

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 1, 1996 4:30 P.M.

SPECIAL PRESENTATIONS - 4:00

Neighborhood Recognition Certificate Presentations:

(a) Fairground Neighborhood

(b) Good Park Neighborhood

INVOCATION: Council Member Thomas Vlassis

Ward 1

96-2360 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-2361 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2362 3. APPROVING CONSENT AGENDA - items 3 through 46: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-2363 4. Communication from Legal Department regarding July 1, 1996 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

LICENSES AND PERMITS (continued):

Hearings

96-2364 5. On recommendation of staff to deny theater and gameroom license renewal applications for Delta Z Inc., Richard Haes, President dba 1536 Theater, 1536 East Grand Avenue. **Moved by Vlassis to close the hearing and adopt the staff recommendation to deny issue of the licenses. Motion Carried 7-0.**

Class "B" Beer Licenses

96-2365 6. Fine Host Corporation, Richard E. Kerley, President dba Fine Host Corporation, 1631 Fleur Drive (Gray's Lake); New Application for special event on July 13 & 14, 1996 (With Sunday Sales and Beer Garden) - Application submitted 6-13-96. Subject to submission of acceptable building, zoning, and fire inspections. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2366 7. Biet E Nguyen dba Kim Anh Asian Food & Cafe, 1541 6th Avenue; Renewal - Expires 7-12-96 (With Sunday Sales) - Application submitted 6-12-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

8. NUMBER NOT USED

96-2367 9. Diversified Management Association Ltd., Lyle Kreps, President dba Stockman's Inn, 3000 East Grand (Iowa State Fairgrounds); Renewal - Expires 8-7-96 (With Sunday Sales and Beer Garden), Application submitted 6-18-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "C" Beer Licenses

96-2368 10. G & S Service, Inc., Glen Mikel, President dba G & S Service, 3401 University; New Application (With Sunday Sales) - Application submitted 6-7-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "A" Liquor Licenses

96-2369 11. Wakonda Club, David J. Fisher, President dba Wakonda Club, 3915 Fleur Drive; Renewal - Expires 7-15-96 (With Sunday Sales and Beer Garden) - Application submitted 6-13-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses

96-2370 12. Bobbi's Inc., Barbara J. McAninch, President dba Bobbi Mac's Dugout, 210 Indianola Road; Renewal - Expires 7-18-96 (With Beer Garden) - Application submitted 6-10-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2371 13. Hall of Fame, Inc., John J. Ulrich, President dba Johnny's Hall of Fame, 300 Court Avenue; Renewal - Expires 7-21-96 (With Sunday Sales and Beer Garden) - Application submitted 5-15-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2372 14. P & M Enterprises, Inc., Paul J. Seghi, President dba Locust Tap, 434 East Locust; Renewal - Expires 7-19-96 (With Sunday Sales) - Application submitted 6-10-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2373 15. The Karibian Corp., Anthony S. Trimmell, President dba The Safari, 2307 University Avenue; Renewal - Expires 7-2-96 - Application submitted 5-24-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

96-2374 16. Super Toad, Inc., Louis McCormick, President dba Super Toad, 1424 East Euclid; Renewal - Expires 7-14-96 (With Sunday Sales) - Application submitted 6-10-96. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-2375 17. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

Beer Gardens

96-2376 18. Approving temporary beer garden application from James P. Lynch dba 801 Steak & Chop House, 801 Grand Avenue - Suite 200; Application submitted 4-19-96 for event to be held 7-12-96 (Rain Date 7-19-96) on patio at 801 grand Avenue. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Daniels.**

