SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 6, 2000 4:30 P.M.

INVOCATION: Pastor Robert Connors, Union Park Christian Church

00-615 1. ROLL CALL: Present: Daniels, Coleman, Flagg, Hensley, McPherson, and Vlassis. Absent: Brooks

00-616 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1.

00-617 3. APPROVING CONSENT AGENDA - items 3 through 48: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.

LICENSES AND PERMITS:

Approving

00-618 4. Communication from Legal Department regarding March 6, 2000 License and Permit Agenda. Moved by Hensley to receive and file. Motion Carried 6-1.

Class "B" Beer Licenses

00-619 5. City of Des Moines, Preston Daniels, Mayor dba Grandview Golf Course, 2401 East 29th Street; Renewal - Expires 3-31-00 (With Sunday Sales and Outdoor Service) - Application submitted 2-11-00. Moved by Hensley to adopt. Motion Carried 6-1.

00-620 5A KLJUC-Sana Restoran, Ferid Ikeljic, President, for 4121 SE 14th Street, with Sunday Sales and Coin-Operated Machines. Moved by Hensley to adopt. Motion Carried 6-1.

Class "C" Beer Licenses

00-621 6. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3425 Ingersoll; Renewal - Expires 3-27-00 (With Sunday Sales) - Application submitted 2-28-00. Moved by Hensley to adopt. Motion Carried 6-1.

00-622 7. Kelly A. Bell dba Kelly's Texaco, 105 Southwest 63rd Street; Renewal - Expires 3-28-00 (With Sunday Sales) - Application submitted 2-9-00. Moved by Hensley to adopt. Motion Carried 6-1.

Class "B" Wine Licenses

00-623 8. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3425 Ingersoll; Renewal - Expires 3-27-00 - Application submitted 2-28-00. Moved by Hensley to adopt. Motion Carried 6-1.
Class "C" Beer-Wine Licenses

00-624 9. Garden Enterprises, L.L.C., Joseph Mandolfo, Member dba The Garden Cafe, 3800 Merle Hay Road; Suite 520; New Application (With Sunday Sales) - Application submitted 1-28-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-625 10. Paesano's Pizzeria, Inc., Bruce L. Kennedy, President dba Paesano's Pizzeria, 2804 Southwest 9th Street; Renewal - Expires 3-22-00 (With Sunday Sales) - Application submitted 2-23-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-626 11. City of Des Moines, Mayor Preston Daniels dba Waveland Golf Course, 4908 University; Renewal - Expires 3-15-00 (With Sunday Sales and Outdoor Service) - Application submitted 2-11-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

Class "C" Liquor Licenses

00-627 12. Bowlerama Lanes, LTD, Steve Jordison, President dba Bowlerama Lanes, 1313 Southeast Diehl; Renewal - Expires 3-18-00 (With Sunday Sales) - Application submitted 2-9-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-628 13. Hairy Mary's, Inc., John J. Limke, President dba Hairy Mary's, 2307 University; Renewal - Expires 3-22-00 - Application submitted 2-23-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-629 14. Quail Enterprises, Inc., Henry Schneider IV, President dba Iowa Beef Steak House, 1201 Euclid; Renewal - Expires 3-21-00 (With Sunday Sales) - Application submitted 2-18-00. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

15. Resolution Ordering Construction of the following:

00-630 (A) MacRae Park Restroom, Receiving of Bids, (3-21-00), and Setting Date of Hearing, (3-27-00). (Construction Estimate - $85,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-631 (B) Martin Luther King, Jr. Parkway Demolition, Contract No. 3 East/West, Receiving of Bids, (3-21-00), and Setting Date of Hearing, (3-27-00). (Construction Estimate - $233,000). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-632 16. Approving Professional Services Agreement with Calhoun-Burns and Associates, Inc. (John Calhoun, President, WDSM) in conjunction with replacement of S.W. 9th Street
Bridge over Yeader Creek. (Council Communication No. 00-090). Moved by Hensley to adopt. Motion Carried 6-1.

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

00-633 (A) Beaverdale Recreational Trail Phase 2, Herberger Construction, $12,729.54 is now due and $20,488.50 remaining balance payable at the end of 30 days. Moved by Hensley to adopt. Motion Carried 6-1.

