

SUMMARY OF DES MOINES CITY COUNCIL MEETING

November 4, 1996 4:30 P.M.

INVOCATION: Rev. Cyrus Broughton

Calvary Baptist

96-3714 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

96-3715 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3716 3. APPROVING CONSENT AGENDA - items 3 through 46: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

96-3717 4. Communication from Legal Department regarding November 4, 1996 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

96-3718 5. N.G.C. LC, Chandler T. Evans, Owner dba N.G.C. LC - Indoor Golf, 1109 East Army Post Road; New Application (With Sunday Sales) - Application submitted 10-4-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS (continued):

Class "C" Beer Licenses

96-3719 6. B & B Super Market, Inc., John A. Brooks, Sr., President dba B & B Super Market, 2001 Southeast 6th Street; Renewal - Expires 12-21-96 (With Sunday Sales) - Application submitted 10-22-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3720 7. Edward E. Jones dba Fairground "66", 303 Southeast 30th Street; Renewal - Expires 11-21-96 (With Sunday Sales) - Application submitted 10-21-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3721 8. Geron, Inc., Eugene H. Davis, President dba Kwik Shop #515, 4538 Lower Beaver Road; Renewal - Expires 11-19-96 (With Sunday Sales) - Application submitted 10-10-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

96-3722 9. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #551, 3940 NE 14th Street; Renewal - Expires 11-12-96 (With Sunday Sales) - Application submitted 10-10-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3723 10. QuikTrip Corporation, Chester Cadieux, President dba QuikTrip #541, 2428 Hubbell; Renewal - Expires 12-9-96 (With Sunday Sales) - Application submitted 10-7-96. **Moved by Phillips to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

96-3724 11. Fritz Weitz, President dba Friends of Public Library of Des Moines, Inc., 100 Locust; New Application for One (1) day event to be held on November 14, 1996. Application pending. Subject to submission of acceptable building, electrical, zoning, and fire inspections and vice report. **Moved by Phillips to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

96-3725 12. Rivez, Inc., David Ceretti, President dba Ceretti's, 204 Indianola Road; Renewal - Expires 11-9-96 (With Sunday Sales) - Application submitted 10-11-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3726 13. Fine Host Corporation, Richard E. Kerley, President dba Des Moines Convention Center, 501 Grand Avenue; New Application (With Sunday Sales) - Application submitted 10-18-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

LICENSES AND PERMITS (continued):

Class "C" Liquor Licenses

96-3727 14. Garcia's of Des Moines, Fred Mauk President dba Garcia's of Des Moines, 6116 Douglas Avenue; Renewal - Expires 11-13-96 (With Sunday Sales and Beer Garden) - Application submitted 9-30-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3728 15. PDF Corporation, Peggy D. Fausett, President dba Paul & Peggy's Tap, 2956 East Grand Avenue; Renewal - Expires 11-19-96 (With Sunday Sales) - Application submitted 9-9-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

96-3729 16. Bulldog Den, Ltd., Michael J. Chanas, President dba Stroll Inn, 3325 Hubbell Avenue; Renewal - Expires 11-19-96 (With Sunday Sales) - Application submitted 10-17-96. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

96-3730 17. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

PUBLIC IMPROVEMENTS

18. Approving amendments to the following Engineering Services Agreements with RUST/Metcalf & Eddy - A Joint Venture for additional out-of-scope professional engineering design services:

96-3731 (A) For proposed new Personnel Facilities at Des Moines ICA Regional Wastewater Treatment Plant - \$41,000. (Council Communication No. 96-470) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3732 (B) For proposed new Laboratory at Des Moines ICA Regional Wastewater Treatment Plant - \$36,400. (Council Communication No. 96-471) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3733 19. Addendum to Pre-design Agreement with Iowa Department of Transportation to facilitate design and construction of Relocated Iowa 5 from I-35 near existing Army Post Road Interchange to US 65/69. (Council Communication No. 96-467) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3734 20. Resolution Ordering Construction of SW 28th Street and Wolcott Avenue Subdrain, Receiving of Bids, (11-12-96), and Setting Date of Hearing, (11-18-96), (Construction Estimate - \$25,000.) **Moved by Phillips to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS (continued)

