

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 26, 1998, 4:30 P.M.

INVOCATION: Mike McPherson, Ward 2 Council Member

98-222 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-223 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-0.**

98-224 3. APPROVING CONSENT AGENDA - items 3 through 43: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

98-225 4. Communication from Legal Department regarding January 26, 1998 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-0.**

Class "B" Beer Licenses

98-226 5. Joseph Falbo dba Big League Skybox Grill & Deli, 700 Locust Street #301; Renewal - Expires 1-29-98 - Application submitted 12-30-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-227 6. SA0CC, Inc., Calvin G. Campbell, President dba The Cattle Barn, Iowa State Fairgrounds, 3000 East Grand Avenue; New Application for 14 day license (With Sunday Sales) - Application submitted 1-6-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Beer-Wine Licenses

98-228 7. Ken Chung dba Chungs Chinese Restaurant, 901 East Euclid; Renewal - Expires 2-6-98 (With Sunday Sales) - Application submitted 1-2-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-229 8. Fister Investments Inc., Mark Nicola, President dba Murphy's Pizza, 2222 Forest; Renewal - Expires 1-27-98 - Application submitted 12-11-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Liquor Licenses

98-230 9. Rouse & Assoc., Inc., Janie Rouse, President dba Calamity Janes, 2401 East Walnut; Renewal - Expired 1-21-1998 - Application submitted 1-16-98. **Moved by Hensley to adopt.**

Motion Carried 5-1. Nays: McPherson.

98-231 10. Eastgate Lounge, Inc., Jerry E. Mercer, President dba Eastgate Lounge, 1512 East Douglas; Renewal - Expires 1-28-98 - Application submitted 12-11-97. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-232 11. Guanaguato, Inc., Juan Ayala, President dba El Aquila Mexican Restaurant, 3600 Beaver; Renewal - Expires 2-19-98 (With Sunday Sales) - Application submitted 1-5-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

98-233 12. Paul Strome dba Sambetti's, 1430 2nd Avenue; Renewal - Expires 1-31-98 (With Sunday Sales) - Application submitted 1-5-98. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

Authorizing

98-234 13. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-0.**

Transfer

98-235 14. Des Moines Jaycee's dba Seniom Sed requesting permission for temporary transfer of Class "B" Beer Permit No. BB-9973 from Nollen Plaza to Kaleidoscope at the Hub, 900 Walnut Street for one day event for golf tournament on February 7, 1998. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: McPherson.**

PUBLIC IMPROVEMENTS

98-236 15. Approving Professional Services Agreement with Kirkham Michael (James B. Siebken, President, Omaha, NE) for Right-of-Way Acquisition Services for E. University Widening at E. 9th Street Project - \$14,650. ([Council Communication No. 98-027](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

98-237 16. Designating lowest responsible bidder as J.F. Edwards Construction Company (John Edwards, Pres., Geneseo, IL), \$98,847, for Sherman Hill Historic Lighting-Phase I for installation of pedestrian scale street lights and new electrical circuits-Woodland Avenue from 15th Street to 20th Street. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-238 17. Approving private construction contract for Sanitary Sewer improvements at South Ridge Mobile Home Estates within 7600 Block of SE 5th Street between The Underground Company, Ltd, Contractors and Easter Lake Estates, Inc. d/b/a South Ridge Estates, Owner - \$97,177.62. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-239 18. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the 1997 Pavement Replacement Program, Grimes Asphalt & Paving

Corp., \$6,423.86 is now due and \$9,305.55 remaining balance is due and payable at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-240 19. Communications from various contractors requesting permission to sublet certain items on three public improvement projects--E. 14th Street and E. Aurora Avenue Intersection, Waveland Lodge Restroom Renovation, and Waveland Lodge Air Conditioning. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-241 20. Approving partial payments on two public improvement projects, SW 30th Street Sanitary Relief Sewer and Police Station Step Replacement projects. **Moved by Hensley to adopt. Motion Carried 6-0.**

LAND/PROPERTY TRANSACTIONS

98-242 21. Quit Claim Deed from the City to Iowa Department of Transportation (IDOT), for property located in the vicinity of 63rd Street/SW 63rd from Raccoon River to Hickman. ([Council Communication No. 98-034](#)). **Moved by Hensley to adopt. Motion Carried 5-1.**
Pass: Flagg.

