

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 27, 1997 4:30 P.M.

INVOCATION: Pastor Curt Joseph, Highland Park Lutheran

97-3515 1. ROLL CALL: **Present: Ray, Daniels, Flagg, Hensley, Phillips and Vlassis.**
Absent: McPherson.

97-3516 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3517 3. APPROVING CONSENT AGENDA - items 3 through 39: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 6-1. Absent: McPherson.**

LICENSES AND PERMITS:

Approving

97-3518 4. Communication from Legal Department regarding October 27, 1997 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 6-1.**

Class "B" Beer Licenses

97-3519 5. NGCLC, Inc., Chandler T. Evans, Partner dba Nevada Bob's, 1109 East Army Post Road; New Application (With Sunday Sales) - Application submitted 10-15-97. **Moved by Phillips to adopt. Motion Carried 6-1.**

Class "C" Beer Licenses

97-3520 6. Apex Oil, Inc., Patrick J. McManus dba Apex Oil, 1200 Southeast 30th Street; Renewal - Expires 11-08-97 - Application submitted 9-24-97. **Moved by Phillips to adopt. Motion Carried 6-1.**

Class "E" Beer Licenses

97-3521 7. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 11-2-97 (With Sunday Sales) - Application submitted 9-30-97. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3522 8. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 3710 Hubbell; Renewal - Expires 11-15-97 (With Sunday Sales) - Application submitted 9-30-97. **Moved by Phillips to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

WITHDRAWN97-3523 9. William E. Best, Jr., dba Billy's, 1300 Southeast 1st Street; New Application (With Sunday Sales) - Application submitted 10-2-97.

97-3524 10. Rivez, Inc., David Ceretti, President dba Ceretti's, 204 Indianola Avenue; Renewal - Expires 11-9-97 (With Sunday Sales) - Application submitted 10-8-1997. **Moved by Phillips to adopt. Motion Carried 5-1-1. Nays: Daniels Absent: McPherson.**

97-3525 11. Scott Neasham dba The Garden, 112 Southeast 4th Street; Renewal - Expires 11-8-97 (With Sunday Sales and Beer Garden) - Application submitted 10-2-97. **Moved by Phillips to adopt. Motion Carried 5-1-1. Nays: Daniels Absent: McPherson.**

97-3526 12. Valley Park Stadium, Inc., Lawrence H. Reed, President dba Valley Park Stadium, 4337 Park Avenue; Renewal - Expires 10-31-97 (With Sunday Sales and Beer Garden) - Application submitted 9-24-97. **Moved by Phillips to adopt. Motion Carried 5-1-1. Nays: Daniels Absent: McPherson.**

Gamerrooms

97-3527 13. Hung Pham dba Giot Dang, 1409 M.L. King Parkway; New Application submitted 7-16-97 (continued from 10-20-97 Council Meeting). **Moved by Vlassis to approve, subject to installation of screening and/or fencing behind the property to stop traffic in alley. Community Development will advise when license may be issued. Motion Carried 6-1.**

97-3528 14. Jerry P. Nelson dba Iowa Operators of Amusements, 1000 Walnut (Hotel Fort Des Moines); New Five (5) day Application for special event (Dart Tournament) to be held 11-21 thru 11-23, 1997. **Moved by Phillips to adopt. Motion Carried 6-1.**

Refunds

97-3529 15. City Treasurer to issue refunds. **Moved by Phillips to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

97-3530 16. Resolution ordering construction of EMC (Equipment Maintenance Center) Welding Shop Relocation & Overhead Door Replacement, Receiving of Bids, (11-12-97), and Setting Date of Hearing, (11-17-97), (Construction Estimate - \$240,000). **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3531 17. Approving partial payment on the SW 7th Street Bridge over Raccoon River Rehabilitation public improvement project. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3532 18. Communication from Koester Construction Company to sublet certain items on the City Hall Lower Level Waterproofing project. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3533 19. Supplemental Agreement No. 2 for Professional Services with RUST/Metcalf and Eddy-a Joint Venture, Thomas Leonhardt, President (RUST Environment and Infrastructure), and Jekabs Vittando, President (Metcalf and Eddy), for Wastewater Reclamation Authority (WRA) Bio-Solids Facilities Project - \$213,634. ([Council Communication No. 97-521](#)). **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3534 20. Agreement with MidAmerican Energy Company for relocation of an existing transformer at Fleur Drive and Leland Avenue for the Airport Overflow Parking Lot, amount not to exceed \$3,581.84. ([Council Communication No. 97-523](#)). **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3535 21. Approval of Change Order No. 1 with Les' Mes Environmental Support, Inc., Richard C. Burhans, President, for additional work in conjunction with the 2100 Block of Woodland Avenue Lead Removal Project, amount not to exceed \$16,354. ([Council Communication No. 97-522](#)). **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