00-634 (B) ICN Interactive Meeting Room-East Side Library, Azcon, Inc., $1,253.81 is now due and $1,198.74 remaining balance payable at the end of 30 days. Moved by Hensley to adopt. Motion Carried 6-1.

00-635 (C) Martin Luther King, Jr., Parkway-SW 5th Street Paving and Storm Sewer, Van Hauen & Associates, Inc., $35,453.71 is now due and $33,774.49 remaining balance payable at the end of 30 days. Moved by Hensley to adopt. Motion Carried 6-1.

00-636 (D) Franklin Avenue Library Asbestos Abatement, HMA Corporation, $2,089.70 remaining balance payable at the end of 30 days. Moved by Hensley to adopt. Motion Carried 6-1.

00-637 18. Approving partial payments on three public improvement projects. (Call City Clerk's Office for listing). Moved by Hensley to adopt. Motion Carried 6-1.

00-638 19. Approving Private Construction Contract between Sternquist Construction, Inc., (Britt Sternquist, President) and Erickson Development, Inc., (Tim Erickson, President-Owner) for construction of paving improvements for proposed Three Lakes Estates Plat 3 Subdivision at Moonlight Drive and Star View Street - $138,501. Moved by Hensley to adopt. Motion Carried 6-1.

00-639 20. Approving Private Construction Contract between A. J. Allen Mechanical Contractors, Inc., (Edward J. Allen, President) and Central Iowa Hospital Corporation, (James H. Skogsbergh, President) for construction of Sanitary Sewer Improvements north of new front addition to Blank Children's Hospital - $38,686. Moved by Hensley to adopt. Motion Carried 6-1.

00-640 21. Approving Private Construction Contract between Mihalovich Plumbing & Heating Co., (John F. Mihalovich, President and (David M. Rafdal, Manager-General Partner, Owner) for construction of sanitary sewer improvements south of Bell Avenue on south end of SE 7th - $20,232. Moved by Hensley to adopt. Motion Carried 6-1.

00-641 22. Approving Private Construction Contract between Mihalovich Plumbing & Heating Co., (John F. Mihalovich, President) and Rafdal and Abild L.L.C., (David M. Rafdal, Manager-
General Partner, Owner) for construction of storm sewer improvements south of Bell Avenue on south end of SE 7th - $28,460. Moved by Hensley to adopt. Motion Carried 6-1.

SPECIAL ASSESSMENTS

00-642 23. Resolution Levying Assessments for costs of Nuisance Abatement-1999 Sidewalk Replacement Program Schedule No. 2000-34, and providing for payment. Moved by Hensley to adopt. Motion Carried 6-1.

00-643 24. Resolution Levying Assessments for costs of Nuisance Abatement-Emergency Sewer Repair Schedule No. 2000-35, and providing for payment. Moved by Hensley to adopt. Motion Carried 6-1.

00-644 25. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of February, 2000, for certification to Polk County Treasurer (call the City Clerk's Office for various amounts). Moved by Hensley to adopt. Motion Carried 6-1.

00-645 26. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule, for February, 2000. Moved by Hensley to adopt. Motion Carried 6-1.

LAND/PROPERTY TRANSACTIONS

00-646 27. Approving easements for construction of appurtenant stormwater improvements and placement of fill material for E. Euclid Avenue (Eastgate) Detention Basin and Stormwater Improvements Project. Moved by Hensley to adopt. Motion Carried 6-1.

00-647 28. Certification of Title for 65 properties in conjunction with Airport Noise Compatibility Program, Phase II (call the City Clerk's Office for list). Moved by Hensley to adopt. Motion Carried 6-1.

00-648 29. Corrected Warranty Deed in conjunction with Southeast Airport Trunk Sanitary Sewer Project Phase 2, from Airport Commerce Park, L.C., 7300 Fleur Drive. Moved by Hensley to adopt. Motion Carried 6-1.

SETTING DATE OF HEARINGS

00-649 30. On consideration of a contract for Private redevelopment with Nationwide Mutual Insurance Company, including acquisition, vacation and conveyance to Nationwide of nearly all the six-block area between Locust and Mulberry and between 10th and 13th, (excluding the Hotel Fort Des Moines), (3-20-00). Moved by Hensley to adopt. Motion Carried 5-1-1. Pass: Flagg. Absent: Brooks.
00-650 31. On proposal to reallocate certain unspent proceeds of the Aviation System Revenue Bonds, Series 1998, to the Airport Skywalk Project, (3-27-00). Moved by Hensley to adopt. Motion Carried 6-1.