96-3735 21. Approving Private Construction Contract for storm sewer intake to service the proposed Greenwood Court Townhomes, 601 41st Street, between Cook Plumbing Corporation, Contractor, and Russ Stonier, Owner. **Moved by Phillips to adopt. Motion Carried 7-0.**

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

96-3736 (A) Blank Park Zoo Aquatic Animal Facilities Improvements, Waldinger Corporation, \$722 is now due and remaining balance of \$752.50 to paid at the end of thirty days. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3737 (B) Park Play Equipment Phase 3, Johnson Concrete Construction Co., Inc., \$2,181.68 is now due and remaining balance of \$9,899.80 to paid at the end of thirty days. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3738 23. Authorizing City Engineer to proceed with driveway repair at 4054 Cottage Grove, waiver signed by property owner. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3739 24. Approving partial payments on seven (7) public improvement projects (see roll call for list). **Moved by Phillips to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

96-3740 25. Offer to Purchase, Court Officer Deed, Warranty Deed and Quit Claim Deed, in conjunction with E. Euclid (U.S. 6)/Delaware Avenue Intersection Improvement, from Elizabeth Munn, Executor of the John P. Burke Estate, and Jerry and Elizabeth A. Munn, 3200 Delaware Avenue - \$25,789.80. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3741 26. Condemnation Commissioners' Award of \$2,000 plus Sheriff's fees and jury expenses in conjunction with US 69 (East 14th Street) and Aurora Avenue Intersection Improvement. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3742 27. Amended Temporary Easement for Construction, in conjunction with Kenyon Avenue Storm Sewer Project, from Gary D. Lynch, 1801 Kenyon - \$357. **Moved by Phillips to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS (continued)

96-3743 28. Easement establishing new Storm Sewer Right-of-Way and Release of Prior Storm Sewer Easement, from Jay D. and Ruth E. Stewart, and Robert F. Barnett, 3224 Henry Avenue - \$1. **Moved by Phillips to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3744 29. Approving issuance of amended deed for vacated North/South alley in vicinity of 4142 Amherst Street to Catherine L. Balducchi. **Moved by Phillips to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

30. Communications from various Board and Commission Members submitting their resignations effective immediately:

96-3745 (A) Lawrence E. James from the Housing Appeals Board. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 7-0.**

96-3746 (B) Pam Tedesco from the Neighborhood Advisory Board. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 7-0.**

96-3747 31. Correction to Roll Call No. 96-2396 to reflect the term of Mr. Terry Lipovac to the Access Advisory Board for four-year term commencing in 1995 and to expire June 15, 1999. **Moved by Phillips to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

32. On advertisement for sale of General Obligation Bonds, for the following, (11-18-96):

96-3747 (A) \$16,150,000, Series 1996E. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3749 (B) \$36,510,000, Series 1996F. **Moved by Phillips to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-3750 33. Payment to Attorney Jane McAllister for legal services provided in conjunction with acquisition of environmentally contaminated properties for Martin Luther King, Jr. Parkway Project. **Moved by Phillips to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

96-3751 34. Submitting traffic regulation changes for a Loading Zone on the North side of Crocker Street East of Ninth Street and request for corner clearance on the south side of Woodland Avenue East of 42nd Street. (Council Communication No. 96-472) **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

APPROVING

96-3752 35. Tax Abatement applications for additional value added by improvements made during 1996. (482 applications on file in Clerk's Office-see roll call for list). (Council Communication No. 96-477) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3753 36. Contract with HOME, Inc.'s (Home Opportunities Made Easy) Affordable Housing & Employment Collaborative Program for job training for five trainees in carpentry and building construction trade using Social Services Block Grant (SSBG) funds - \$22,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-3754 37. Resolution consenting to assignment by Water Tower Development, Corp. to Iowa-Colo Investments, LLC, of its interest in development agreement of Younkers/Tone property. **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3755 38. Certificate of completion for Disposition Parcel Nos. 1, 2 and 10 (1324 and 1326 Ninth, and 1137-Eighth), in North Rehabilitation/Redevelopment Urban Renewal Area to ANAWIM Housing, Inc. and release of Good Faith Deposit. **Moved by Phillips to approve. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-3756 39. Contract with Iowa Department of Public Safety providing computerized system for law enforcement agencies for wanted checks, stolen property, vehicle registration, drivers licenses, criminal history checks and communication with other criminal justice agencies (IOWA System) - \$34,680. (Council Communication No. 96-473) **Moved by Phillips to adopt. Motion Carried 7-0.**

