

SUMMARY OF DES MOINES CITY COUNCIL MEETING

DES MOINES CITY COUNCIL MEETING

November 2, 1998 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Robert Trumbo

CULTURAL CONNECTION - 4:15-4:30 P.M.:

Showcase of Local Arts-Civic Center of Greater Des Moines

INVOCATION: Pastor Curt Joseph, Highland Park Lutheran Church

98-3397 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-3398 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3399 3. APPROVING CONSENT AGENDA - items 3 through 45: **Moved by Hensley to adopt the balance of the Consent Agenda and Extra Items 1, 2, 4, 5A and 5B. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-3400 4. Communication from Legal Department regarding November 2, 1998 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: McPherson**

Class "C" Beer Licenses

98-3401 5. Edward E. Jones dba Fairgrounds 66, 303 Southeast 30th Street; Renewal - Expires 11-21-98 (With Sunday Sales) - Application submitted 10-20-98. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

98-3402 6. Full Line Food Inc., Eufrazio Mayorga, President dba Tienda Mexicana, 1524 East Grand; Renewal - Expires 11-18-98 (With Sunday Sales) - Application submitted 10-5-98. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

Class "C" Liquor Licenses

98-3403 7. BVT, Inc., Betty V. Thielen, President dba Dally's Pub & Emporium, 430 East Locust, Renewal - Expires 10-26-98 (With Sunday Sales) - Application submitted 9-18-98. Deferred from 10-26-98 Council Meeting. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

98-3404 8. Garcia's of Des Moines, Inc., Fred Mauk, President dba Garcia's, 6116 Douglas Avenue; Renewal - Expires 11-13-98 (With Sunday Sales and Beer Garden) - Application submitted 10-13-98. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

98-3405 9. Bulldogs Den, LTD, Michael J. Chanas, President dba Stroll Inn, 3325 Hubbell; Renewal - Expires 11-19-98 (With Sunday Sales) - Application submitted 10-14-98. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

Beer Gardens

98-3406 10. Approving permanent beer garden for Tumea and Sons, Inc., Joe Tumea, President dba Tumea and Sons, 1501 Southeast 1st Street - Application submitted 5-18-98. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

Change Of Name

98-3407 11. Request for change of name from Rhodex, Inc., David Ituru, President dba Night Shift, 424 East Locust to Rhodex, Inc., dba Venue. Deferred from 10-26-98 Council Meeting. **Motion Carried 6-1. Pass: Coleman.**

Refunds

98-3408 12. City Treasurer to issue refunds. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

PUBLIC IMPROVEMENTS

98-3409 13. Approving Amendment No. Three with Brown and Caldwell, Craig Goehring, President, Pleasant Hill, CA. to perform additional engineering services related to WRA Raw Sewage Pumping Station - \$362,519. ([Council Communication No. 98-497](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

98-3410 14. Resolution ordering construction of E. 14th Street & Guthrie Avenue Demolition and Asbestos Removal, Receiving of Bids, (11-10-98), and Setting Date of Hearing, (11-16-98), (Construction Estimate - \$47,800). **Moved by Hensley to adopt. Staff to present a listing of acquisition properties on East 14th--values, property tax income and rental certificates, at time of hearing. Motion Carried 7-0.**

98-3411 15. Approving Change Order No. 1 with Des Moines Asphalt and Paving Co., (Robert G. Horner, President, 903 SE 22nd Street, DM), in conjunction with the 1998 ACC Pavement

