

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 22, 2000 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Downtown Learning Week

INVOCATION: Pastor Fred Gee, Grant Park Christian Church

00-1494 1. ROLL CALL: **Present: Brooks, Coleman, Flagg, Hensley, and Vlassis. Absent: Daniels and McPherson. *Mayor Daniels and Council Member McPherson participated electronically on Extra Item 1.**

00-1495 I. 3:00 P.M. Final Report and Recommendations for the Eastern Gateway Study Block-- Presentation by Richard Ward, Development Strategies, Inc. ([Council Communication No. 00-241](#)). **Moved by Vlassis to receive, file and refer to various Boards and Commissions listed. Motion Carried 5-2.**

00-1496 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED. **Moved by Coleman to adopt. Motion Carried 5-2.**

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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.**

00-1497 3. APPROVING CONSENT AGENDA - items 3 through 51: **Moved by Coleman to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

LICENSES AND PERMITS:

Approving

00-1498 4. Communication from Legal Department regarding May 22, 2000 License and Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 5-2.**

Class "B" Beer Licenses

00-1499 5. Phranom Philavanh dba Laos Restaurant, 418 East 5th Street; Renewal - Expires 6-2-00 - Application submitted 5-2-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

Class "C" Beer Licenses

00-1500 6. K Mart Corporation, Floyd Hall, President dba Big K Mart, 2535 Hubbell; Renewal - Expires 6-1-00 (With Sunday Sales) - Application submitted 5-9-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1501 7. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #506, 5000 Southwest 9th Street; Renewal - Expires 6-5-00 (With Sunday Sales) - Application submitted 5-15-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1502 8. Kwik Shop, Inc., Henry R. Waguespack, President dba Kwik Shop #539, 1372 East 14th Street; Renewal - Expires 6-4-00 (With Sunday Sales) - Application submitted 5-15-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

Class "B" Wine Licenses

00-1503 9. K Mart Corporation, Floyd Hall, President dba Big K Mart, 2535 Hubbell; Renewal - Expires 6-1-00 - Application submitted 5-9-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1504 10. Trittoria Foods, Inc., Alice Mattis, President dba The Trattoria, 207-215 4th Street; Renewal - Expired 4-28-00 - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

Class "C" Beer-Wine Licenses

00-1505 11. Tony Tak Hing Wong dba King Ying Low Restaurant, 223 - 4th Street; Renewal - Expires 6-3-00 (With Sunday Sales) - Application submitted 5-8-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1506 12. Lowell M. Coil dba University Library Cafe, 3506 University; Renewal - Expires 6-2-00 (With Sunday Sales) - Application submitted 5-5-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

Class "C" Liquor Licenses

00-1507 13. Hattie J. Wilcox dba Brew House, 830 Southwest Mckinley; Renewal - Expires 6-1-00 (With Sunday Sales and Outdoor Service) - Application submitted 4-21-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1508 14. PMJ, Inc., James E. Daughenbaugh, President dba Carl's Place, 1620 Woodland; Renewal - Expires 6-5-00 (With Sunday Sales) - Application submitted 5-8-00. **Moved by Hensley to defer to 6-5-00; refer to City Manager to coordinate a meeting with representatives from Carl's Place, to address concerns regarding noise and parking.**

00-1509 15. Civic Center of Greater Des Moines, Jeffery L. Chelsesvig, Manager dba Civic Center of Greater Des Moines, 221 Walnut Street; Renewal - Expires 6-5-00 (With Sunday

Sales) - Application submitted 4-26-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1510 16. The Underground, Inc., Phuc Le, President dba The Underground, 1930 Southeast 14th Street (Lower Level): New Application (With Sunday Sales) - Application submitted 4-26-00. **Moved by Coleman to adopt. Motion Carried 5-2.**

Authorizing

00-1511 17. City Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 5-2.**

PUBLIC IMPROVEMENTS

18. Resolution Ordering Construction of the following:

00-1512 (A) 2000 Sidewalk Replacement Program - Public Works, Receiving of Bids, (6-6-00), and Setting Date of Hearing, (6-19-00), (Construction Estimate - \$145,515). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1513 (B) Tennis and Basketball Court Resurfacing - 2000, Receiving of Bids, (6-6-00), and Setting Date of Hearing, (6-19-00), (Construction Estimate - \$57,100). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1514 (C) East Side Library Roof Replacement, Receiving of Bids, (6-6-00), and Setting Date of Hearing, (6-19-00), (Construction Estimate - \$56,000). **Moved by Coleman to adopt. Motion Carried 5-2.**