APPROVING (continued)

40. Bids for the following:

96-3757 (A) Charles Gabus Ford, (4545 Merle Hay Road, Charles Gabus, President) for sixteen (16) patrol cars to be used by the Police Department, \$225,722.50. (Seven bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3758 (B) Overhaul and inspection including parts and labor of three (3) Superior engine/generators manufactured by Cooper Energy Services (Mount Vernon, Ohio) to be used by the Wastewater Reclamation Facility, \$62,000. (Non-competitive procurement) **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3759 (C) Storey Kenworthy Co., (309 Locust Street, David M. Kenworthy, President) for an annual agreement for a stockless office supply system for use by City Departments. (Council Communication No. 96-469) **Moved by Hensley to adopt. Motion Carried 7-0.**

96-3760 41. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 7-0.**

96-3761 42. Report of Civil Service Commission submitting Promotional List for Fire Lieutenant, (list available after Commission meeting Monday at 2:00 P.M.) **Moved by Phillips to receive and file. Motion Carried 7-0.**

96-3762 43. Authorizing Finance Director to draw warrants on registers of November 8, 1996 and November 15, 1996; bills of the Des Moines Municipal Housing Agency for weeks beginning November 4, 1996 and November 11, 1996, and the biweekly payroll due employees on November 8, 1996. **Moved by Phillips to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-3763 44. On vacation of a portion of the Jackson Avenue right-of-way west of Southwest First Street, (Baker Electric Inc.) **Moved by Phillips that this ordinance do now pass, #13,390. Motion Carried 7-0.**

96-3764 45. Amending Chapter 27 of the Municipal Code regarding corner clearances for the following: East side of SW 8th South of Park, South side of E. Hughes East of SE 5th, West side of 29th North of Grand, West side of 29th South of Ingersoll, and on the West side of Tomlin Lane North of Guthrie. **Moved by Phillips that this ordinance do now pass, #13,391. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-3765 46. Amending Chapter 27 of the Municipal Code regarding request for a four-way stop at the intersection of 42nd and Greenwood Drive; and request to designate Parking Meter M-510 as a Handicapped Space. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Items 55, 57, Extra #1 and Extra #2 next****

HEARINGS (Opened at 5:30 P.M.) (Items 47 thru 50)

96-3766 47. On proposed 1997 Consolidated Plan,--planning and submission process for Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and Emergency Shelter Grant (ESG) Funds. (Council Communication No. 96-474) **Moved by Flagg to adopt. City Manager to confer with the County regarding reduction in funding for transportation and congregate meals and may return to the Council with additional recommendations. Motion Carried 5-1-1. Nays: McPherson. Pass: Vlassis. Council Member Hensley declares a conflict of interest, and abstains from voting on three items related to the YWCA.**

96-3767 48. On application from David Elliott, of Signs of Success, to rezone property at 2907 Douglas from "C-1" (Neighborhood Retail Commercial) to a Limited "C-2" (General Retail and Highway Oriented Commercial), to allow a sign shop, and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-3768 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

96-3769 49. On application from Charles H. Gabus, to rezone property in front of 4475, 4515 and 4545 Merle Hay Road, from an "A-1" (Agricultural District), to a "C-2" (General Retail and Highway Oriented Commercial), and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Vlassis to adopt. Motion Carried 5-2. Absent: Phillips and Daniels.**

96-3770 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Phillips and Daniels.**

HEARINGS (continued)

96-3771 49. (B) Final consideration of ordinance above. **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, #13,392. Motion Carried 6-1. Absent: Daniels.**

96-3772 50. On application from Robert Conley, 24th Express Corporation, for approval of a Sixth Amendment to the Planned Unit Development, (PUD) Plan entitled University Square, revising the Drake University Inn portion to allow for 12' high by 8'8" wide 90 square foot free-standing sign on north side of the building and a 7' by 17'1" wall mounted sign to be located on the west wall surface of the building, stating HOLIDAY INN EXPRESS, 1140-24th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:26 P.M. * *