00-651 32. On Consolidated Annual Performance and Evaluation Report (CAPER) and assessment of the 1999 HUD Consolidated Plan Program Year performance, (3-27-00). Moved by Hensley to adopt. Motion Carried 6-1.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

00-652 33. Approving payment of $102.00 to Nyemaster, Goode, Voigts, West, Hansell & O'Brien, P.C. for representation of Officer Michael McBride in case of Mary Elaine (Kirsch) Sinclair/Administrator of Estate of Adam Lawrence Clark v. City of Des Moines. Moved by Hensley to adopt. Motion Carried 6-1.

00-653 34. Approving payment of $1,382.01 to Brown, Winick, Graves, Gross, Baskerville, Schoenebaum, P.L.C. for representation of Jeffrey Aldrich and Judy Stanley in Smithson, et al. v. City of Des Moines. Moved by Hensley to adopt. Motion Carried 6-1.

00-654 35. Approving payment of $3,156.50 to Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Debra Richardson and Michael McBride in Smithson et al. v. City of Des Moines. Moved by Hensley to adopt. Motion Carried 6-1.

00-655 36. Approving payment of $82.47 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for assistance in conjunction with development of Kiwanis Nature Island at Riverview Park. Moved by Hensley to adopt. Motion Carried 6-1.

00-656 37. Approving payment of $24,685.10 to Jon D. Frisch for settlement of Workers' Compensation Claim for injury suffered in course and scope of employment. Moved by Hensley to adopt. Motion Carried 6-1.

00-657 38. Approving payment of $14,000 to Gregg C. Moyer and Imperial Properties, Inc. for settlements concerning two condemnation appeals, (Polk County Nos. CL78133, 78253, and CL No. 78254. Moved by Hensley to adopt. Motion Carried 6-1.

CITY MANAGER COMMUNICATIONS

00-658 39. Submitting out-of-state travel request for Bruce Bergman, Thomas Turner, James O'Donnell, Eric Anderson and Richard Singleton. Moved by Hensley to adopt. Motion Carried 6-1.

APPROVING

00-659 40. Request from Downtown Partnership on behalf of the Des Moines University of Osteopathic Medical Center for permission to display banners in downtown area during the
month of June. **Moved by Hensley to receive, file and approve banner design as submitted. Motion Carried 6-1.**

00-660 41. One year extension to December 31, 2000 of Memorandum of Agreement with Polk County and approving the carryover of $26,100 of unexpended funding for financial assistance for Enterprise Community staffing. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-661 42. Receipt of City of Des Moines Legislative Update for the 78th Iowa General Assembly, (report available on Monday). **Moved by Hensley to receive and file report. Motion Carried 6-1.**

43. Bids for the following:

00-662 (A) Streicher's, Inc. (Minneapolis, MN, Steven Jenniges, President) for police duty gear to be used by the Police Department, $16,241.90. (Eight bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-663 (B) Baker Group, (4224 Hubbell, B. J. Baker, III, President) for SIEBE 8000 Alarm Monitoring compatible with existing Barber Coleman Network 8000 HVAC Control System equipment, Municipal Code Section 2-86(a)(7)- sole source purchase to be used by the Park and Recreation Department, $65,000.00. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-664 44. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 6-1.**

00-665 45. Authorizing Finance Director to draw checks on register of March 10, 2000, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the week beginning March 6, 2000; and to draw checks for biweekly payroll due employees on March 10, 2000. **Moved by Hensley to adopt. Motion Carried 6-1.**

**ORDINANCES - FINAL CONSIDERATION**

00-666 46. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Hensley that this ordinance do now pass, #13,794. Motion Carried 6-1.**

(1) Corner Clearance Parking Restriction--East Side of 30th Street south of Aurora

(2) Corner Clearance Parking Restriction--West Side of 32nd Street north of Lincoln Avenue.