98-243 22. Offer to Purchase Real Estate and Acceptance, Warranty Deed, Offer to Purchase - Tenant/Lessee and Lease Agreement, in conjunction with Martin Luther King, Jr. Parkway - Flanagan's - 2100 Ingersoll, from Bob J. Knapp and Barbara J. Knapp, Property Owner, and Timothy J. Flanagan, President, Property Tenant - \$183,615. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-244 23. Fair Market Value and Acquisition for property at 1614 6th Avenue, from Robert Edmonds, in conjunction with Sixth Avenue Revitalization Plan - \$75,000. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-245 24. Offer to Purchase and Acceptance, and Warranty Deed in conjunction with Martin Luther King, Jr. Parkway (CDB Loop), from Edward H. Sorensen and Betty Jeane Sorensen, as Trustees of the Edward and Jeane Sorensen Revocable Trust, 869 Martin Luther King, Jr. Parkway, and 2010/2012 Cottage Grove - \$80,065. **Moved by Hensley to adopt. City Manager to report on status of demolition of the cemetery office and the property directly east on Woodland, by the 2-2-98 Council meeting. Motion Carried 6-0.**

98-246 25. Offer to Purchase 121 Jefferson Street, from Jim K. Brown for Best Ways Limousine Service, Inc., in conjunction with Central Place Business Park Urban Renewal Area - \$66,000. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-247 26. Approving Noise and Avigation Easements for two properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-248 27. Amended and Substituted Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection

Improvement Project, from Rodney Gallant and Carrie Grant, 4123 E. University Avenue - \$200. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-249 28. Approving reduction of Certified Check No. 27273 in amount of \$144,476 from The Mid-America Group which was security for estimated cost of completing required side walk, street, sanitary sewer and storm sewer improvements to \$23,927 for completion of such improvements for plat FORT DES MOINES BUSINESS PARK in vicinity of SW 9th Street and Army Post Road. **Moved by Hensley to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-250 29. Oral request of Council Member Mike McPherson to delete the January 18, 1999 Council meeting date of the approved schedule, in recognition of Martin Luther King, Jr. Holiday. **Moved by Hensley to adopt. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

98-251 30. On sale of excess City-owned property at 819 SE 9th Street, Riverpoint-Capitol Center Development Project Urban Renewal Area, (2-2-98). **Moved by Hensley to adopt. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

98-252 31. Submitting traffic regulation change for revision of current parking restrictions on both sides of Second Avenue between Locust Street and Walnut Street and add additional 22 on-street parking meters in area. ([Council Communication No. 98-030](#)). **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-0.**

98-253 32. Submitting out-of-state travel requests for Donald Tripp, Michael Smith, and James Harkin. ([Council Communication No. 98-024](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

APPROVING

98-254 33. Acquisition of property in Riverpoint Capitol-Center Development Area Urban Renewal Project, (vicinity of SW Second, SW Third and Elm Street), Wellmark, Inc., redevelopment of surface parking lot. ([Council Communication No. 98-036](#)) **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Flagg.**

98-255 34. Submitting banner design from Downtown Partnership, for Iowa High School sports tournaments, to be displayed during February. **Moved by Hensley to approve banner design as submitted. Motion Carried 6-0.**

98-256 35. Second Amended and Substituted 28-E Agreement Establishing the Des Moines Metropolitan Planning Organization (MPO). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-257 36. Tax Abatement applications for additional value added by improvements made during 1997. (70 applications on file in Clerk's Office). ([Council Communication No. 98-026](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**

37. Bids for the following:

98-258 (A) Sandry Fire Supply, (Lansing, IA, Bob Sandry, President) for three (3) hydraulic pump and power units to be used by the Fire Department, \$12,840. (Seven bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-259 (B) Aggregate Equipment, (5137 NW 2nd Street, Steve Micheletti, President) for a concrete saw and trailer to be used by the Public Works Department (Sewer Division), \$13,733. (Twelve bids mailed-six received). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-260 (C) Suppliers of seventeen (17) miscellaneous fire fighting equipment items to be used by the Fire Department, Toyne, Inc., (Breda, IA, Roger Schwabe, President), Danko Emergency Equipment Co., (Snyder, NE, Daniel Kreikemeier, President), and Humoud Al-Rada'n & Sons Corp., 1809 SE Glenwood Circle, Humoud Al-Rada'n, President) at a total cost of \$73,388.21. (Ten bids mailed-four received). (Call City Clerk's Office for listing and breakdown). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-261 (D) O'Halloran International, Inc., (1780 East Sheridan, James O'Halloran, President) for four (4) 33,000 GVW trucks with dump bodies and snow plows to be used by the Public Works Department (Street Maintenance and Sewers Division). (Eight bids mailed-two received). (Call City Clerk's Office for truck specifications and price breakdown). ([Council Communication No. 98-037](#)) **Moved by Hensley to defer action. City Manager to meet with parties involved and bring final recommendation to Council at the 2-2-98 Council meeting. Motion Carried 6-0.**

