

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 27, 1997

4:30 P.M.

INVOCATION: Pastor Robert Conners, Union Park Christian Church

97-282 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-283 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

97-284 3. APPROVING CONSENT AGENDA - items 3 through 39: **Moved by McPherson to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-285 4. Communication from Legal Department regarding January 27, 1997 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-286 5. Medina's Inc., Martimiano Perez, President dba Angel's Restaurant, 1850 Easton Blvd; Renewal - Expires 2-1-97 (With Sunday Sales) **Moved by McPherson to adopt. Motion Carried 7-0.**

97-287 6. Skywalk Grill, Inc., Joseph M. Falbo, Owner dba Big Leagues Skybox Grill & Deli, 700 Locust - Suite 301; Renewal - Expires 1-29-96 - Application submitted 1-9-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer/Wine

97-288 7. Fister Investments, Inc., Mark A. Nicols, President dba Murphy's Pizza and Beverage Company, 2222 Forest; New Application (With Sunday Sales) - Application submitted 1-6-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

97-289 8. Fister Investments, Inc., Mark A. Nicols, President dba Murphy's, 6202 Douglas; Renewal - Expires 2-26-97 (With Sunday Sales and Beer Garden) - Application submitted 1-8-97. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Authorizing

97-290 9. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-291 10. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Sunday Sales

97-292 11. Judge Roy Bean's, Ltd., Pamela Baker, President dba Judge Roy Beans, 210 Court Avenue; Application submitted 1-22-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

97-293 12. Amendment No. 1 to agreement with Veenstra & Kimm, Inc. for engineering services on Southwest Outfall Relief Sewer - 1996-97 Capital Improvements Program - \$19,000. (Council Communication No. 97-046). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-294 13. Approving agreement with Iowa DOT for replacement of East Douglas Avenue Bridge over Four Mile Creek; and authorizing City Manager to acquire necessary right-of-way and easements, (City's Share - \$170,000). (Council Communication No. 97-045) **Moved by Hensley to adopt. Motion Carried 7-0.**

97-295 14. E. Euclid Avenue and Delaware Avenue Intersection Reconstruction, (IDOT Project): Resolution on Submission of Bids and designating lowest responsible bidder as United Contractors, Inc, (Eric Stroud, Vice Pres, Johnston), \$3,738,570.35. **Moved by McPherson to adopt. Motion Carried 7-0.**

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

97-296 (A) 1995 Street Marking Program, All Iowa Contracting Company, \$33,287.18 is now due and \$4,518.99 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-297 (B) Fire Station No. 1 Reroofing, Iowa Roofing Company, \$910.94 is now due and \$2,040.94 to be paid at the end of 30 days. **Moved by McPherson to adopt. Motion Carried 7-0.**

16. Approving completion and recommending acceptance of the following private construction contracts:

97-298 (A) Paving improvements for proposed Woods on the River Plat #1 Subdivision in vicinity of SE 23rd Street and River Woods Blvd. between Sternquist Construction, Contractors,

and The Clark Companies, Ltd., Owners-\$43,762.25. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-299 (B) Sanitary Sewer Improvements at 2801 SE 22nd Street to service River Chase Townhomes between R.G. Elder & Son Company, Contractors and The Companies of Clarke, Owners-\$338,671.96. **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-300 17. Approving partial payments on six public improvement projects. (see roll call for list). **Moved by McPherson to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

97-301 18. Resolution levying Assessments for costs of Nuisance Abatement-NAC (Tree Removal), Schedule No. 1997-42, for certification to Polk County. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-302 19. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for the month of January, 1997, for Certification to Polk County Treasurer (see roll call for various amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-303 20. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credits Schedule as certified to Des Moines Water Works for January, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-304 21. Authorizing Assessment Clerk to correct Sidewalk Repair Schedule No. 1993-38 to delete an assessment of \$185.10 which was charged to 827 E 23rd Street. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-305 22. Authorizing Assessment Clerk to correct Delinquent Sewer Rental and Solid Waste charges, which were charged to 1158 8th Street and should have been charged to 1164 8th Street (see roll call for amounts). **Moved by McPherson to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-306 23. Backslope and Property Adjustment Easement and Release, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement Project, from Charles E. and Darlene Watson, 1117 E. 41st Street - \$100. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-307 24. Underground Electric Line Easement from MidAmerican Energy Company, in conjunction with Archie Brooks Community Center Project Expansion. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-308 25. Approving Noise and Avigation Easements for twelve properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by McPherson to adopt. Motion Carried 7-0.**