(3) Corner Clearance Parking Restriction--South Side of Porter Avenue East and West of Southwest 7th Street.
47. On rezoning of property located at 1107 S.W. 63rd Street from a "FW" (Floodway District) to a "C-2" (General Retail and Highway Oriented Commercial District). **Moved by Hensley that this ordinance do now pass, #13,795. Motion Carried 6-1.**

48. Amending Chapter 21 of the Municipal Code regarding the following:

   00-668 (A) Sanitary sewer charges and fees. **Moved by Hensley that this ordinance do now pass, #13,796. Motion Carried 5-1-1. Nays: Flagg. Absent: Brooks.**

   00-669 (B) Waste hauler definitions, standards of disposal at the Publicly Owned Treatment Works (POTW) and treatment fees. **Moved by Hensley that this ordinance do now pass, #13,797. Motion Carried 5-1-1. Pass: Flagg. Absent: Brooks.**

   00-670 (C) Wastewater treatment and pretreatment fees. **Moved by Hensley that this ordinance do now pass, #13,798. Motion Carried 5-1. Nays: Flagg. Absent: Brooks.**

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**ORDINANCES - FIRST CONSIDERATION**

00-671 49. Amending Chapter 16 of the Municipal Code to allow one variance from the time limits on organized racing events and three variances from the sound limits per property per calendar year. **(Council Communication No. 00-084) Moved by Vlassis to receive, file and deny the ordinance. Motion Carried 6-1.**

**WITHDRAWN 00-672 (A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.**

00-673 50. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

   (1) Corner Clearance Parking Restriction--South Side of Kirkwood Avenue west of South Union Street.

   (2) Corner Clearance Parking Restriction--South Side of Wolcott Street East of SW 12th Street.

**COUNCIL REQUESTS**

00-674 51. Request of Mayor Daniels to discuss and direct staff to prepare a Request for Proposal (RFP) for the proposed "Pigs on Parade" Project, (Tentative Title). **Moved by Hensley**
to refer to the Des Moines Public Art/Design Task Force for preparation of an RFP. Motion Carried 6-1.

00-675 52. From Council Member George Flagg to discuss duties and responsibilities of the Access Advisory Board (AAB). Moved by Flagg to receive, file and discuss. Motion Carried 6-1.

00-676 53. From Council Member Archie Brooks regarding rehabilitation status of 1632 Dean Avenue, continued from 2-28-00. Moved by Vlassis to receive, file and direct that in the next 60 days, the following must be accomplished by the developer: (1) Two out-buildings on Dean property are to be removed; (2) Main structure is to be completed; (3) On the three other buildings in the City--Permits need to be pulled, work authorized needs to be finalized, and any other additional work that is necessary needs to be scheduled and that schedule for the work completion is to be presented to the City Council for approval. Motion Carried 5-1-1. Nays: Daniels. Absent: Brooks.

COMMUNICATIONS/REPORTS

00-677 54. Communication from Good Neighbor Task Force. Moved by Vlassis to receive and file. Motion Carried 6-1.

00-678 55. Request from Betty Harris, Don Zook, and Brenda LaBlanc to speak regarding Federal Home Loan Bank grant for Chesterfield and Laurel Hill Neighborhoods. Moved by Coleman to receive, file and approve request for waiver of permit fees for this project and refer to Legal for preparation of proper legislation. Motion Carried 6-1.

00-679 56. Request from Donnie Burgmaier, 1 Whitson Drive, Urbandale, to speak regarding police matters. Moved by Vlassis to receive and file. Motion Carried 6-1.

**Council considered Hearing items 63 through 66 next**

HEARINGS (Opened at 5:31 P.M.) (Items 57 thru 62)

57. On adoption of the City's Budget and recommended changes from the City Manager:

00-680 (A) Amendment to the annual Operating Budget for the current fiscal year ending June 30, 2000, and Capital Improvement Program. Moved by McPherson to adopt. Motion Carried 6-1.

00-681 (B) Proposed annual Operating Budget for the fiscal year ending June 30, 2001, and Capital Improvement Program. Moved by McPherson to adopt. Motion Carried 6-1.