98-262 38. Report of Civil Service Commission submitting Entrance Lists for Neighborhood Development Specialist, Public Safety Dispatcher, and Housing Conservation Inspector and Promotional Lists for Street Maintenance Worker and Sewer Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 6-0.**

98-263 39. Authorizing Finance Director to draw warrants on register of January 30, 1998, and the bills of the Des Moines Municipal Housing Agency for the week beginning January 26, 1998, and the biweekly payroll due employees on January 30, 1998. **Moved by Hensley to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

98-264 40. On rezoning of property located at 1938 SE 6th Street from "C-1" (Neighborhood Retail Commercial District) to "C-1A" (Neighborhood Commercial Reuse District). **Moved by Hensley that this ordinance do now pass, [#13,571](#). Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

98-265 41. On rezoning of 2330 E. 14th Street, from "R1-60" (One Family, Low Density Residential), to "C-1" (Neighborhood Retail Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-1. Nays: Flagg.**

98-266 42. Amending Chapter 15 of the Municipal Code regarding cemetery fees and charges for 1998. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

98-267 43. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

(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 Streets.

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

ORDINANCES - FIRST CONSIDERATION

98-268 44. 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 McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

COUNCIL REQUESTS

98-269 45. From Council Member George E. Flagg, to speak regarding convention promotion and skywalks in the City. **Moved by Flagg to receive, file discuss and place this item on the 2-2-98 Council agenda to solicit public input on the proposed slogan. Motion Carried 6-0.**

****Council considered item 49 and 50 next****

HEARINGS (Opened at 5:59 P.M.) (Items 46 thru 48)

98-270 46. Communication from Planning Director recommending the proposed SE AgriBusiness Urban Renewal Area be found a blighted area and an economic development area appropriate for commercial and industrial enterprises. **Moved by Phillips to receive and file. City Manager to continue to solicit input from Salvage Dealers and all interested parties regarding development of this area. Motion Carried 6-0.**

98-271 (A) Communication from Plan and Zoning Commission finding the amended SE AgriBusiness Urban Renewal Plan to be in conformance with the Des Moines 2000 Comprehensive Plan. **Moved by Phillips to receive and file. Motion Carried 6-0.**

98-272 (B) Hearing on termination of the Vandalia Acres Relocation Program Urban Renewal Project and approving same. **Moved by Phillips to adopt. Motion Carried 6-0.**

98-273 (C) Hearing on termination of the Southeast Prime Service Area Urban Renewal Project and approving same. **Moved by Phillips to adopt. Motion Carried 6-0.**

98-274 (D) Resolution of necessity pursuant to Iowa Code 403.4 finding the SE AgriBusiness Urban Renewal Project Area to be a blighted area and an economic development area appropriate for commercial and industrial enterprises. **Moved by Phillips to adopt. Motion Carried 6-0.**

98-275 (E) Hearing on the SE AgriBusiness Urban Renewal Plan and adopting same. ([Council Communication No. 98-032](#)). **Moved by Phillips to adopt. Motion Carried 6-0.**

98-276 (F) First consideration of ordinance providing for division of revenue from taxation (Tax Increment Financing-TIF) within the SE AgriBusiness Urban Renewal Project Area. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-277 47. On Waveland Lodge Air Conditioning: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Accurate Mechanical Company, Inc., (John E. Miller, President, 4330 NE 14th DM), \$33,275. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-278 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-279 48. On Waveland Lodge Restroom Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction Inc., (Martin Gorgas, Pres, 1719 Hull DM), \$50,924. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-280 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 6-0.**

* * END HEARINGS at 6:25 P.M. * *

****Council considered item 51 thru end of agenda next****

CITY MANAGER RECOMMENDATIONS

98-281 49. Regarding formation of Industrial Development Corporation. ([Council Communication No. 98-023](#)). **Moved by Flagg to direct the City Manager to prepare for Council consideration a formal agreement needed to establish an Industrial Development Corporation as outline in Council Communication No. 98-023 and refer to appropriate Boards and Commissions for input and return to Council as soon as possible. Motion Carried 6-0.**