19. 1999 Intermediate Paving Program, Schedule No. 1999-35

00-1515 (A) Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1516 (B) Adopting and Levying Final Schedule of Assessments and providing for payment. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1517 20. Professional Services Agreement with Earth Tech, (Diane C. Creel, Chief Executive Officer and President, Long Beach, CA), for Construction Phase Services for the Dean's Lake Watershed-Euclid Detention Basin and Storm Sewer Improvements, compensation not to exceed \$119,000. ([Council Communication No. 00-239](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1518 21. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by one property owner, and paving or curb replacement program, waivers signed by two property owners, (call the City Clerk's Office for list). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1519 22. Approving partial payments on five (5) public improvement projects. (Call City Clerk's Office for listing). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1520 23. Approving resolution to REJECT all bids on the Des Moines Metropolitan Wastewater Reclamation Facility - Biosolids Facilities--bids over estimate. ([Council Communication No. 00-240](#)) **Moved by Brooks to adopt. Motion Carried 5-2.**

00-1521 24. Amendment to Professional Services Agreement with Terrus Real Estate Group, for additional work for improved security and safety measures in City Hall and Armory, \$3,400. ([Council Communication No. 00-235](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

LAND/PROPERTY TRANSACTIONS

00-1522 25. Release and Abandonment of Existing Sewer Easement and Establishment of New Storm Sewer and Surface Water Flowage Easement, Permanent Easement for Storm Sewer, Surface Water Flowage and for a Storm Water Inlet and Future Title Work Compensation in conjunction with Lower Beaver and Valdez Storm Sewer Improvements, from Cheryl Rae Barbieri-Disney, 4203 Lower Beaver Road - \$1,790, Randolph J. Hansen and Lorraine E. Hansen, 3400 Valdez Drive - \$702, Barry Bennett and Diane Bennett, 3322 Valdez Drive - \$150, and Samuel L. Hobson d/b/a Hobson Investments, 3318 Valdez Court - \$1,293. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1523 26. Establishing Fair Market Value and authorizing acquisition of a portion of property located at the Northwest Corner of Fleur Drive and County Line Road for the Fleur Drive Paving-Phase 2 Project, Fleur Properties, L.C. - \$70,000. **Moved by Coleman to adopt. Motion Carried 5-2.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

WITHDRAWN00-1524 26-I Appointment recommendation from At-Large Council Member George Flagg of Elizabeth Louise Anderson to the Traffic Safety Committee, three-year term to expire December 31, 2002.

WITHDRAWN00-1525 27. Representatives to be named to the Two Rivers Task Force.

STREET CLOSINGS/STREET USE

00-1526 28. Approving closure of the following City Streets. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 5-2.**

(1) Barbara Iaria, 3024 SE 8th Street, requesting permission to close Virginia Avenue from SE 7th to SE 8th from 5:00 to 11:00 P.M. on Saturday, June 10, 2000 for a neighborhood block party.

(2) Margaret Durbala, 2501 Kenway Drive, requesting permission to close Kenway Drive from

Beavercrest Drive to Maryland Pike from 4:00 to 10:00 P.M. on Saturday, June 24, 2000 for a neighborhood block party.

29. Approving exception regarding length of time request from the following

00-1527 (a) Jim Christakos, representing the Greek Orthodox Church of St. George, 35th and Cottage Grove, requesting permission to close Cottage Grove from 35th Street to east end of Church driveway from 9:00 A.M. to 9:00 P.M. on Sunday, June 4, 2000 for the Greek Food Fair. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 5-2.**

00-1528 (b) William Wheeler, representing Highland & Oak Park Neighbors Association and The Parks Area Foundation, requesting permission to close parking lanes on 6th Avenue from Douglas to Euclid from 4:00 to 8:00 P.M. every Tuesday from June 13, 2000 to September 26, 2000 for Farmers Market. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 5-2.**

29. Approving exception regarding length of time request from the following

00-1529 (c) Kelly Egenberger, representing Downtown Partnership, 400 Locust, Suite 255, requesting permission to close Court Avenue from 5th to east end of Court Avenue Bridge (2:00 to 9:15 P.M.) and 4th Street from Walnut to Court (Noon to 9:15 P.M.) for The Great Race, June 17, 2000. **Moved by Coleman to approve the street closures listed, and approve any street closures continued to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 4-1-2. Nays: Brooks. Absent: Daniels and McPherson.**

