employment at a rate of \$415.45 per week for 15 weeks. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-519 33. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by Corporation Counsel. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

98-520 34. Submitting out-of-state travel request for Jason Preston. ([Council Communication No. 98-061](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

APPROVING

98-521 35. Airport Financial Audit from KPMG Peat Marwick for years ended June 30, 1997 and 1996 and audit report for Passenger Facility Charge Program for year ended June 30, 1996. ([Council Communication No. 98-067](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-522 36. Municipal Housing Agency Financial Statements and Independent Auditor's Reports for year ended June 30, 1997. **Moved by Hensley to receive and file. Motion Carried 6-0.**

98-523 37. Request from Civic Center of Greater Des Moines, requesting permission to place a 40' x 40' temporary banner on the North side of the Civic Center building, in association with the presentation of Miss Saigon, to be installed early March and remain until late June. **Moved by Hensley to receive, file and approve the temporary banner placement on the Civic Center Building, as requested. Motion Carried 6-0.**

98-524 38. Certificate of Completion to Graham Group, Inc., for Equitable Office Project, 901 Locust Street. ([Council Communication No. 98-062](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-525 39. Tax Abatement applications for additional value added by improvements made during 1997. (560 applications on file in Clerk's Office). ([Council Communication No. 98-064](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-526 40. Resolution partially granting application for tax abatement for property at 3725 Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 6-0.**

41. Resolutions Denying Applications For Tax Abatement:

98-527 (A) Property at 519 - 4th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-528 (B) Property at 1020 Army Post Road. **Moved by Hensley to adopt. Motion Carried 6-0.**

42. Bids for the following:

98-529 (A) Thoroughbred Construction, Inc., (200 S.E. 6th, Mark Anderson, President) for an annual contract renewable for two (2) additional twelve (12) month periods for clean-up and board-up services of public and private properties to be used by the Community Development Department (Health and Zoning Divisions), \$74,000. (Ten bids mailed-two received). (Call City Clerk's Office for price breakdown). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-530 (B) Purchase of Compaq 3000R Server System for use with new accounting and human resources software package, State of Iowa contract 1984--GE Capital IT Solutions, Urbandale, \$75,988. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-531 43. Report of Civil Service Commission submitting Entrance list for Buyer and Promotional lists for Truck Driver and Senior Neighborhood Health and Zoning Inspector. **Moved by Hensley to receive and file. Motion Carried 6-0.**

98-532 44. Authorizing Finance Director to draw warrants on register of February 27, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning February 23, 1998. **Moved by Hensley to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

98-533 45. On rezoning of property south of 4800 to 5200 NE 38th Avenue, (E. Douglas), from the "A-1" Agricultural District to a PUD (Planned Unit Development District). **Moved by Hensley that this ordinance do now pass, [#13,578](#). Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

98-534 46. Amending Chapter 27 of the Municipal Code to permanently place a three-way stop at the intersection of Pennsylvania Avenue, Washington Avenue and Saylor Road. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

98-535 47. Amending Chapter 27 of the Municipal Code regarding revision of current parking restrictions on both sides of Second Avenue between Locust Street and Walnut Street and adding additional 22 on-street parking meters in area. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

98-536 48. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

(1) Remove three (3) parking meters on west side of 9th Street north of Locust Street, adjacent to Equitable of Iowa Companies' new building and replace with a Loading Zone.

(2) Place Loading Zone adjacent to 811 Crocker Street and install 20 10-hour parking meters on north side of Crocker between Seventh and Ninth Streets.

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

ORDINANCES - FIRST CONSIDERATION

98-537 49. Establishing the Downtown Des Moines Self-Supported Municipal Improvement District, and establishing an operation fund and the levy of annual tax. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-538 (A) Final consideration of ordinance above, (waiver requested by City Manager), 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, #13,579. Motion Carried 6-0.**

98-539 50. Amending Chapter 15 of the Municipal Code increasing the fee for family season pass for aquatic centers and swimming pools. [\(Council Communication No. 98-069\)](#). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Nays: Flagg.**

98-540 51. Amending Chapter 2 of the Municipal Code regarding organization of the Human Resources Department, to make operation a separate City department. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 4-1-1. Nays: Flagg. Pass: Vlassis.**

COMMUNICATIONS/REPORTS

WITHDRAWN

98-541 52. Request from Jan Fleming, 223 E. Walnut, to speak regarding downtown development.

