

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 9, 1998 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

- (a) Des Moines Arts Festival Day
- (b) Jurassic Larks Day
- (c) Recognition of Lance Corporal Kristopher Hobt

INVOCATION: Father Bob Harris, St. Anthony's Catholic Church

98-321 1. ROLL CALL: **Present: Daniels, Hensley, McPherson, Phillips and Vlassis. Absent: Flagg.**

98-322 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-323 3. APPROVING CONSENT AGENDA - items 3 through 46: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 5-1.**

*****Items with a "NUMBER NOT USED" notation are items withdrawn by the City Manager, or they were considered at the Special Meeting on February 3, 1998*****

LICENSES AND PERMITS:

Approving

98-324 4. Communication from Legal Department regarding February 9, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

Class "B" Beer Licenses

98-325 5. Eugene Hiskey dba Rainbow Cleaning Machine, 4347 Merle Hay Road; Renewal - Expires 2-15-98 (With Sunday Sales) - Application submitted 1-21-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "C" Beer Licenses

98-326 6. G.L. & J., Inc., Gary Kudrna, President dba Gary's Amoco #42, 4131 University; Renewal - Expires 2-14-98 (With Sunday Sales) - Application submitted 1-21-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-327 7. Krause Gentle Corporation, William A. Krause, President dba Kum & Go #440, 821 East Euclid; Renewal - Expires 2-26-98 (With Sunday Sales) - Application submitted 12-11-97. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "C" Beer-Wine Licenses

98-328 8. Community Drama Assoc. of Des Moines, Karen Engman, President dba Des Moines Playhouse, 831 - 42nd Street; New Application for 14 day license (With Sunday Sales) - Application submitted 12-23-97. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-329 9. Patrick Renda dba Orlondo's Pizza, 3835 University; Renewal - Expires 2-16-98 (With Sunday Sales) - Application submitted 1-14-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "C" Liquor Licenses

98-330 10. Cooney Beverage Company, Brian J. Cooney, President dba Cooney's Tavern, 3719 Beaver; Renewal - Expires 2-12-98 (With Sunday Sales) - Application submitted 1-9-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-331 11. Faces, LTD, Craig L. Conkling, President dba Faces, 416 East Locust; Renewal - Expires 2-19-98 (With Sunday Sales) - Application submitted 1-16-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-332 12. V. Maureen Dougherty dba Jim-N-I Lounge, 1922 Hubbell Avenue; Renewal - Expires 2-25-98 (With Sunday Sales) - Application submitted 1-5-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-333 13. Fister Investments, Inc., Mark A. Nicola, President dba Murphy's, 6202 Douglas; Renewal - Expires 2-26-98 (With Sunday Sales and Beer Garden) - Application submitted 12-11-97. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-334 14. Rocket Inc., Steve Little, President dba Winston's Pub, 601 Locust #200; Renewal - Expires 3-27-98 (With Sunday Sales) - Application submitted 1-20-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-335 15. Lee Dynasty Corporation, Hsi Cheng Lee, President dba Yee Ho Garden, 520 Army Post Road; Renewal - Expires 2-8-98 (With Sunday Sales) - Application submitted 1-6-98. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Authorizing

98-336 16. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Refunds

98-337 17. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

98-338 18. Approving Structure Removal Contract with Timelis Restoration L.L.C. for sale and moving of house at 835 Martin Luther King to 672 18th Street (Sherman Hill Historic District) as part of Martin Luther King Parkway project - \$3,500. ([Council Communication No. 98-042](#)). **Moved by Vlassis to adopt. Motion Carried 5-1.**

19. Approving Private Construction Contract for proposed Easter Lake Point Plat No. 1 at East Lake Drive and SE 32nd Street, between Eco-Tech Contractors, Inc., (Steve Gillotti, President, WDM), Contractors, and The Legacy Group, Ltd., (Randy Walters, Managing Partner, WDM), Owners, for the following:

98-339 (A) Paving Improvements. **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-340 (B) Sanitary Sewer. **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-341 (C) Storm Sewer. **Moved by Vlassis to adopt. Motion Carried 5-1.**

20. NUMBER NOT USED.

21. NUMBER NOT USED.

22. NUMBER NOT USED.

98-342 23. Request from Western Waterproofing Co., Inc., Bill Bishop, President, 1829 Industrial Circle, West Des Moines, for an extension of time until March 27, 1998 for Police Station Step Replacement. **Moved by Vlassis to receive, file and grant the extension of time until March 27, 1998. Motion Carried 5-1.**

98-343 24. Communication from various contractors requesting permission to sublet certain items on one public improvement project--the Southeast Airport Trunk Sanitary Sewer, Phase 1. **Moved by Vlassis to adopt. Motion Carried 5-1.**

SPECIAL ASSESSMENTS

98-344 25. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of January, 1998, Schedule No. 1998-21, for certification to Polk County Treasurer (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-345 26. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for January, 1998. **Moved by Vlassis to adopt. Motion**

Carried 5-1.