97-3536 22. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for October, 1997. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3537 23. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of October, 1997, Schedule No. 1997-30, for certification to Polk County Treasurer (call City Clerk's Office for amounts). **Moved by Phillips to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-3538 24. Approving recommendation of Council Member Chris Hensley, Ward III, for appointment of Susan Roberta Noland, to Human Rights commission, to fill unexpired term of Mary Louise Smith, to expire April 6, 1998. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3539 25. Approving recommendation of Council Member Chris Hensley, Ward III, for appointment of Suzan G. Nixon, to Neighborhood Revitalization Board, to fill unexpired term of Suzanne Erwin, to expire June 30, 2000. **Moved by Phillips to adopt and acknowledge resignation of Ms. Erwin on 10-15-97. Motion Carried 6-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

97-3540 26. Regarding request from Dennis Modde, for vacation and conveyance of the north/south alley in the vicinity of Maury and SE 28th Street. **Moved by Phillips to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

97-3541 27. On proposed termination of the Sixth Avenue Urban Renewal Area, to facilitate merger of a portion of the area into the Riverpoint Capitol-Center Development Area Urban Renewal Project, (12-8-97). **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-3542 (A) On Proposed Fifth Amendment to the Urban Renewal Plan for the Riverpoint Capitol-Center Development Area Urban Renewal Project, to provide for expansion of the area, identify public improvements and undertakings planned for the Sixth Avenue Area, and provide for expiration of the Plan on December 31, 2020, (12-8-97). **Moved by Vlassis to adopt, and to receive and file communication from Alice Rodine. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-3543 28. Approving payment of \$47.50 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. **Moved by Phillips to approve payment. Motion Carried 6-1.**

97-3544 29. Approving payment of \$6,250 to Denise Holtmyer and her attorney Virgil Moore and Stern Finance Company for bodily injury and property damage resulting from an auto accident on October 7, 1997. **Moved by Phillips to adopt. Motion Carried 6-1.**

APPROVING

97-3545 30. Communication from Neighborhood Finance Corporation submitting 1997 Audited Financial Statements for the fiscal year ended June 30, 1997. **Moved by Phillips to receive and file. Motion Carried 6-1.**

97-3546 31. Extension of Contract with the U.S. Government, Department of Navy for loan of Ship Model USS Des Moines-CA134 for public display in Great Hall of City Hall. **Moved by Phillips to adopt. Motion Carried 6-1.**

32. Bids for the following:

97-3547 (A) Quarve Construction L.C., (2573 Broadway, Leland Quarve, President) for construction of storage bins at Park Service Center to be used by the Park and Recreation Department, \$11,570. (Twelve bids mailed-four received). **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3548 (B) Government Computer Sales, Inc., (Issaquah, WA) for four (4) Gateway computer systems to be used by the Police Department (Patrol and Headquarters Unit). (State of Iowa Contract 2433, Municipal Code section 2-86), \$13,589.96. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3549 (C) Capital Information Technology - State of Iowa Contracts 2225 and 1990A (Municipal Code Section 2-86) for upgrading computer system to be used by the Engineering Department, WRA flow monitoring, original purchase price of \$9,053 requesting change order to increase to \$10,245. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3550 33. Report of Civil Service Commission submitting Entrance Lists for Deputy Building Official, Zoo Attendant and Promotional List for Senior Police Officer. **Moved by Phillips to receive and file. Motion Carried 6-1.**

97-3551 34. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 6-1.**

97-3552 35. Authorizing Finance Director to draw warrants on registers of October 31, 1997 and the bills of the Des Moines Municipal Housing Agency for the week beginning October 27, 1997. **Moved by Phillips to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

97-3553 36. On amendment to the Zoning Ordinance regarding increasing the minimum percentage of street facade opening on single-family homes from 5% to 15%. **Moved by Phillips that this ordinance do now pass, [#13,538](#). Motion Carried 6-1.**

97-3554 37. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Phillips that this ordinance do now pass, [#13,539](#). Motion Carried 6-1.**

- (1) Request for Corner Clearance--South Side of Center Street West of Thirty-third Street.
- (2) Request for Speed Reduction--Easter Lake Drive Between Indianola Avenue and Southeast Thirty-sixth Street.
- (3) Request for Parking Restriction and Traffic Control--Fifty-ninth Street and Boston Avenue.
- (4) Request for Four-Way Stop Control--Southeast Twenty-second Street and Park Avenue.
- (5) Request for Removal of Parking Restriction--North Side of East Wall Avenue East of Jordan Drive.

ORDINANCES - SECOND CONSIDERATION

97-3555 38. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

- (1) Request for Removal of Parking Restriction-North Side of Forest Avenue between Ohio Street and Illinois Street.
- (2) Request for Loading Zone and Two-Hour Parking Restriction-High Street between Fifteenth Street and Sixteenth Street.

(3) Request for Parking Meter Removal-North Side of Center Street between Seventh Street and Eighth Street.

97-3556 39. On amendments to the Zoning Ordinance regulations regarding Neighborhood Pedestrian Commercial District-- to remove bulk regulations from the Zoning Ordinance and place them as "Design Guidelines" in the Site Plan Ordinance; and change the maximum height to 45 feet, from existing 48 feet. **Moved by Phillips to that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

97-3557 40. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

(1) Request for additional Handicapped Parking Meters-North and South sides of Woodland Avenue between Tenth Street and Eleventh Street.