PUBLIC IMPROVEMENTS

19. Resolution Ordering Construction of the following:

96-2377 (a) East-Side Interceptor Reconstruction-Phase I, Receiving of Bids, (7-16-96), and Setting Date of Hearing, (7-22-96), (Construction Estimate - \$1,297,345). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2378 (b) 1996 Stormwater Intake Repair at various locations throughout the City, Receiving of Bids, (7-16-96), and Setting Date of Hearing, (7-22-96), (Construction Estimate - \$82,050). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2379 (c) E. 14th Street at E. Aurora Avenue Intersection Demolition, Receiving of Bids, (7-16-96), and Setting Date of Hearing, (7-22-96), (Construction Estimate - \$42,800). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2380 (d) 1996 Sidewalk Replacement Program at various locations within the City, Receiving of Bids, (7-16-96), and Setting Date of Hearing, (7-22-96), (Construction Estimate - \$139,650). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2381 20. Resolution to REJECT all bids and return United Greenhouse Systems Inc. bid security--Engineering to re-bid the project, for Botanical Center Greenhouse Roof Replacement. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2382 21. Designating lowest responsible bidder as Johnson Concrete & Petroleum Construction Inc., (Robert L. Johnson, Pres, 107 Arthur Ave.), \$177,565, and approving contract and bond--Birdland Park East Improvements, 2550 Saylor Road. **Moved by Hensley to adopt. Motion Carried 7-0.**

22. Approving Private Construction Contract for proposed subdivision of Pine Meadow at SW 26th and Emma between R.G. Elder & Son Company, Contractors, and Curnes Home Ltd., Owners for the following:

96-2383 (a) Sanitary Sewer Improvement. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2384 (b) Storm Sewer Improvement. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

PUBLIC IMPROVEMENTS (continued)

96-2385 23. Communication from various contractors, requesting permission to sublet certain items on three City Public Improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2386 24. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by twelve property owners, (see roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2387 25. Approving partial payments on six public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

96-2388 26. Resolution levying assessments for costs of Nuisance Abatement-NAC (Emergency Orders), Schedule No. 1997-33, and providing for payment. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-2389 27. Acquisitions of properties, in conjunction with Martin Luther King, Jr. Parkway Central Business District Loop Arterial Project (CBD Loop), funding available from the Federal Appropriations Act, (see roll call for names and addresses). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2390 28. Condemnation Commissioners' award of \$50 plus Sheriff's fees and jury expenses in conjunction with 1995 Paving Program No. 1-SW 8th Street from Porter Avenue to Kenyon Avenue, to Crystal Craddock and Dale Craddock. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2391 29. Temporary Easement for Construction and Backslope and Property Adjustment Easement and Release, in conjunction with E. Euclid (U.S. 6)/Delaware Avenue Intersection Improvement, from Krausewa, L.C. and Kum and Go, 2109 East Euclid Avenue - \$171. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-2392 30. Backslope and Property Adjustment Easement and Release, in conjunction with East Hartford Avenue Paving-SE 14th Street to SE 22nd Street, from Ronald L. Woods, 1500 block of East Hartford Avenue - \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

31. Approval and recognition by the Neighborhood Advisory Board for the following:

96-2393 (a) Fairground Neighborhood - West side of E. 30th Avenue on the east, south side of University Avenue on the north, and railroad tracks on the south and west. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2394 (b) Good Park Neighborhood - I-235 on the south, 15th Street on the east, University Avenue on the north, and Martin Luther King, Jr. Parkway on the west. **Moved by Vlassis to adopt. Motion Carried 7-0.**

32. Nomination recommendations from Council Member Tom Vlassis, Ward I to various City Boards and Commissions:

96-2395 (a) Reappointment of Mike Hansen to the City Plan Commission for a five-year term to expire July 3, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2396 (b) Reappointment of M. Terry Lipovac to the Des Moines Access Advisory Board for a four-year term to expire June 15, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2397 (c) Reappointment of Cindy Smith to the City Plan Commission for a five-year term to expire July 2, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2398 33. Nomination recommendation of Council Member Mike McPherson, Ward II for appointment of Gay Wilson to the Park and Recreation Board for four-year term to expire June 30, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

BLOCK PARTIES

96-2399 34. Approving deviation from Council policy regarding request from Mary E. Campos, Our Lady of Gaudalupe Chapel, request to close Scott Avenue from S.E. 8th Street To S.E. 9th Street, from 8:00 A.M. to 6:00 P.M., Sunday, July 28, 1996 for a church festival and dance.

Moved by Hensley to adopt. Motion Carried 7-0.

96-2400 35. Martha Schmitt, 2406 Kingman Blvd., requesting permission to close Kingman Blvd, from 24th Street to 25th Street, Saturday, July 27, 1996, from 2:00 P.M. to 6:00 P.M.