LAND/PROPERTY TRANSACTIONS

27. WITHDRAWN.

97-347 28. Approving Noise and Avigation Easements for five properties in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 5-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-348 29. Communication from Bob King, Chair, Neighborhood Revitalization Board, requesting Mayor and Council to declare Cindy Axser's position vacant. **Moved by McPherson to declare seat vacant, with regret. Motion Carried 5-1.**

CITY PLAN COMMISSION RECOMMENDATIONS

98-349 30. Regarding approval of amendments to the Des Moines 2000 Land Use Plan, for property in vicinity of 4200 block of Hubbell Avenue, and include area located northeast of the existing city limits. **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-350 31. Regarding request from Paul Knight, for vacation of Clay Street right-of-way in the vicinity of 1400 SW First Street. **Moved by Vlassis to adopt and to refer to the City Manager and Legal Department for implementation. Motion Carried 5-1.**

32. NUMBER NOT USED.

33. NUMBER NOT USED.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-351 34. Approving payment of \$1,016.45 to Thomas Zurek of Nyemaster, Goode, Voigts, West, Hansell & O'Brien for representation of Officer Michael McBride in case of Leverette, et al. v. Heller. **Moved by Vlassis to adopt. Motion Carried 5-1.**

CITY MANAGER COMMUNICATIONS

98-352 35. Submitting various traffic regulation changes as follows. **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1.**

(1) Request from Tom Nichols of Graham Group, Inc. to 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) Request to 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.

[\(Council Communication No. 98-041\)](#)

36. NUMBER NOT USED.

APPROVING

98-353 37. Communication from City Clerk, submitting report on City Council meeting/meal expenses for January, 1998. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

98-354 38. Renewal of 28E agreement with Dowling High School for use of certain facilities in connection with 1998 Special Olympic track and field program. [\(Council Communication No. 98-040\)](#). **Moved by Vlassis to adopt. Motion Carried 5-1.**

39. Bids for the following:

(A) WITHDRAWN

98-355 (B) O'Halloran International, Inc., (1780 East Sheridan, James O'Halloran, President) for four (4) 33,000 GVW trucks with combination dump bodies and snow plows to be used by the Public Works Department (Street Maintenance), \$259,836. (Eight bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-356 (C) O'Halloran International, Inc., (1780 East Sheridan, James O'Halloran, President) for one (1) 50,000 GVW truck with dump body and snow plow to be used by the Public Works Department (Sewer Maintenance), \$65,648. (Eight bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-357 (D) O'Halloran International, Inc., (1780 East Sheridan, James O'Halloran, President) for one (1) 56,000 GVW truck with dump body and front and underbody snow plows to be used by the Public Works Department (Street Maintenance), \$76,441. Cedar Valley Freightliner, (Waterloo, IA) did not meet specifications, therefore non-compliant. (Eight bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 5-1.**

98-358 40. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 5-1.**

41. NUMBER NOT USED.

ORDINANCES - FINAL CONSIDERATION

98-359 42. On rezoning of 2330 E. 14th Street, from "R1-60" (One Family, Low Density Residential), to "C-1" (Neighborhood Retail Commercial). **Moved by Vlassis that this ordinance do now pass, [#13,572](#). Motion Carried 5-1.**

98-360 43. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Vlassis that this ordinance do now pass, [#13,573](#). Motion Carried 5-1.**

(1) Bus Loading Zone adjacent to Day Care for Exceptional Children--South Side of Woodland Avenue at 24th Street.

(2) Corner Clearance--Intersection of Eighth and School Street.

98-361 44. Amending Chapter 15 of the Municipal Code regarding cemetery fees and charges for 1998. **Moved by Vlassis that this ordinance do now pass, [#13,574](#). Motion Carried 5-1.**

ORDINANCES - SECOND CONSIDERATION

98-362 45. Amending Chapter 27 of the Municipal Code regarding traffic regulation change for one-sided parking on east side of Williams Street between E. Euclid and E. Douglas, to facilitate mail delivery. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

98-363 46. Providing for division of revenue from taxation (Tax Increment Financing-TIF) within the SE AgriBusiness Urban Renewal Project Area. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

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

47. NUMBER NOT USED.

48. NUMBER NOT USED.

49. NUMBER NOT USED.

50. NUMBER NOT USED.

51. NUMBER NOT USED.

APPROVING

98-364 52. Inclusion of CCI Purchase - Rehab Program in the Neighborhood Finance Corporation activities. ([Council Communication No. 98-039](#)). **Moved by McPherson to adopt, as amended. Motion Carried 5-1.**

53. NUMBER NOT USED.

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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.

98-365 1. City of Des Moines Legislative Update for the 77th Iowa General Assembly, (Available on Monday) SPONSOR: Hensley **Moved by McPherson to receive and file the attached report. Motion Carried 5-1.**

WITHDRAWN 98-366 2. Citizen questions and comments regarding Capital Improvement Program and Operating Budget. SPONSOR: Mayor Daniels.

98-367 3. Approving request from City of Norwalk to allow Economic Development assistance to Plain Talk Printing. **Moved by McPherson to adopt. Motion Carried 5-1.**

98-368 4. Setting Date of Hearing on First Amendment to Restated City Wide Urban Revitalization Area Plan, to facilitate rehabilitation, redevelopment and voluntary annexation, (2-23-98). SPONSOR: McPherson. **Moved by McPherson to adopt. Motion Carried 5-1.**

98-369 5. Approving resolution regarding annexation legislation. SPONSOR: Mayor Daniels. **Moved by Hensley to adopt, including Governor's Office in distribution. Motion Carried 5-1.**

A G E N D A

BOARD OF HEALTH

February 9, 1998

98-370 MOTION TO CONVENE. **Moved by McPherson that the City Council Adjourn and Convene as a Board of Health.**

COMMUNICATION

98-371 1. Communication from Housing Code Enforcement regarding demolition cost reserve escrowed for 3118 Columbia. **Moved by McPherson 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.**

98-372 MOTION TO ADJOURN. Moved by McPherson to adjourn at 5:15 P.M.

Budget Workshops

7:30 A.M.

February 12 -- Oak Room-Botanical Center

Joint Council-School Board Meeting

February 13--7:00 A.M.

Botanical Center