CITY MANAGER RECOMMENDATIONS

96-3773 51. Regarding assignment of Des Moines Automotive's towing and storage contract to Owen Crist Auto Body. (Council Communication No. 96-468) **Moved by Hensley to adopt. Request to assign contract is denied. Motion Carried 7-0.**

****Council Member Flagg left the meeting at 6:55 P.M.****

APPROVING

96-3774 52. Recommendation of the City Council Health Benefits Subcommittee to establish retiree health insurance premiums, (continued from 10-28-96). (Council Communication No. 96-475) **Moved by Hensley to approve, effective January 1, 1997 to September 30, 1997.**

Motion Carried 4-2. Absent: Daniels and Flagg. Council Member Phillips declares a conflict of interest, and abstains from voting.

96-3775 53. Form of Development Agreement for proposed Airport Commerce Park South, Urban Renewal Project Area, located west of Fleur Drive, in vicinity of Rittenhouse. **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-3776 (A) Form of Development Agreement for Airport Commerce Park West, Urban Renewal Project Area, located east of SW 63rd Street, between Park and McKinley Avenues. (Council Communication No. 96-476) **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

APPROVING (continued)

96-3777 54. Revised job specifications for Climate Control Technician, (CIPEC Range 22); new certification requirement of Universal Refrigerant Technician, and addition of ADA Standards. **Moved by Phillips to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

****Council considered Board of Health Agenda next****

COUNCIL REQUESTS

96-3778 55. From Council Member Mike McPherson and Ann Pierschbacher to discuss resolution of reversal of State preemption of local tobacco related ordinances. **Moved by McPherson to discuss, and refer to City Council Legislative Sub-Committee for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

96-3779 56. From Tim Craven, Site Acquisition Team Leader, Western

WITHDRAWN Wireless, requesting to speak regarding proposed amendment to the Communication Antenna Policy.

96-3780 57. From Thurman R. Mills, 2916 Walker Street, requesting 120-day extension and waiver of additional fee, building permit for 109 East 33rd. **Moved by McPherson to receive, file and grant the 120-day extension. If renovations are not completed in that time, full cost of the permit fee will be applied retroactively. 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.

96-3781 1. Execution of Agreement with Iowa Department of Transportation for removal of debris from and around Southeast 14th Street bridge, (US 65/69). **Moved by Flagg to adopt. Motion Carried 7-0.**

96-3782 2. Approving Class "B" Beer License, for William E. Best, Jr., dba Billy's, 1300 S.E. 1st, (includes Sunday Sales, Beer Garden, Coin-Operated Machines, and Cigarette Permits). SPONSOR: Phillips. **Moved by Phillips to adopt. Motion Carried 6-1. Nays: Daniels.**

A G E N D A

BOARD OF HEALTH

November 4, 1996

96-3783 MOTION TO CONVENE. **Moved by Vlassis to that the City Council Adjourn and Convene as a Board of Health. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following locations:

96-3784 (A) 1632 Dean Ave. (Front), vacant, TITLEHOLDER/ LANDLORD: Irene M. Goff, DECEASED; HEIRS: Jerry Dean Goff, Mary Jean Goff, George Ray Goff; LEGAL INTEREST HOLDER: Naim Madyun d/b/a Speedy Release Bail Bonds. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-3785 (B) 1632 Dean Ave. (Rear), vacant, TITLEHOLDER/ LANDLORD: Irene M. Goff, DECEASED; HEIRS: Jerry Dean Goff, Mary Jean Goff, George Ray Goff; LEGAL INTEREST HOLDER: Naim Madyun d/b/a Speedy Release Bail Bonds **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-3786 (C) (C) 2246 Lyon St., Vacant, TITLEHOLDER/LANDLORD: Security Pacific National Bank n/k/a Bank of America; CONTRACT BUYER(S): Arthur F. Baysinger and Helen S. Baysinger; **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-3787 (D) 2422 Lyon St., Vacant, TITLEHOLDER(S): Richard Gerald and Michelle I. Daughenbaugh; LEGAL INTEREST HOLDER: Norwest Mortgage, Inc. **Moved by Vlassis to adopt. Motion Carried 4-3. Absent: Daniels, Flagg and McPherson.**

96-3788 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 P.M.**