Resurfacing Contract, not to exceed \$41,196.66. ([Council Communication No. 98-504](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3412 16. Approving contract and bond for Fire Station No. 1 Apparatus Floor Replacement - Brocon Services, Chris Brault, Owner, Urbandale - 115,600. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3413 (A) Communication from Brocon Services, requesting permission to sublet items on the Fire Station No.1 Apparatus Floor Replacement Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3414 17. Authorization for acquisition of necessary right-of-way and easements for the Jackson Street Sanitary Sewer Pumping Station Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3415 18. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability for Eastgate Sanitary Sewer Repair, Municipal Pipe Tool Co., Inc., \$4,843.15 is now due and \$7,061.40 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3416 19. Approving partial payments on seven public improvement projects. (Call City Clerk's Office for listing). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-3417 20. Fair Market Value for property at 120 SW 6th Street in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop), from Nichols Controls & Supplies, Inc., Richard Nichols, President - \$175,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-3418 21. Fair Market Value for property located at 818 Morton Avenue in conjunction with Grand View Avenue Drainage Area, from James Caffrey and Charles Caffrey - \$48,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3419 22. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion, from Rosalie B. Caponigro, 2510 Littell Avenue - \$122,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3420 23. Offer to Purchase and Warranty Deed in conjunction with Airport Expansion (Haverhill)-Voluntary Program, from Gene T. Balducki and Maxine E. Balducki, 2915 Littell Avenue - \$125,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3421 24. Condemnation Commissioners' award of \$30,000 plus Sheriff's fees and jury expenses in conjunction with Iowa 65 (E. 14th Street) and Guthrie Avenue Intersection Improvement, to John M. Huot and Karon C. Huot, and Paul A. Moyer. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3422 25. Condemnation Commissioners' award of \$95,000 plus Sheriff's fees and jury expenses in conjunction with Iowa 65 (E. 14th Street) and Guthrie Avenue Intersection Improvement, to Imperial Properties, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3423 26. Approval and Acceptance of Quit Claim Deed in conjunction with Martin Luther King, Jr. Parkway-Central Business District Arterial Loop By-Pass (CBD Loop), from Union Pacific Railroad Company, vicinity of SW 5th and Mulberry - \$250. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3424 27. Quit Claim Deed and assignment of Real Estate Contract for 1436-21st Street, to Iowa Finance Authority in order to market home for single family occupancy. ([Council Communication No. 98-499](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

98-3425 28. Permanent Easement for Street Right-of-Way, Permanent Easement for Roadway Clear Zone, Backslope and Property Adjustment Easement and Release and Future Title Word Compensation in conjunction with Iowa 65 (E. 14th Street) and Guthrie Avenue Intersection Improvement, from Quik Trip Corporation, 2300 E. 14th Street - \$20,074. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3426 29. Release of Subdivision Bond No. IAC 22619 from Merchants Bonding Company (Mutual) in amount of \$23,100 as security for completion of required sidewalks for LAKEVIEW HEIGHTS PLAT 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3427 30. Authorization of Mayor to sign Mortgagee's Consent to Plat the Airport Commerce Park West Plat 2 subdivision located south of Park Avenue and east of 63rd Street conditionally approved by City Council on October 19, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-3428 31. Communication from Board of Directors Des Moines Public Schools regarding appointment of Marc Ward as its liaison to the City Council. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-3429 32. On vacation and conveyance of alley rights-of-way in the block bounded by S.E. 8th, SE 9th and Vale Streets, and by Railroad Avenue, to Richard, R. Channon, Sr.-- \$50, William L. and Frances F. Aldini--\$25, Billy J. and Carolyn A. Wright--\$25, and Robert D. and Beverly J. Smith--\$50, (11-16-98). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-3430 33. Approving payment of \$1,297.56 to Thomas H. Burke of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Hensley to approve payment. Motion Carried 7-0.**

98-3431 34. Approving payment of \$835.60 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al., 4-96-CV-80860. **Moved by Hensley to approve payment. Motion Carried 7-0.**

98-3432 35. Approving payment of additional \$12,129.90, minus weekly payments to Billie Jensen and Max Schott, her attorney for settlement of workers' compensation claim regarding right knee injury subject to approval by Iowa Workers' Compensation Commissioner. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3433 36. Approving payment of \$50,000 to Terry Kemp to settle lawsuit and in return secure a dismissal of lawsuit with prejudice and a complete release. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

37. The following in conjunction with Redevelopment Proposal for Guthrie Avenue Business Park Urban Renewal Area; Frederick C. James-Disposition Parcel 18A (South of Thompson Avenue between Dixon and Dewolf Streets-1901 Dixon Street).