APPROVING

97-309 26. Bid from JWC Environmental, (Costa Mesa, CA) for repair and service of two (2) Muffin Monster sludge process grinders to be used by the Engineering Department (Wastewater Reclamation Facility), \$10,296.55. (Non-competitive procurement). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-310 27. Report of Civil Service Commission submitting Custodial Worker, (Entrance), and Senior Clerk Typist, Senior Public Safety Dispatcher, Truck Driver, and Assistant Operator (Promotional) lists. **Moved by McPherson to receive and file. Motion Carried 7-0.**

97-311 28. Authorizing Finance Director to draw warrants on registers of January 31, 1997 and the bills of the Des Moines Municipal Housing Agency for weeks beginning January 27, 1997, and the biweekly payroll for employees on January 31, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

97-312 29. Amending Chapter 15 of the Municipal Code regarding 1997 Golf Course Fees. **Moved by Hensley that this ordinance do now pass, #13,417. Motion Carried 4-3. Nays: Flagg, McPherson and Vlassis.**

97-313 30. Amending Chapter 2 of the Municipal Code by enacting a new Section 2-1(e), regarding boundary line description of the City, (vicinity of NE 14th and Interstate 80). **Moved by McPherson that this ordinance do now pass, #13,418. Motion Carried 7-0.**

97-314 31. On application from Grant Bell, to rezone property at 601-607 Hickman Road, from "C-0" (Commercial-Residential) to a "C-1" (Neighborhood Retail Commercial). **Moved by McPherson that this ordinance do now pass, #13,419. Motion Carried 7-0.**

97-315 32. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Removal of handicapped space on the East side of 26th Street South of University; Parking Revision for new location of Post Office on 24th Street between University and Carpenter; request for stop sign at SW 13th and Hackley. **Moved by McPherson that this ordinance do now pass, #13,420. Motion Carried 7-0.**

97-316 33. Amending Chapter 2 of the Municipal Code regarding competitive bidding requirements for Airport concessions. **Moved by McPherson that this ordinance do now pass, #13,421. Motion Carried 6-1. Pass: Flagg.**

ORDINANCES - SECOND CONSIDERATION

97-317 34. Amending Chapter 15 of the Municipal Code regarding fees and charges for the Simon Estes Riverfront Amphitheater. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-318 35. Amending Chapter 2 of the Municipal Code regarding powers and duties of the City Manager - right of entry and access agreements. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-319 36. On rezoning of property at 4506 SW Ninth Street, from "C-1" (Neighborhood Retail Commercial), to a "C-1A" (Neighborhood Commercial Reuse District), subject to certain conditions. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-320 37. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Additional handicapped meters adjacent to Neodata, 111-10th; extend snow ordinance on Dean Avenue to the East City Limits; parking restriction on Fifth Avenue near Forest Avenue; and request for No Stopping or Standing and No Parking Anytime on E. 12th Street near DM General Hospital. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-321 38. Amending Chapter 21 of the Municipal Code regarding various definitions contained in the stormwater management utility ordinance. **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-322 39. On rezoning of property at 6000 SE 14th Street from "R-2" (One and Two Family Residential) to "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

****Council considered Items 44 thru 46 next****

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

HEARINGS (Opened at 5:40 P.M.) (Items 40 thru 43)

97-323 40. Continued reconsideration of Class "C" Liquor License for Babyo's International, Ltd., Richard Haes, President dba Babyo's, 2505 Wedgewood; remanded to City Council by Iowa Alcoholic Beverages Division. **Moved by Daniels to adopt recommendation of staff to deny the license due to lack of financial responsibility, pursuant to Section 5 of the Des Moines Municipal Code and Chapter 123 of the Code of Iowa, and the rules and regulations thereof. Motion Carried 5-2. Nays: Davis and McPherson.**

97-324 41. On vacation and conveyance of public right-of-way in the vicinity of 700 S.E. Seventh, to Jimmy D. Maxwell. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-325 (A) First consideration of ordinance above, (pre-published, requires two readings).
Moved by Phillips that this ordinance be considered and given first vote for passage.
Motion Carried 7-0.