00-682 (C) Communication from Chair of Neighborhood Revitalization Board (NRB). Moved by McPherson to receive and file. Motion Carried 6-1.
00-683 (D) Communication from Council Member Coleman regarding formation of a Young Adults Task Force. **Moved by McPherson to receive, file, discuss and approve formation of the Task Force as provided in the budget. Motion Carried 6-1.**

**WITHDRAWN** 00-684 58. On recommendation to deny request from Bill Moyer, Imperial Properties, to rezone property at 5803 Hickman Road from "C-1" (Neighborhood Retail Commercial, to Limited "C-2" (General Retail and Highway Oriented Commercial), for a used car sales lot, continued from 2-28-00. **Rezoning request withdrawn by applicant.**

00-685 59. On vacation and sale of alley right-of-way extending north and east from Brattleboro Avenue between 29th and 31st Streets, to Drake University, $100, (previously approved items contained an error in the legal description). **Moved by Hensley to adopt. Motion Carried 6-1.**

00-686 (A) First consideration of ordinance above, and repealing ordinance 13,778. **Moved by Hensley that this ordinance be considered and given first vote passage. Motion Carried 6-1.**

00-687 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley 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, #13,799. Motion Carried 6-1.**

00-688 60. On application from QuikTrip Corporation to rezone property located at 1241 E. 9th from "R-3" (Multiple Family Residential) to a Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow the proposed relocation of an existing convenience store with 12 gas pumping locations. **Moved by McPherson to adopt. Motion Carried 6-1.**

00-689 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

00-690 (B) Final consideration of ordinance above, (Waiver requested by applicant), requires 6 votes. **Moved by McPherson 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, #13,800. Motion Carried 6-1.**

00-691 61. On proposed 11th Amendment to the Central Place Industrial Park Urban Renewal Plan, to permit tax abatement for new metal-sided structures, upon the property owner entering into a minimum assessment agreement. **(Council Communication No. 00-85). Moved by Flagg to adopt. Motion Carried 5-2. Absent: McPherson and Brooks.**
00-692 (A) Communication from City Plan and Zoning Commission. Moved by Flagg to receive and file. Motion Carried 5-2. Absent: McPherson and Brooks.

00-693 62. On amendment to the "C-3A" Central Business District Support Commercial District regulation, to remove the requirement for off-street parking for residential and for C-1 commercial uses. Moved by Flagg to adopt. Motion Carried 4-1-2. Nays: Vlassis. Absent: McPherson and Brooks.

00-694 (A) First consideration of ordinance above. Moved by Flagg that this ordinance be considered and given first vote for passage. Motion Carried 4-1-2. Nays: Vlassis. Absent: McPherson and Brooks.

**END HEARINGS at 6:20 P.M.**

**Council considered Extra Items and Board of Health next**

APPROVING

00-695 63. First Amendment to Professional Services Agreement with Foresite RDG for Project Management Services for the Gateway Project, reducing the contract amount to $120,333 in year one and $122,000 in year two. (Council Communication No. 00-089) Moved by Flagg to adopt. Motion Carried 6-1.

00-696 64. Agreement with the Reagan Historical Project of Iowa for installation, conveyance and future maintenance of the Reagan Historical Marker to be placed at 4th and Court. Moved by Hensley to adopt. Motion Carried 6-1.

00-697 65. Request For Proposal (RFP) for Permitting, Inspection and Licensing automation system and authorization to proceed with selection of a software system for utilization by Community Development, Information Technology and City Clerk Departments. (Council Communication No. 00-087) Moved by Vlassis to adopt. Motion Carried 6-1.

00-698 66. Resolution to proceed with sale of Frisbee Park Flood properties acquired with FEMA funds following the floods of 1993. (Council Communication No. 00-083) Moved by Hensley to adopt. Motion Carried 6-1.

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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.

1. Approving various Board and Commission appointments:


   00-700 (B) Recommendation of Mayor Daniels for appointment of Richard Ball, to the Neighborhood Revitalization Board, 3-year term commencing in 1999, to expire June 30, 2002. SPONSOR: Daniels. Moved by Vlassis to adopt. Motion Carried 5-2. Absent: McPherson and Brooks.

A G E N D A

BOARD OF HEALTH

March 6, 2000

00-701 MOTION TO CONVENE. Moved by Coleman that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2. Absent: McPherson and Brooks.

AUTHORIZING

00-702 1. Release of demolition cost reserve held under policy number 14D721380, file number 8452, regarding 1010 24th Street, Des Moines, Iowa, owned by Roy Brown, Jr. Moved by Coleman to adopt. Motion Carried 5-2. Absent: McPherson and Brooks.

00-703 MOTION TO ADJOURN. Moved by Coleman to adjourn at 6:23 P.M. Motion Carried 5-2. Absent: McPherson and Brooks.

DES MOINES-CITY OF SKYWALKS