****Council considered Item 57 through Board of Health next****

HEARINGS (Opened at 5:07 P.M.) (Items 53 thru 56)

98-542 53. On E. University Avenue Beautification - Fairground Edge--IDOT Project: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Flagg.**

98-543 54. On Sidewalk Ramps on Primary Highway Routes--submission of bids and designating lowest responsible bidder as P.G. Construction, Inc., (Keith Purdy, President, 34 Gray Street, DM), \$68,848.20. **Moved by Hensley to adopt. Motion Carried 6-0.**

55. On City budgets for the following:

98-544 (A) Amendment to the current budget, fiscal year ending June 30, 1998. **Moved by Phillips to receive, file and continue the Hearing to 3-2-98 at 5:30 P.M. Motion Carried 6-0.**

98-545 (B) Approving proposed annual budget for fiscal year ending June 30, 1999. **Moved by Phillips to receive, file and continue the Hearing to 3-2-98 at 5:30 P.M. Motion Carried 6-0.**

98-546 (C) Communication from Strategic Planning Commission regarding Fiscal Year 1999 Capital Improvements and Operating Budget. **Moved by Phillips to receive and file. Motion Carried 6-0.**

98-547 (D) Recommendation of City Plan Commission. **Moved by Phillips to receive and file. Motion Carried 6-0.**

98-548 (E) Recommendation of Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 6-0.**

98-549 56. On First Amendment to Restated City Wide Urban Revitalization Area Plan, to facilitate rehabilitation, redevelopment and voluntary annexation. **Moved by Vlassis to adopt. Motion Carried 6-0.**

* * END HEARINGS at 5:50 P.M. * *

APPROVING

98-550 57. Application to State of Iowa for Supplemental State Disaster Aid for costs associated with October 26, 1997 snow storm in the amount of \$627,481 with annual payments of \$31,373. ([Council Communication No. 98-060](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

98-551 58. Intergovernmental 28E Agreement with Iowa Department of Public Defense for transfer of use and maintenance of 1971 Crash Truck to Iowa National Guard for ten year period. ([Council Communication No. 98-066](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-552 59. City of Des Moines Legislative Update for the 77th Iowa General Assembly. (Available on Monday). **Moved by McPherson to receive and file the attached report. Motion Carried 6-0.**

98-553 60. Fair Market Value for property located at 107 SW 4th Street, in conjunction with Martin Luther King, Jr. Parkway-CBD Loop, from Gilcrest Holding Company, L.C., - \$2,950,000. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Flagg.**

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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.

98-554 1. Setting Date of Hearing on Loan Agreement with Polk County, to borrow \$1,250,000 payable from certain S.E. AgriBusiness Urban Renewal Project Tax Increment Revenues, (3-2-98). **Moved by Phillips to adopt. Motion Carried 6-0.**

98-555 2. Approving recommendation of Mayor Preston A. Daniels for the appointment of Lisette Sell to the Des Moines Park and Recreation Board to fill the unexpired term of Billie Jean Stone to expire June 30, 2000. SPONSOR: Mayor Daniels. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-556 3. Approving deposit of Compensation Commissioner's Award, \$4,035,000 plus fees, for 207 SW 5th Street - Fitz-Gold (Nesbit) property, M.L. King Jr. Parkway, (CDB Loop). **Moved by Hensley to receive, file and acknowledge that the Legal department has prepared and will file an appeal of the award made by the Compensation Commission and defer balance of this item to 3-2-98. Motion Carried 4-2. Nays: Flagg and McPherson.**

A G E N D A

BOARD OF HEALTH February 23, 1998

98-557 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

COMMUNICATION

1. Regarding demolition escrow cost reserve for:

98-558 (A) 830 E. 24th Ct. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-0.**

98-559 (B) 1123-24th St. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-0.**

98-560 MOTION TO ADJOURN AS BOARD OF HEALTH AND RECONVENE AS A CITY COUNCIL. **Moved by Vlassis to adopt. Motion Carried 6-0.**

****Council considered Hearing Items 53 through 56 next****

98-561 MOTION TO ADJOURN at 5:50 P.M. **Moved by Vlassis to adjourn at 5:50 P.M.**
Motion Carried 6-0.