(2) Request for Handicapped Parking Meters in newly constructed Handicapped Parking Inset adjacent to City Hall.

97-3558 41. Amending Chapter 27 of the Municipal Code regarding installation of a four-way stop at the intersection of North Union and Sheridan. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-3559 42. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes at the new Meredith Complex, 15th to 18th, between Grand and Locust. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

COUNCIL REQUESTS

97-3560 43. Proposal from Council Member George E. Flagg to amend Procedural Rule 11 of the City Council Rules to allow no less than ten (10) working days of deliberation/notice on all agenda items affecting active and retired City employees, not covered by labor agreements. **Moved by Flagg to receive, file and refer to City Manager and Legal for review and recommendation by November 17. Motion Carried 6-1.**

****Council considered Items 48 through Board of Health next****

HEARINGS (Opened at 5:21 P.M.) (Items 44 thru 46)

97-3561 44. On amendment to Section 2A-7(1) of the Zoning Ordinance, to create a new category of temporary signs permitted in all zoning districts. **Moved by Flagg to adopt. Motion Carried 6-1.**

97-3562 (A) First consideration of ordinance above. **Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

97-3563 (B) Final consideration of ordinance above, (waiver requested

WITHDRAWN by Community Development Director), requires 6 votes.

97-3564 45. On Notice of Intent to convey property at 1301 Forest Avenue, to Polk County, (continued from 10-20-97). **Moved by Daniels to adopt. Motion Carried 6-1.**

97-3565 46. On appeal of Rose Marie Post regarding declaration of her dog as a dangerous animal. **Moved by Flagg to defer action for six months (first meeting in May, 1998); release dog to the owner, upon payment of all fees. Motion Carried 6-1.**

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

CITY MANAGER RECOMMENDATIONS

97-3566 47. Submitting traffic regulations changes on Third Street, Second

WITHDRAWN Avenue, and Walnut Street surrounding the Federal Building.

(Council Communication No. 97-520)

APPROVING

97-3567 48. Authorizing City Manager to execute and amend security documents relating to City Loan Programs for Economic Development Projects. **Moved by Vlassis to adopt. Motion Carried 6-1.**

49. Items regarding Logan Rehabilitation/ Redevelopment Urban Renewal Area with Associated Home Services Inc., (continued from 10-20-97), ([Council Communication No. 97-524](#)):

97-3568 (A) Execution of Urban Renewal Purchase Agreement for Residential Construction for Disposition Parcel Nos. 152A and 153A - \$76,000. **Moved by Vlassis to approve. Motion Carried 6-1.**

97-3569 (B) Resolution for Evidence of Financing and Final Design Plans. **Moved by Vlassis to approve. Motion Carried 6-1.**

97-3570 (C) Resolution for Special Warranty Deed. **Moved by Vlassis to approve. Motion Carried 6-1.**

97-3571 50. Communication from Finance Director/Treasurer submitting

WITHDRAWN report addressing need for Request for Qualifications (RFQ) for new financial/accounting and payroll/human resources software to replace the City's existing software and manual processes. ([Council Communication No. 97-525](#))

* * * * *

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.

97-3572 1. Oral request from Council Member Preston Daniels, to speak regarding Des Moines Street Village Apartments, currently under construction, and their accessibility. SPONSOR: Daniels. **Moved by Daniels to discuss and refer to City Manager for review and recommendation; specifically reference to location of controls on stove and accessibility to the handicapped in a wheel chair. Motion Carried 6-1.**

2. Approving emergency tree debris clean-up procedures:

97-3573 (a) Communication from City Manager. ([Council Communication No. 97-526](#)). **Moved by Vlassis to receive, file and adopt recommendations contained in Council Communication No. 97-526. Motion Carried 6-1.**

97-3574 (b) Establishing contractor rates for storm clean up. SPONSOR: Phillips. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-3575 3. Oral request of Council Member Tom Vlassis to discuss Ground Fault Interrupter (GFI) Circuits. **Moved by Vlassis to receive, file and refer to City Manager for review and recommendation on ability to require installation in all existing rental properties; also refer to Legal for a report by November 17. Motion Carried 6-1.**

A G E N D A

BOARD OF HEALTH

October 27, 1997

97-3576 MOTION TO CONVENE. **Moved by Vlassis 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:

97-3577 (A) 1445 Dean Avenue, vacant, Titleholders: Robert L. Aller and Phyllis L. Aller; Legal Interest Holders: Ford Motor Credit Company and Tax 12. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-3578 (B) 1365 E. 12th Street, vacant, Titleholders: Robert L. Aller and Phyllis L. Aller; Legal Interest Holders: Associates Finance, Inc., Michael A. Roberts, Linda P. Roberts and First Union National Bank. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-3579 (C) 1226 15th Place, vacant, Titleholders: Keith E. Uhl and Nancy A. Norman; Legal Interest Holders: Q.T.S. Corporation and the Internal Revenue Service of the United States of America. **Moved by Vlassis to adopt. Motion Carried 6-1.**

97-3580 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:50 P.M. Council reconvened and considered Hearing Items prior to motion to adjourn. Motion Carried 6-1.**