98-282 50. Staff presentation on proposed Right-of-Way Management and Telecommunications Licensing Ordinances. ([Council Communication No. 98-033](#)). **Moved by Flagg that the City Manager and Corporation Counsel be directed to share the proposed ordinances with existing and potential user of City rights-of-way to obtain their input, and that the ordinances be placed upon the City Council agenda in February for consideration. Motion Carried 6-0.**

****Council considered Hearing item 46 thru 48 next****

APPROVING

98-283 51. Approving Fair Market Value for property located at 2367 E. 14th Street, Imperial Properties, Inc., Gregg C. Moyer, President, in conjunction with Iowa 65 (East 14th St) and Guthrie Avenue Intersection Improvement - \$49,000. ([Council Communication No. 98-028](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

98-284 52. Grant application to Iowa Arts Council in conjunction with Highland Park Community Action Association Neighborhood Welcome Sign and Mural Program in commercial district (Euclid Avenue at 6th Avenue)-\$13,750. ([Council Communication No. 98-029](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

98-285 53. Accepting Residential Redevelopment Proposal from Des Moines Habitat for Humanity, Inc., to redevelop Disposition Parcel No. N-8, in the Capitol East Urban Renewal Area. **Moved by Phillips to approve. Motion Carried 6-0.**

98-286 (A) Advertisement for competing redevelopment proposals and setting date of hearing on City's Intent to enter into an Urban Renewal Purchase Agreement for Residential Construction with Des Moines Habitat for Humanity, Inc., (107 Astor Street), (3-23-98). ([Council Communication No. 98-035](#)). **Moved by Phillips to approve. Motion Carried 6-0.**

98-287 54. Preliminary approval for Des Moines Action Loan-- \$225,000, to Zimmerman, Laurent & Richardson, Inc., 303 Keo Way. ([Council Communication No. 98-031](#)). **Moved by Hensley to approve. Motion Carried 5-1. Pass: Flagg.**

WITHDRAWN

55. Conditional approval of Industrial Tax Abatement for Bonded Fibers & Quilting, Inc., 303 New York Avenue.

98-288 56. Contract with Telcon Associates, to perform telephone auditing services. ([Council Communication No. 98-025](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

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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.

98-289 1. Request from Council Member Tom Vlassis, to attend the National League of Cities Annual Congressional Meeting, March 6th through 9th, in Washington D.C. SPONSOR: Vlassis. **Moved by McPherson to approve. Motion Carried 6-0.**

98-290 2. Communication from Council Member George E. Flagg, regarding Public Works Department outstanding service during recent snow storms. SPONSOR: Flagg. **Moved by Flagg to receive, file and direct the City Manager to send letter of thanks to all Departments involved. Motion Carried 6-0.**

A G E N D A

BOARD OF HEALTH

January 26, 1998

98-291 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

AUTHORIZING

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

98-292 (A) 1458 Searle, vacant, Titleholder: Rose H. Peterson, Deceased, Donald W. Peterson, Executor of Rose H. Peterson Estate; Legal Interest Holder: Char Fritzel, John Fritzel. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-293 (B) 716 Railroad Avenue, vacant, Titleholder: Michial A. Ellis; Legal Interest Holders: Becky Holtz, John Holtz. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-294 (C) 2508 E. Walnut, vacant, Titleholder: Kenneth E. Harrier, Rosemary M. Harrier. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-295 (D) 1511 13th, vacant, Titleholder: Ann Thompson, as Next Best Friend and Guardian of Chad Randall Thompson, A Minor; Legal Interest Holders: Jerry Benjamin, Karen Benjamin, Nancy Nervig, James E. Nervig, Des Moines Plumbing, Inc. n/k/a Proctor Mechanical Corporation. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-296 (E) 814 E. 21st Ct., vacant, Titleholder: Joel D. Rogers; Legal Interest Holder: Midland Financial Mortgages, Inc. n/k/a AmerUs Mortgage, Inc. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-297 (F) 746 SE 25th, vacant, Titleholders: Kathleen D. Dougherty n/k/a Kathleen D. Brown, Floyd Brown, Robert G. Dougherty, Jr.; Legal Interest Holders: Iowa Savings Bank, Dina Jo Morelock. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-298 (G) 1715 E. 32nd Ct., vacant, Titleholders: William R. Fisher, Rhonda J. Fisher; Legal Interest Holders: John Holtz d/b/a Laserflo Investment Company, Bill Holtz d/b/a Laserflo Investment Company. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-299 MOTION TO ADJOURN at 6:47 P.M.