SETTING DATE OF HEARINGS

00-1530 30. On proposal to sell and convey vacated north/south alley right-of-way adjoining 1260 E. 22nd Street, to Donald G and Martha Lehman, \$50, (6-5-00). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1531 31. On conveyance of east/west alley right-of-way between SE 8th and SE 9th Streets north of Jackson Avenue, to Lee W. and Darlene K. Myers, \$25, (6-5-00). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1532 32. On vacation and conveyance of north/south alley right-of-way between South Union and Indianola, to abutting property owners, Richard C. and Jo Elaine Felice, \$25 and to William E. and Dorothy A Darnall, \$25, (6-5-00). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1533 33. Authorizing completion and distribution of preliminary official statement relating to the issuance of General Obligation Bonds \$22,910,000 General Obligation Bonds, Series 2000D, and \$2,040,000 General Obligation Bonds, Taxable Series 2000E. [\(Council Communication No.](#)

[00-233](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1534 34. On conveyance of north/south alley right-of-way adjoining 1318 E. 22nd Street, to Geraldine J. Hall, \$25, (6-5-00). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1535 35. On conveyance of the east/west alley right-of-way between Milton and Guthrie Avenues and E. 14th and E. 16th, to Douglas and Christine L. Thompson, \$25, (6-5-00). **Moved by Coleman to adopt. Motion Carried 5-2.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-1536 36. Settlement Agreement with the Iowa Department of Public Health in conjunction with a civil penalty for sale of tobacco products to an underage customer by Git N Go Convenience Stores, Inc., 2716 Indianola Avenue. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1537 37. Approving payment of \$3,789.04 to Hopkins & Huebner, P.C. for representation of Charles Negrete, Jack Kamerick, Kurtis Bender and Bobby Stanley in case of John William Dungan v. Officer C. Negrete, et al. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1538 38. Approving payment of \$3,439.96 to Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. for representation of City in lawsuit entitled Merchants White Line Warehousing, Inc., Reppert Transfer and Storage Co. and Ackerman Auto Parts, Co., Inc. v. City of Des Moines. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1539 39. Approving settlements made by Corporation Counsel, not exceeding \$5,000. **Moved by Coleman to receive, file and affirm settlements made by City Attorney. Motion Carried 5-2.**

APPROVING

00-1540 40. Submission of a Community Economic Betterment Account (CEBA) Application to the State of Iowa and to give preliminary approval for a local contribution from the City of Des Moines to NationJob, Inc. for expansion, \$75,000 no interest loan to be repaid within seven (7) years. ([Council Communication No. 00-232](#)). **Moved by Coleman to approve. Motion Carried 4-1-2. Pass: Flagg. Absent: Daniels and McPherson.**

00-1541 41. Termination of the lease with Generations, Inc., for property at 944 18th Street and approving the lease with Des Moines Area Board of Realtors, for property located at 3311 Ingersoll Avenue, to replace other property. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1542 42. Submission of Community Economic Betterment Account (CEBA) Application to State of Iowa for Enterprise Corporation International to allow hiring and training of additional software developers and fund completion of patented copy protection product. **Moved by Coleman to approve. Motion Carried 5-2.**

00-1543 43. Letters and Reports from KPMG LLP and Hayes & Associates, LLC regarding the 1999 financial audit for the City and Municipal Housing Agency. ([Council Communication No. 00-234](#)). **Moved by Coleman to receive and file. City Manager to provide Council with a final report on July 1, 2000. Motion Carried 5-2.**

00-1544 44. Tax Abatement applications for additional value added by improvements made during 2000. (92 applications on file in Clerk's Office). ([Council Communication No. 00-231](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1545 45. Tax Abatement application for additional value added by improvements made during 1999, (application submitted in 1997). ([Council Communication No. 00-230](#)). **Moved by Coleman to adopt. Motion Carried 5-2.**

46. Bids for the following:

00-1546 (A) Mid-States Ford Sterling, (4300 NE 14th, Marvin Perry, President) and O'Halloran International, (751 E. Market Street, Jim O'Halloran, President) for a truck tractor and end-dump trailer and tandem-axle dump truck to be used by the Engineering Department (Wastewater Reclamation Facility), \$79,773. (Ten bids mailed-four received). **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1547 (B) ASAP Software, (Buffalo Grove, IL, Analyd Gama, President), State of Iowa Contract No. 2545, (Municipal Code Section 2-86(c) for Norton Anti-virus software upgrades to be used by the Information Technology Department, \$11,360. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1548 (C) Norstan Communications, Inc., (Des Moines), State of Iowa Contract No. CT20370001, (Municipal Code Section 2-86(c) for MAC-EZ system management software to be used by the Information Technology Department, \$12,163.60. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1549 47. Civil Services Entrance Lists for Code Research Assistant and Acquisition and Relocation Specialist. **Moved by Coleman to receive and file. Motion Carried 5-2.**