98-3434 (A) Agreement to purchase land for private redevelopment. **Moved by Hensley to approve. Motion Carried 7-0.**

98-3435 (B) Evidence of Financing and Final Design Plans. **Moved by Hensley to approve. Motion Carried 7-0.**

98-3436 (C) Execution of Special Warranty Deed. **Moved by Hensley to approve. Motion Carried 7-0.**

[\(Council Communication No. 98-500\)](#)

98-3437 38. Grant application to Iowa Department of Transportation for Federal Recreation Trails Grant in the amount of \$250,000 to be used for section of American Discovery Trail (ADT) north of Gray's Lake between Fleur Drive and pedestrian bridge crossing Raccoon River towards downtown Des Moines. [\(Council Communication No. 98-501\)](#), **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3438 39. Environmental Certification and Notice of Request for Release of Funds from Department of Housing and Urban Development (HUD) for Municipal Housing Agency's 1998 Comprehensive Grant Program. **Moved by Hensley to approve. Motion Carried 7-0.**

98-3439 40. Authorization for City Manager to execute Customs Power of Attorney forms on behalf of the City for limited purpose of facilitating the international shipment of materials. [\(Council Communication No. 98-505\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3440 41. Receipt of Insurance for various city projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

42. Bids for the following:

98-3441 (A) O'Halloran International, Inc., (1780 East Sheridan, Jim O'Halloran, President) for 56,000 GVW truck with spreader body and snow plow to be used by the Public Works Department (Street Maintenance), \$58,989. (Seven bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3442 (B) O'Halloran International, Inc., (1780 East Sheridan, Jim O'Halloran, President) for a 39,000 GVW truck with bituminous distributor and two (2) 39,000 GVW trucks with dump body and snow plows to be used by the Public Works Department (Street Maintenance), \$152,440. (Eight bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3443 (C) Tree Specialists, (4235 Easton Boulevard, Ron Young, President) for removal and disposal of tree damage from June 1998 severe weather to be used by the Parks Department, \$55,375. (Fourteen bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3444 (D) Midwest Grinding, (West Des Moines, IA, Tim Danley, President) for brush and tree grinding of debris remaining from citywide cleanup from June 1998 severe weather to be used by the Public Works Department, \$1.15 per cubic yard. (Eighteen bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3445 (E) Rexco Equipment Inc., (5900 SW 56th Street, Steve Smith, President) for a hydrostatic self-propelled chip spreader to be used by the Public Works Department (Street Maintenance), \$57,826. (Seven bids mailed-two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3446 (F) Charles Gabus Ford, Inc., (4545 Merle Hay Road, Charles Gabus, President) for utility vehicle - \$20,864.82. Dewey Ford, Inc., (444 E. 4th Street, Mark Vukovich, President) for two pickup trucks - \$35,925 to be used by the Public Works Department (Street Maintenance). Total \$56,789.82. (Seven bids mailed-four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3447 (G) Moore Business Forms, (6200 Aurora Avenue, Urbandale, Ed Tyler, President) for producing and printing of 50,000 sets of non-moving traffic summons to be used by the Police Department, \$13,749.50. (Eight bids mailed-one received). [\(Council Communication No. 98-502\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3448 (H) Bid awarded to Hutchinson Salt Company, (Paolo, Kansas) as alternate supplier of winter de-icing rock salt as an emergency purchase for 975 tons @ \$25.63 per ton for total cost of \$24,989.25. Independent Salt Company, (Kanapolis, Kansas) unable to meet requirements as primary supplier. [\(Council Communication No. 98-503\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3449 43. Authorizing Finance Director to draw warrants on register of November 6, 1998 and bills of the Des Moines Municipal Housing Agency for the weeks of November 2, 1998 and November 9, 1998. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

98-3450 44. Amending Chapter 2 of the Municipal Code regarding Accounting Division and collection and disbursement of money by the City Treasurer-code update. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-3451 45. Amending Chapter 15 of the Municipal Code regarding golf course fees for 1999 season. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

98-3452 46. Amending Chapter 2 of the Municipal Code regarding Deferred Compensation Plan - Code Update. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

98-3453 47. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (1) Speed Limit Revisions-Southeast Area of Des Moines.
- (2) Stop Signs-East Twelfth Street, East Thirteenth Street, and York Street at Thompson Avenue.
- (3) Removal of Loading Zone-West Side of Twenty-fifth Street North of Forest Avenue.
- (4) Corner Clearance No Parking Restriction-West Side of East 37th Street North of Dubuque Avenue.
- (5) Loading Zone-East Side of Twenty-eighth Street North of Ingersoll Avenue.