97-326 42. On sale of excess City property in the 2700 block of E. 35th Street, to Kevin D. Long and Lela M. Wilson, \$574 plus costs. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-327 43. On vacation and sale of a portion of the Delaware Avenue right-of-way north of Euclid Avenue, to Ruan Inc., \$11,400. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-328 (A) First consideration of ordinance above, (pre-published requires two readings).
Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

* * END HEARINGS at 6:00 P.M. * *

****Council considered Items 47 thru end of agenda next****

CITY MANAGER RECOMMENDATIONS

97-329 44. Approving authorization to proceed with Request For Proposals (RFP) for a Fleet Maintenance Contract. (Council Communication No. 97-047). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-330 45. Legislative Update for 76th Iowa General Assembly (Report available on Monday 1-27-97). **Moved by Flagg to receive and file attached report. Motion Carried 7-0.**

APPROVING

46. Authorization for City Manager to proceed with Requests for Proposals (RFP) for consulting services as follows:

97-331 (A) Analyze current City operations' electricity usage. (Council Communication No. 97-048). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-332 (B) Analyze current City telephone operations' charges. (Council Communication No. 97-049). **Moved by Flagg to adopt. Motion Carried 7-0.**

****Council considered Hearing Items 40 thru 43 next****

97-333 47. Recommendation from City Council Fire Sub-Committee, regarding Fire Study Request for Proposals (RFP) to hire a consultant to provide an overview of Fire Services in the City. (Council Communication No. 97-052). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-334 48. Reinstate membership in the Polk County Fire Fighter's Association and participation in the Mutual Aid and Assistance Agreement between Polk County communities. (Council Communication No. 97-044). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

97-335 49. Terms of Agreement with Principal Mutual Life Insurance Company for lease of parking in the proposed Park and Ride Facility. (Council Communication No. 97-053). **Moved by Flagg to adopt. Motion Carried 6-1. Absent: Daniels.**

97-336 50. Third Addendum to Grubb YMCA Lease Agreement (Model City Community Center) with YMCA of Greater Des Moines allowing them to finance, build and maintain improvements consisting of handball and basketball half-courts and new playground equipment - \$15,000. (Council Communication No. 97-050). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Flagg.**

97-337 51. Warranty Deed in conjunction with Airport Runway Protection Zone, from Barry M. LePorte, 2107 McKinley Avenue - \$124,278.60 (continued from 1-20-97). (Council Communication No. 97-051). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.**

97-338 52. Approving Botanical Center Alcoholic Beverage Concessionaire Agreement with Hy-Vee, 2540 E. Euclid. (Council Communication No. 97-054). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Flagg.**

97-339 53. Study Report from Stanley Consultants, Inc. for Capitol Park Traffic Safety Plan and submission of recommendation for implementation. **Moved by McPherson to adopt. City Manager to keep Neighborhood Association informed regarding progress of the project. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

January 27, 1997

97-340 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

COMMUNICATION

97-341 1. Regarding demolition cost reserve escrowed for 3007 Walnut. **Moved by Vlassis 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. Motion Carried 7-0.**

AUTHORIZING

2. Court authority to abate the public nuisance at the following location(s):

97-342 (A) 2124 Capitol, vacant, TITLEHOLDER(S): Robert L. Aller, Phyllis L. Aller, Vickie K. Taylor and Bill Taylor; LEGAL INTEREST HOLDER(S): Matthew J. Walsh and Associates Finance, Inc., Attn: Prentice Hall Corporation System, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-343 (B) 2610 Vale St., vacant, TITLEHOLDER(S): Donald Armstrong and Beverly Ann Armstrong; LEGAL INTEREST HOLDER(S): Brian Kay and Bonnie J. Kay, David Richard Armstrong. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-344 (C) 1220 15th Place, vacant, TITLEHOLDER(S)/HEIRS: Lois Smith-Webb, Michael D. Webb, and Robin Webb, as heirs of Wilson Payne and Elizabeth S. Payne. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-345 (D) 903 E. 23rd Court, vacant, TITLEHOLDER(S): Dale A. Johnson, and Patricia E. Johnson; LEGAL INTEREST HOLDER(S): Core, Corp., Attn: Charlene Fritz, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-346 3. Release of demolition cost reserve held under claim number 788-008419-4 regarding property known as 1045 18th St., owned by William C. Bright. **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-347 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:05 P.M.