00-1550 48. Authorizing Finance Director to draw checks on register of May 26, 2000, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the week beginning May 22, 2000. **Moved by Coleman to adopt. Motion Carried 5-2.**

ORDINANCES - SECOND CONSIDERATION

00-1551 49. Amending Section 38-26 of the Municipal Code, regarding ambulance service fees. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

00-1552 50. On adoption of the Municipal Code of the City of Des Moines, 2000. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion**

Carried 5-2.

00-1553 51. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**

(1) Removal of Parking Restriction--North Side of Pleasant Street from 8th Street to 9th Street.

(2) Corner Clearance Parking Restriction--West Side of 60th Street North of Cummins Parkway.

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

****Council considered Items 56 and 57 next****

HEARINGS (Opened at 5:04 P.M.) (Items 52 thru 55)

00-1554 52. On Zoning Ordinance text amendment, Section 2A-3, regarding definition of "accessory building". **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1555 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

00-1556 53. On 60th Place and Waterbury Road Storm Water Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, WDM), \$191,385.50. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1557 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1558 54. On Williams Street Bridge over Four Mile Creek Deck Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO, 990 NE 44th Avenue, Des Moines,) \$74,440. **Moved by Coleman to adopt. Motion Carried 5-2.**

00-1559 55. On Building Official's determination that structure at 2005 9th Street constitutes a public nuisance. ([Council Communication No. 00-236](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

* * END HEARINGS at 5:12 P.M. * *

****Council considered Board of Health and Extra Item 1 next****

APPROVING

00-1560 56. Street Closure Application from Robin Leeper, representing Des Moines Park and

Recreation, requesting permission to close E. 1st and E. 2nd Streets from Grand to Locust from 9:00 A.M. to Noon on Sunday, June 4, 2000 for the Mayor's Charity Cruise and requesting waiver of all fees. **Moved by Coleman to approve the street closures listed, and approve any street closures continue to a future date, necessitated by inclement weather, upon approval of the City Clerk. Motion Carried 5-2. Motion by Brooks to waive fees FAILED. Yeas: Vlassis, Flagg and Brooks. NAYS: Coleman and Hensley**

00-1561 57. Supportive Housing Program (SHP) application to U.S. Department of Housing and Urban Development (HUD) for local homeless programs to address service gaps -\$1,842,103. ([Council Communication No. 00-238](#)). **Moved by Vlassis to adopt. Motion Carried 5-2.**

WITHDRAWN00-1562 58. HOME, Inc. Certification of Consistency with the City's 2000 HUD Consolidated Plan for HUD HOPWA (Housing Opportunities for People with AIDS) funding for a housing assistance program for people living with AIDS disease. ([Council Communication No. 00-237](#)).

WITHDRAWN 59. Approving purchase of and authorizing the closing of property from the Allied Gateway Campus Project, in the Metro Center Urban Renewal Area.

****Council considered Hearing Items next****

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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.

00-1563 1. Discussion regarding packing facility within the corporate limits of Des Moines. SPONSOR: Brooks. **Moved by Brooks to receive and file comments; and resolving that the City Council, after consideration and communications from the community, hereby states that it will not seek or support a packing facility with a "kill floor" to be located in the corporate City limits of Des Moines. Motion Carried 6-1. Nays: Coleman. *Mayor Daniels and Council Member McPherson participated in this vote electronically.**

Council recessed after Extra Item 1 and reconvened at 5:30 to reaffirm hearings-then adjourned.

A G E N D A

**BOARD OF HEALTH
May 22, 2000**

00-1564 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

AUTHORIZING

Removal of the following structures:

00-1565 1. 2445 Des Moines Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1566 2. 3508 Easton Boulevard. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1567 3. 2721 Raccoon. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1568 4. 1511 13th Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1569 5. 3009 E. 14th Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1570 6. 1372 E. 15th Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1571 7. 3828 15th Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

WITHDRAWN 00-1572 8. 901 23rd Street.

00-1573 9. 1309 East 26th Street. **Moved by Vlassis to adopt. Motion Carried 5-2.**

00-1574 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:32 P.M.**

DES MOINES-CITY OF SKYWALKS