98-3454 (A) Final consideration of ordinance above. **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, [#13,658](#). Motion Carried 7-0.**

COUNCIL REQUESTS

98-3455 48. From Council Member At Large, George E. Flagg regarding the Civil War cannons. **Moved by Flagg to receive, file and grant the request to speak; refer to the Committee to consider and the Parks Director is to invite the County to participate in discussions. Motion Carried 7-0.**

Council considered Hearing Items 50 thru 52 next*

COMMUNICATIONS/REPORTS

98-3456 49. From Jon D. Garnass, President LADCO Development Inc. regarding his interest in constructing a building in Guthrie Avenue Business Park. **Moved by Flagg to receive, file and refer to the City Manager for action, as appropriate. City Manager to report on developer-initiated projects and whether City goals are being met for these projects. Motion Carried 6-1. Absent: McPherson.**

98-3457 50. From Doug Kennedy, 1124 SW Maish regarding waiver of permit fees due to June rains. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: McPherson.**

HEARINGS (Opened at 5:33 P.M.) (Items 51 thru 53)

98-3458 51. On Concept Plan for the Eastgate Plaza PUD. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-3459 52. On 1999 HUD Consolidated Plan and allocation of CDBG, HOME and ESG Funding to designated projects. ([Council Communication No. 98-498](#)). **Moved by Vlassis to adopt. **Council Member Flagg registers a "NO" vote on Churches United and Central City Drug; Council Member McPherson registers a "NO" vote on Churches United. Motion Carried 7-0.**

98-3460 53. On Fire Station No. 10 (5900 Indianola Rd) Driveway and Parking Lot: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as National Concrete Services, Inc., (John Gillotti, Pres, 1108 SE 30th Street, Suite A, DM), \$54,875. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-3461 (A) Approving contract and bond. **Moved by Coleman to adopt. Motion Carried 7-0.**

*** * END HEARINGS at 6:33 P.M. * ***

****Council considered Items 49 and 50 next****

APPROVING

98-3462 54. Receipt of Communication from Human Resources Director William Stowe regarding new position description for Architectural Technician. ([Council Communication No. 98-496](#)). **Moved by Phillips to receive and file. Motion Carried 6-1. Absent: McPherson.**

98-3463 55. Request of City Manager to establish an Ad Hoc Committee to evaluate appropriate access to area south of Court Avenue from skywalk. [\(Council Communication No. 98-506\)](#). **Moved by Hensley to receive, file and approve the recommendations as outlined in Council Communication No. 98-506. Motion Carried 6-1. Absent: McPherson.**

98-3464 56. Communication from Attorney William J. Lillis, requesting that a portion of Milton Avenue, in vicinity of E. 22nd Street, be paved. **Moved by Vlassis to receive, file and refer to City Manager and City Engineer; also, to consider as a special assessment area. Motion Carried 6-1. Absent: McPherson.**

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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.

98-3465 1. Communication and petitions received from South View Manor residents. SPONSOR: Phillips. **Moved by Hensley to receive, file and refer to the City Manger and Director of Des Moines Municipal Housing Agency for a response. Motion Carried 7-0.**

98-3466 2. Approving request from David Keenan, Des Moines Fire Department requesting permission to close 7th Street from Locust to Grand, Saturday November 14 from 11:00 A.M. to 3:00 P.M., for display of emergency apparatus. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3467 3. Oral request of Mayor Preston Daniels, to discuss purchase of City-owned property in vicinity of S.E. Fourth and Shaw, by Frank Brunia. SPONSOR: Mayor Daniels. **Moved by Flagg to receive, file and discuss; refer to City Manager and Legal to recommend a potential way to assemble the property for acquisition. Motion Carried 7-0.**

98-3468 4. Approval of Revised Offer to Purchase Real Estate with Craig Carson, 5120 Pine Avenue, \$171,000. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3469 5. (a) Approval of Amendment with IDOT for Right-of-Way Services for Iowa 5. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3470 (b) Approval of Right of Entry for property owned by Road Contractors, Inc., necessary for the Runway 5/23 Grading Phase II Project. SPONSOR: Phillips. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-3471 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:45 P.M.**