Moved by Hensley to adopt. Motion Carried 7-0.

SETTING DATE OF HEARINGS

96-2401 36. On application from Jim McCulloh, Mid-America Group, to rezone property in vicinity of 2739 Easter Lake Drive, from "R1-90" (Large Lot One Family Residential) to "PUD" (Planned Unit Development) and to find this in conformance with the Des Moines 2000 Land Use Plan, (7-15-96). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2402 37. On vacation and conveyance of alley right-of-way in vicinity of E. 28th Street and Washington Avenue, to abutting property owners, (7-15-96). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

WITHDRAWN 38. Approving settlement of claim by Pat Lister, 3800 SE 22nd Street.

96-2403 39. Approving settlements made in satisfaction of damages to City-owned property. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

96-2404 40. Submitting out-of-state travel request for Sharon Schinkel, Eric Anderson and Richard Clark. (Council Communication No. 96-275) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

96-2405 41. Communication from Des Moines Water Works submitting 1995 Audit Reports. **Moved by Hensley to receive and file. Motion Carried 7-0.**

42. Bids for the following:

96-2406 (a) Electronic Engineering Company, (1015 Keosauqua Way, Mark Clark, President) for closed circuit color television camera system, (17) cameras, (3) monitors, cabling and installation to replace existing black and white closed circuit system in Police Department Detention area with single system with one camera, video recorder, cabling and installation for the Property Management Section with a five-year extended warranty to be used by the Police

Department, \$21,216.25 for the systems and \$10,125 for extended warranty. (Eleven bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-2407 42. (b) Rejecting Non-compliant bids from Tri-State Turf and Irrigation, Bettendorf, and alternate The Great American Outdoor and Rental, Urbandale, as not meeting bid requirements; and accepting Compliant bid from Countryside Lawn and Leisure, (Woodward, Thomas Peters, President) for a Turf Vacuum to be used by the Parks and Recreation Department, \$10,557 (Nine bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2408 43. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-2409 44. Authorizing Finance Director to draw warrants on registers of July 5, 1996 and July 12, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning July 1, 1996 and July 8, 1996, and the biweekly payroll due employees on July 5, 1996. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-2410 45. On vacation of alley right-of-way in the vicinity of Indianapolis Avenue and E. 29th Street. **Moved by Hensley that this ordinance do now pass, #13,356. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-2411 46. Amending Chapter 2 of the Municipal Code repealing various references to the Convention Center. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-2412 47. Amending Chapter 8 of the Municipal Code, to expand the application of the Uniform Code for Building Conservation-Historic Buildings, and changing the membership of the Building Code Board of Appeals. (Council Communication No. 96-281) **Moved by Hensley to that this ordinance be considered and given first vote for passage. Staff to provide copies of this ordinance to appropriate organizations for review prior to the third reading. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION (continued)

96-2413 48. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearances on the east side of SE 12th south of E. Watrous; on the

east side of 40th north of University Avenue; on the south side of High Street west of 19th Street; and change of parking restrictions adjacent to Sec Taylor Stadium. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

HEARINGS (Opened at 5:30 P.M.) (Items 49 thru 53)

96-2414 49. On amendment to the Zoning Ordinance regarding regulation of communication towers and antennas. **Moved by Flagg to refer back to City Plan Commission, City Manager and Legal for additional clarification as to lawful residential use after poles are installed. Motion Carried 7-0.**

96-2415 (a) First consideration of ordinance above.

WITHDRAWN

****Council considered Items 54 and 55 next****

96-2416 50. On Sale of excess property at 1139-13th to Community Housing Development Corporation, for construction of single-family home. (Council Communication No. 96-277) **Moved by Vlassis to approve. Motion Carried 7-0.**

96-2417 51. On E. 14th Street at Aurora Avenue Intersection Asbestos Removal, (Sorensen Building): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Pro Environmental Abatement Inc, (Robert V. Jorgenson, Pres, 1533 Ohio Street), \$24,368. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2418 (a) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-2419 52. On 1996 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc, (John Gillotti, Vice Pres., WDM), \$168,250. (Council Communication No. 96-279) **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2420 (a) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

HEARINGS (continued)

96-2421 53. On 1996 Pavement Milling: Resolution to REJECT all bids and close the hearing on Plans, Specifications, Form of Contract Documents and Engineer's Estimate, (one bid received-- 16.7% over estimate). **Moved by Phillips to adopt. Motion Carried 7-0.**

96-2422 (a) Ordering construction of 1996 Pavement Milling: Receiving of Bids, (7-9-96), and Setting Date of Hearing, (7-15-96), (Construction Estimate- \$45,000). **Moved by Phillips to adopt. Motion Carried 7-0.**

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

****Council considered Item 56 through end of agenda next****

APPROVING

96-2423 54. Recommendation of citizen's task force regarding licensing private tree trimmers and implementation of that recommendation. (Council Communication No. 96-276) **Moved by Phillips to adopt. MOTION FAILED Yeas: Davis, Phillips, Hensley. Nays: Daniels, McPherson, Vlassis. Pass: Flagg.**

96-2424 55. Wage rate policy for City-assisted Projects. (Council Communication No. 96-280) **Moved by Flagg to approve. Motion Carried 7-0.**

****Council considered Hearing Items 49 through 53 next****

96-2425 56. Concession Contract with Family Boat Rentals, (Austin Myers, 4507 50th), for a Boat Rental and Food and Beverage Concession at Birdland Marina during the 1996 boating season. (Council Communication No. 96-282). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-2426 57. Appointment to fill vacancy in Legal Department/ Litigation Division of Mark Godwin as City Solicitor-annual salary of \$70,411.01, effective July 29, 1996. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Vlassis.**

96-2427 58. Modified job specifications for Traffic Facilities Administrator. (Council Communication No. 96-278) **Moved by Hensley to adopt. Motion Carried 5-2. Pass: Flagg and McPherson.**

COUNCIL REQUESTS

96-2428 59. Council Member Mike McPherson, to discuss needed safety improvements and traffic enforcement at intersection of Williams and University. **Moved by McPherson to discuss and refer to City Manager for review and a report in an expeditious manner. Motion Carried 7-0.**

96-2429 60. To discuss Policy regarding applications for Beer, Wine or Liquor Permits. **Moved by Hensley to discuss and refer to staff to prepare formal policy changes and direct Legal to review Chapter 5-10 of the Municipal Code to determine if any amendments are needed in implementing proposed changes. Motion Carried 7-0.**

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 Dept. Director shall be placed on file with the City Clerk.

96-2430 1. Irrevocable Standby Letter of Credit \$172,329.50, for PUD Conceptual Plan entitled YMCA/Somerset II, Clarke Company. SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: McPherson.**

96-2431 2. Approving Class "C" Beer Application for El Campesino, 1725 E. University. SPONSOR: McPherson. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

96-2432 3. Liquor concession agreement with Embassy Suites Hotel, to provide alcoholic beverage services during rental events at the amphitheater. (Council Communication No. 96-283) SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: McPherson.**

96-2433 4. Second Amendment to Child Care Center Operational Agreement with First Baptist Child Care Center, (Fifth and Keo Parking Garage), for use of a portion of the Child Care Center for elementary school activities, by the Des Moines Schools. SPONSOR: Flagg. **Moved by Flagg to adopt. Motion Carried 5-1. Absent: McPherson. Council Member Hensley declares a conflict of interest, and abstains from voting.**

96-2434 5. Approval of Consent to Merger - Diamond Animal Health, Inc., and Heska Corporation - reference Community Economic Betterment Account (CEBA) Loan with State of Iowa. SPONSOR: Phillips. **Moved by Phillips to approve. Motion Carried 6-1. Absent: McPherson.**

A G E N D A

BOARD OF HEALTH

July 1, 1996

96-2435 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: McPherson.**

COMMUNICATION

96-2436 1. Communication regarding demolition cost reserve escrowed for 1715 - 7th; Legal Department to commence action within 180 days. **Moved by Vlassis to receive and file and Legal Department will commence legal action within one hundred eighty days. Motion Carried 6-1. Absent: McPherson.**

96-2437 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:38 P.M.**